



# Journal of the Senate

Number 16—Regular Session

Thursday, April 22, 2021

## CONTENTS

Bills on Special Orders . . . . .	642
Bills on Third Reading . . . . .	576
Call to Order . . . . .	576
Co-Introducers . . . . .	652
Committee Substitutes, First Reading . . . . .	642
Enrolling Reports . . . . .	652
House Messages, Final Action . . . . .	652
House Messages, First Reading . . . . .	649
Motions . . . . .	642
Motions Relating to Committee Reference . . . . .	642
Reference Changes, Rule 4.7(2) . . . . .	648
Reports of Committees . . . . .	642
Resolutions . . . . .	576
Special Order Calendar . . . . .	580
Special Recognition . . . . .	578, 618

## CALL TO ORDER

The Senate was called to order by President Simpson at 10:00 a.m. A quorum present—37:

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

## PRAYER

The following prayer was offered by Reverend Dora L. Thomas, Saint Paul's United Methodist Church, Tallahassee:

Senate President, Senators, honored guests, and all Senate staff, let us breathe deeply together, recognizing the one who created us—the source of all being. This morning, we simply pause in awe of life, humanity, and all creation. Spirit, we ask for your attention and care as we enter the downhill drag of this legislative session. Bless our work done in good faith, done in good spirit, and even done in good humor as we get a little punchy after days of long hours. Continue to inspire good governance of our state through our relationships, compassion, discernment, and votes.

Forgive our indiscretions, those we know and those we don't. Love us. Heal us. And, make us whole. Holy One, your power is greater than ours, and we trust you to guide our collective work for the good of our neighbor. Grant us your wisdom. Help us to see your vision for our communities, state, nation, and world. Give us ears to listen and hearts to follow. Today, we pray for peace with you, with each other, and for the world. Amen.

## PLEDGE

Senator Brodeur 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. Philip Ham of Pensacola, sponsored by Senator Broxson, as the doctor of the day. Dr. Ham specializes in family medicine.

## ADOPTION OF RESOLUTIONS

At the request of Senator Gruters—

By Senator Gruters—

**SR 2062**—A resolution recognizing the 100th anniversary celebration of Charlotte County.

WHEREAS, April 23, 2021, marks the 100th anniversary of the establishment of Charlotte County, and

WHEREAS, Charlotte County was created by an act of the Legislature and was signed into law by Governor Cary A. Hardee, and

WHEREAS, Charlotte County has grown from a modest community of approximately 4,000 residents to nearly 200,000 residents today, and

WHEREAS, the economy in Charlotte County supports a variety of industries, including construction, health care, aviation, tourism, and retail, and

WHEREAS, Charlotte County celebrates its rich history with commemorative markers, historical archives, and partnerships with local historical societies and has scheduled a year of events to mark its centennial anniversary, NOW, THEREFORE,

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

That Charlotte County and the residents who have made it such a wonderful place to live, work, and play are congratulated upon the occasion of the 100th anniversary celebration.

—was introduced, read, and adopted by publication.

## BILLS ON THIRD READING

**CS for CS for SB 1598**—A bill to be entitled An act relating to consumer protection; amending 501.0051, F.S.; deleting authorization for consumer reporting agencies to charge a fee for reissuing or providing a new unique personal identifier to a consumer; amending s. 624.307, F.S.; revising a requirement for persons licensed or authorized by the Department of Financial Services or the Office of Insurance Regulation to respond to the department's Division of Consumer Services regarding consumer complaints; amending s. 624.501, F.S.; deleting a fee for adjusting firm licenses; amending s. 626.112, F.S.; deleting an obsolete provision; prohibiting unlicensed activity by an adjusting firm; providing an exemption; providing an exemption from licensure for branch firms that meet certain criteria; providing an administrative penalty for failing to apply for certain licensure; providing a criminal penalty for aiding or abetting unlicensed activity; amending s. 626.602, F.S.; authorizing the department to disapprove the use of insurance agency names containing the word "Medicare" or "Medicaid";

providing an exception for certain insurance agencies for a certain period; providing for expiration of certain licenses on a certain date; amending s. 626.621, F.S.; adding grounds on which the department may take certain actions against a license, appointment, or application of certain insurance representatives; amending ss. 626.782 and 626.783, F.S.; revising the definitions of the terms “industrial class insurer” and “ordinary-combination class insurer,” respectively, to conform to changes made by the act; repealing s. 626.796, F.S., relating to the representation of multiple insurers in the same industrial debit territory; amending s. 626.854, F.S.; revising the timeframes in which an insured or a claimant may cancel a public adjuster’s contract to adjust a claim without penalty or obligation; requiring that a public adjuster’s contract include a specified disclosure; specifying requirements for written estimates of loss provided by public adjusters to claimants or insureds; revising a prohibition against certain contractors or subcontractors providing insureds with specified services; providing an exception; revising services a person is prohibited from performing unless the person meets specified requirements; authorizing the department to take administrative actions and impose fines against persons performing specified activities without licensure; prohibiting specified persons from charging insureds or third-party claimants or receiving payments under certain circumstances; amending s. 626.916, F.S.; revising disclosure requirements for certain classes of insurance before being eligible for export under the Surplus Lines Law; amending s. 626.9541, F.S.; adding certain acts or practices to the definition of sliding; amending s. 626.9741, F.S.; requiring an insurer to include certain additional information when providing an applicant or insured with certain credit report or score information; amending ss. 626.9953, 626.9957, and 627.062, F.S.; conforming cross-references; amending s. 627.502, F.S.; prohibiting life insurers from writing new policies of industrial life insurance beginning on a certain date; making technical changes; amending s. 627.70131, F.S.; providing that a communication made to or by an insurer’s representative, rather than to or by an insurer’s agent, constitutes communication to or by the insurer; defining the term “representative”, rather than “agent”; revising the timeframe for insurers to begin certain investigations; requiring an insurer-assigned licensed adjuster to provide the policyholder with certain information in certain investigations; requiring insurers to maintain certain records and provide certain lists upon request; requiring insurers to include specified notices when providing preliminary or partial damage estimates or claim payments; providing applicability; conforming provisions to changes made by the act; amending s. 627.7142, F.S.; revising information contained in the Homeowner Claims Bill of Rights; conforming provisions to changes made by the act; amending s. 631.57, F.S.; deleting a deductible on the obligation of the Florida Insurance Guaranty Association, Incorporated, as to certain covered claims; amending s. 631.904, F.S.; revising the definition of the term “covered claim”; deleting a requirement that a policy be in force on the date of the final order of liquidation; providing effective dates.

—was read the third time by title.

On motion by Senator Gruters, **CS for CS for SB 1598** was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—3

Book	Cruz	Polsky
------	------	--------

Vote after roll call:

Yea—Brandes, Pizzo

**CS for CS for SB 2006**—A bill to be entitled An act relating to emergency management; amending s. 11.90, F.S.; authorizing the Legislative Budget Commission to convene to transfer certain funds to the Emergency Preparedness and Response Fund; amending s. 252.311, F.S.; revising legislative intent with respect to the State Emergency Management Act; amending s. 252.34, F.S.; defining terms; amending s. 252.35, F.S.; requiring that the state comprehensive emergency management plan provide for certain public health emergency communications and include the Department of Health’s public health emergency plan; requiring the Division of Emergency Management to cooperate with federal and state health agencies; requiring statewide awareness and education programs to include education on public health emergency preparedness and mitigation; requiring the division to complete and maintain an inventory of personal protective equipment; directing the division to submit a specified annual report to the Governor, the Legislature, and the Chief Justice of the Supreme Court; providing limitations on the timeframe for delegation of certain authorities by the division; requiring the division to submit a specified biennial report to the Chief Justice of the Supreme Court; amending s. 252.355, F.S.; requiring the division to maintain certain information on special needs shelter options during certain public health emergencies; deleting obsolete language; amending s. 252.356, F.S.; requiring state agencies that contract with providers for the care of persons with certain disabilities or limitations to include in such contracts a procedure for providing essential services in preparation for, during, and following public health emergencies; amending s. 252.359, F.S.; redefining the term “essentials” to include personal protective equipment used during public health emergencies; amending s. 252.36, F.S.; limiting the duration of emergency orders, proclamations, and rules issued by the Governor; providing legislative intent; providing a presumption that K-12 public schools should remain open, if possible, during an extended public health emergency; providing a presumption that businesses should remain open, if possible, during an extended public health emergency; requiring the Governor to include specific reasons for closing or restricting in-person attendance at K-12 public schools and for closing or restricting operations of businesses during an extended public health emergency; requiring the Governor to provide specific reasons if such schools or businesses are closed as part of an emergency declaration; requiring the Governor to regularly review and reassess any issued emergency declarations; requiring the Governor to provide notice of declarations of emergencies to the Legislature; expanding the Legislature’s authority to terminate states of emergency; requiring that all emergency declarations and orders be filed with the Division of Administrative Hearings within a specified timeframe; specifying that failure to timely file such declarations or orders results in their being voided; requiring the division to index such emergency orders and make them available on its website within a specified timeframe; requiring such orders to be searchable by specified criteria; requiring that the Division of Emergency Management publish a link to the index on its website; providing for retroactive application; directing the Governor to report certain department and agency activities to the Legislature during a state of emergency; creating s. 252.3611, F.S.; requiring specified information to be included in orders, proclamations, and rules issued by the Governor, the division, or an agency; directing specified entities to submit specified contracts and reports to the Legislature; directing the Auditor General to conduct specified financial audits; amending s. 252.365, F.S.; requiring that disaster-preparedness plans of specified agencies address pandemics and other public health emergencies and include certain increases in public access of government services and availability and distribution of personal protective equipment during an emergency; directing agencies to update disaster preparedness plans by a specified date; amending s. 252.37, F.S.; revising legislative intent; authorizing the Governor to transfer and expend moneys from the Emergency Preparedness and Response Fund, surplus funds, or the Budget Stabilization Fund under specified conditions; requiring notice of certain actions within a specified timeframe unless specific conditions exist; requiring the Governor to void such action if the Legislature timely objects to such transfer in writing; authorizing the Governor to transfer additional moneys, subject to approval by the Legislative Budget Commission, if specified conditions exist; requiring an agency or political subdivision to submit in advance a detailed spending plan for certain emergency funds to the Legislature; providing

an exception; requiring an agency or political subdivision to submit a certain notice and a project worksheet to the Legislature under specified conditions within a specified timeframe; amending s. 252.38, F.S.; specifying that a political subdivision has the burden of proving the proper exercise of its police power in the issuance of certain emergency orders; amending s. 252.385, F.S.; requiring the division's hurricane shelter plan to address projected hurricane shelter needs during public health emergencies; amending s. 252.44, F.S.; requiring emergency mitigation planning by state agencies to include agencies with jurisdiction over public health; amending s. 252.46, F.S.; providing that a failure by a political subdivision to file certain orders and rules with specified entities within a specified timeframe voids the issued orders or rules; requiring that certain orders be available on a dedicated webpage; requiring the division to provide links to such webpage on its website in a specified format; providing for the automatic expiration of emergency orders issued by a political subdivision; providing for the tolling of the expiration of such orders under certain conditions for a specified time; authorizing the extension of an emergency order by a majority vote of the governing body of the political subdivision; requiring the political subdivision to ratify the emergency order; prohibiting the chief elected officer or chief administrative officer from amending or replacing such order once ratified without approval from the governing body; prohibiting the chief elected officer or chief administrative officer from issuing a subsequent order in response to the same emergency unless ratified by the governing body; defining terms; authorizing the governing body of a political subdivision to convene, for a limited purpose, by specified means; suspending quorum requirements under specified conditions; requiring the meeting notice to contain specified information; requiring that orders issued by a political subdivision which impose a curfew restricting travel or movement allow persons to travel during the curfew to and from their places of employment; amending s. 377.703, F.S.; conforming a cross-reference; amending s. 381.00315, F.S.; revising a definition; directing the Department of Health, in collaboration with specified entities, to develop a specified public health emergency plan; requiring the department to submit the plan to the division; requiring the department to review and update the plan as necessary; directing the State Health Officer to establish methods of reporting certain data; authorizing the State Health Officer to order and request assistance with specified duties; revising the duties of the State Health Officer during a declared public health emergency; creating s. 381.00316, F.S.; prohibiting a business entity from requiring patrons or customers to provide documentation certifying vaccination against or recovery from COVID-19; prohibiting governmental entities from requiring persons to provide documentation certifying vaccination against or recovery from COVID-19; prohibiting educational institutions from requiring students or residents to provide documentation certifying vaccination against or recovery from COVID-19; authorizing specified screening protocols; providing application; providing noncriminal penalties; authorizing the department to adopt rules; amending s. 406.11, F.S.; requiring district medical examiners to certify deaths and to assist the State Health Officer with certain functions upon request; providing that any emergency orders issued before a specified date will expire but may be reissued if certain conditions exist and a certain requirement is met; requiring the Department of Business and Professional Regulation, by a specified date, to review all executive orders issued under its delegated authority during the COVID-19 pandemic to make recommendations to the Legislature; providing effective dates.

—as amended April 21, was read the third time by title.

On motion by Senator Burgess, **CS for CS for SB 2006**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Burgess	Hutson
Albritton	Diaz	Mayfield
Baxley	Farmer	Passidomo
Book	Gainer	Perry
Boyd	Garcia	Rodriguez
Bracy	Gibson	Rodriguez
Bradley	Gruters	Stargel
Brodeur	Harrell	Taddeo
Broxson	Hooper	Wright

Nays—9

Berman	Polsky	Stewart
Cruz	Powell	Thurston
Jones	Rouson	Torres

Vote after roll call:

Yea—Ausley, Bean, Brandes

Nay—Pizzo

Nay to Yea—Rouson

## SPECIAL RECOGNITION

Senator Rodriguez recognized her son, Eros, who was present in the gallery.

**CS for CS for SB 1892**—A bill to be entitled An act relating to the Emergency Preparedness and Response Fund; creating s. 252.3711, F.S.; creating the Emergency Preparedness and Response Fund within the Executive Office of the Governor; providing for the deposit and use of funds; providing for future review and termination of the fund; providing an effective date.

—was read the third time by title.

On motion by Senator Diaz, **CS for CS for SB 1892** was passed by the required constitutional three-fifths vote of the membership and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Ausley, Brandes

**CS for SB 1728**—A bill to be entitled An act relating to an out-of-state fee waiver for nonresident students; amending s. 1009.26, F.S.; requiring a state university to waive the out-of-state fee for a nonresident student who meets certain requirements; providing applicability; requiring each state university to report specified information regarding such out-of-state fee waivers to the Board of Governors annually; requiring that a student who is granted such out-of-state fee waiver be excluded from the limitation on the systemwide total enrollment of nonresident students; requiring the Board of Governors to adopt regulations; creating s. 1009.261, F.S.; enacting the Grandchild Out-of-State Fees Waiver Compact; providing the purposes of the compact; defining terms; requiring postsecondary educational institutions located within member states to waive out-of-state fees for students who meet specified criteria; providing that the waiver is applicable for up to a specified amount of credits; requiring member-state postsecondary educational institutions to require a student, or the student's parent if the student is a dependent child, to provide a written declaration verifying eligibility; requiring the eligible grandparent to provide proof of residency and honorable discharge; requiring the ex-

ecutive, legislative, and judicial branches of member state governments to enforce the compact; providing that the provisions of the compact have standing as statutory law; providing for the implementation, withdrawal, and amendment of the compact; providing construction; providing an effective date.

—as amended April 21, was read the third time by title.

On motion by Senator Baxley, **CS for SB 1728**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Powell

Vote after roll call:

Yea—Brandes

**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.

—was read the third time by title.

On motion by Senator Boyd, **CS for CS for CS for SB 426** was passed and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Broxson	Mayfield
Albritton	Burgess	Passidomo
Baxley	Diaz	Perry
Bean	Farmer	Rodrigues
Book	Gainer	Stargel
Boyd	Garcia	Stewart
Bracy	Gibson	Wright
Bradley	Gruters	
Brodeur	Harrell	

Nays—14

Ausley	Jones	Rouson
Berman	Pizzo	Taddeo
Cruz	Polsky	Thurston
Hooper	Powell	Torres
Hutson	Rodriguez	

Vote after roll call:

Yea—Brandes

Yea to Nay—Farmer, Stewart

**HB 529**—A bill to be entitled An act relating to moments of silence in public schools; amending s. 1003.45, F.S.; providing legislative findings; requiring that public school principals require certain teachers to set aside time for a moment of silence at the beginning of each school day; specifying the duration of the required moment of silence; prohibiting teachers from making suggestions as to the nature of any reflection that a student may engage in during the moment of silence; deleting a provision authorizing district school boards to provide a brief period of silent prayer or meditation; requiring certain teachers to encourage parents or guardians to discuss the moment of silence with their children and to make suggestions as to the best use of this time; providing an effective date.

—was read the third time by title.

On motion by Senator Baxley, **HB 529** was passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gainer	Polsky
Albritton	Garcia	Rodrigues
Baxley	Gruters	Rodriguez
Bean	Harrell	Rouson
Boyd	Hooper	Stargel
Bracy	Hutson	Stewart
Bradley	Jones	Taddeo
Brodeur	Mayfield	Thurston
Broxson	Passidomo	Torres
Cruz	Perry	Wright
Diaz	Pizzo	

Nays—6

Ausley	Book	Gibson
Berman	Farmer	Powell

Vote after roll call:

Yea—Brandes, Burgess

**HB 241**—A bill to be entitled An act relating to Parents' Bill of Rights; creating chapter 1014, F.S.; creating s. 1014.01, F.S.; providing a short title; creating s. 1014.02, F.S.; providing legislative findings; defining the term "parent"; creating s. 1014.03, F.S.; providing that the state, its political subdivisions, other governmental entities, or other institutions may not infringe on parental rights without demonstrating specified information; creating s. 1014.04, F.S.; providing that a parent of a minor child has specified rights relating to his or her minor child; prohibiting the state from infringing upon specified parental rights; providing that certain actions by specified individuals are grounds for disciplinary actions against such individuals; prohibiting specified parental rights from being denied or abridged; providing construction; creating s. 1014.05, F.S.; requiring each district school board to develop and adopt a policy to promote parental involvement in the public school system; providing requirements for such policy; defining the term "instructional materials"; authorizing a district school board to provide such policy electronically or on its website; authorizing a parent to request certain information in writing; providing a procedure for the denial of such information; creating s. 1014.06, F.S.; prohibiting certain health care practitioners and their employees from taking specified actions without a parent's written permission; prohibiting a health care facility from allowing certain actions without a parent's written permission; providing exceptions; providing for disciplinary actions and criminal penalties; amending s. 408.813, F.S.; providing that certain violations relating to parental consent are grounds for administrative fines for health care facilities; amending s. 456.072, F.S.; providing that failure to comply with certain parental consent requirements is grounds

for disciplinary action for health care practitioners; providing an effective date.

—was read the third time by title.

On motion by Senator Rodrigues, **HB 241** was passed and certified to the House. The vote on passage was:

Yeas—24

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

Nays—15

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

Vote after roll call:

Yea—Brandes

### SPECIAL ORDER CALENDAR

**CS for CS for SB 1948**—A bill to be entitled An act relating to the Department of Economic Opportunity; amending s. 20.60, F.S.; renaming the executive director of the Department of Economic Opportunity as the Secretary of Economic Opportunity; authorizing the secretary to appoint deputy and assistant secretaries for a specified purpose; establishing the Office of the Secretary and the Office of Economic Accountability and Transparency; providing duties for the Office of Economic Accountability and Transparency; authorizing the secretary to create offices within the Office of the Secretary and within the divisions; requiring the secretary to appoint division directors; providing duties for the division directors; conforming provisions to changes made by the act; amending s. 288.901, F.S.; revising the membership of the board of directors of Enterprise Florida, Inc.; amending s. 290.042, F.S.; revising the definition of the term “administrative costs” relating to the Florida Small Cities Community Development Block Grant Program Act; amending s. 290.044, F.S.; revising the application process and funding for the Florida Small Cities Community Development Block Grant Program Fund; amending s. 290.046, F.S.; revising the application process and funding for development grants awarded by the department to local governments; amending s. 331.3081, F.S.; conforming a cross-reference; amending s. 435.02, F.S.; revising the definition of the term “specified agency” to include certain regional workforce boards for the purposes of labor laws; amending s. 443.036, F.S.; revising the definition of the term “temporary layoff”; amending s. 443.091, F.S.; revising the reporting requirements for reemployment assistance benefit eligibility; defining the term “address”; amending s. 443.101, F.S.; deleting a provision providing that individuals who voluntarily leave work as a direct result of circumstances relating to domestic violence are ineligible for benefits under certain circumstances; amending s. 443.1113, F.S.; requiring the department to implement an integrated, modular system hosted in a cloud service, rather than an integrated Internet-based system, for the reemployment assistance program; revising the functions and objectives of the Reemployment Assistance Claims and Benefits Information System; requiring the department to perform an annual review of the system; requiring the department to seek input from certain state entities when performing such review; requiring the department to submit an annual report to the Governor and the Legislature beginning on a specified date; providing requirements for such report; deleting obsolete language; requiring the department to take actions to modernize the system in the 2021-2022 fiscal year as directed in the General Appropriations Act; creating s. 443.1118, F.S.; defining terms; providing requirements for employer-assisted claims relating to mass separations; specifying the

effective date of such claims; providing that benefits paid to a claimant pursuant to an employer-assisted claim count toward maximum benefits for which the claimant is eligible; requiring a claimant covered by an employer-assisted claim to file continued biweekly claims; providing construction; requiring and authorizing the department to adopt specified rules; amending s. 443.151, F.S.; revising the timeline for employers’ responses to notices of benefits claims sent by the department; authorizing claimants to request the department to reconsider a monetary determination; providing requirements for such request; providing that monetary determinations and redeterminations are final after a specified period of time; providing exceptions; deleting a requirement that appeals referees be attorneys in good standing with The Florida Bar or be admitted to The Florida Bar within 8 months after the date of employment; prohibiting appeals from being filed after a specified time; amending s. 445.004, F.S.; revising the membership of the state board, which directs CareerSource Florida, Inc.; amending s. 553.79, F.S.; requiring specified building permit applications applied for by licensed contractors for property owners under certain programs administered by the department to be issued within a reduced timeframe; amending ss. 14.20195, 16.615, 20.04, 213.053, 220.194, 288.005, 288.061, 288.0656, 288.106, 288.1089, 288.1251, 288.8014, 288.955, 288.9604, 288.987, 290.0065, 311.09, 311.105, 334.065, 373.4149, 380.045, 403.0752, 420.0005, 420.0006, 420.101, 420.503, 420.504, 420.506, 420.507, 420.511, 420.602, 420.609, 420.622, 427.012, 443.1116, 446.53, 450.261, 624.5105, and 1004.015, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1948**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1463** was withdrawn from the Committee on Appropriations.

On motion by Senator Bean—

**CS for CS for HB 1463**—A bill to be entitled An act relating to the Department of Economic Opportunity; amending s. 20.60, F.S.; renaming the executive director of the Department of Economic Opportunity as the Secretary of Economic Opportunity; authorizing the secretary to appoint deputy and assistant secretaries for a specified purpose; establishing the Office of the Secretary and the Office of Economic Accountability and Transparency; providing duties for the Office of Economic Accountability and Transparency; authorizing the secretary to create offices within the Office of the Secretary and within the divisions; requiring the secretary to appoint division directors; providing duties for the division directors; conforming provisions to changes made by the act; amending s. 288.901, F.S.; revising the membership of the board of directors of Enterprise Florida, Inc.; amending s. 290.042, F.S.; revising the definition of the term “administrative costs” relating to the Florida Small Cities Community Development Block Grant Program Act; amending s. 290.044, F.S.; revising the application process and funding for the Florida Small Cities Community Development Block Grant Program Fund; amending s. 290.046, F.S.; revising the application process and funding for development grants awarded by the department to local governments; amending s. 331.3081, F.S.; conforming a cross-reference; amending s. 435.02, F.S.; revising the definition of the term “specified agency” to include certain regional workforce boards for the purposes of labor laws; amending s. 443.036, F.S.; revising the definition of the term “temporary layoff”; amending s. 443.091, F.S.; revising the reporting requirements for reemployment assistance benefit eligibility; defining the term “address”; amending s. 443.101, F.S.; deleting a provision providing that individuals who voluntarily leave work as a direct result of circumstances relating to domestic violence are ineligible for benefits under certain circumstances; amending s. 443.1113, F.S.; requiring the department to implement an integrated, modular system hosted in a cloud service, rather than an integrated Internet-based system, for the reemployment assistance program; revising the functions and objectives of the Reemployment Assistance Claims and Benefits Information System; requiring the department to perform an annual review of the system; requiring the department to seek input from recommended enhancements from certain state entities; requiring the department to submit an annual report to the Governor and the Legislature beginning on a specified date; providing requirements for such report; deleting obsolete language; creating s. 443.1118, F.S.; defining terms; authorizing employers to initiate employer-assisted claims under certain circumstances; providing requirements for employer-assisted claims relating to mass separations; specifying the effective date of such claims; providing that benefits paid

to a claimant pursuant to an employer-assisted claim count toward maximum benefits for which the claimant is eligible; requiring a claimant covered by an employer-assisted claim to file continued biweekly claims; providing construction; requiring and authorizing the department to adopt specified rules; amending s. 443.151, F.S.; revising the timeline for employers' responses to notices of benefits claims sent by the department; authorizing claimants to request the department to reconsider a monetary determination; providing requirements for such request; providing that monetary determinations and redeterminations are final after a specified period of time; providing exceptions; deleting a requirement that appeals referees be attorneys in good standing with The Florida Bar or be admitted to The Florida Bar within 8 months after the date of employment; prohibiting appeals from being filed after a specified time; amending s. 445.004, F.S.; revising the membership of the state board, which directs CareerSource Florida, Inc.; amending s. 553.79, F.S.; requiring specified building permit applications applied for by licensed contractors for property owners under certain programs administered by the department to be issued within a reduced time-frame; amending ss. 14.20195, 16.615, 20.04, 213.053, 220.194, 288.005, 288.061, 288.0656, 288.106, 288.1089, 288.1251, 288.8014, 288.955, 288.9604, 288.987, 290.0065, 311.09, 311.105, 334.065, 373.4149, 380.045, 403.0752, 420.0005, 420.0006, 420.101, 420.503, 420.504, 420.506, 420.507, 420.511, 420.602, 420.609, 420.622, 427.012, 443.1116, 446.53, 450.261, 624.5105, and 1004.015, F.S.; conforming provisions to changes made by the act; requiring the department to take certain actions for a specified fiscal year; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1948** and read the second time by title.

On motion by Senator Bean, by two-thirds vote, **CS for CS for HB 1463** 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

**CS for SB 902**—A bill to be entitled An act relating to community association pools; amending s. 514.0115, F.S.; exempting certain homeowners' association pools from supervision by the Department of Health; providing exceptions; amending s. 553.77, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 902**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 463** was withdrawn from the Committee on Rules.

On motion by Senator Rodrigues—

**CS for HB 463**—A bill to be entitled An act relating to community association pools; amending s. 514.0115, F.S.; exempting certain homeowners' and other property association pools from supervision by the Department of Health; providing an exception; providing that such pools are subject to certain civil enforcement; amending s. 553.77, F.S.; conforming a cross-reference; providing an effective date.

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

On motion by Senator Rodrigues, by two-thirds vote, **CS for HB 463** 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	Gruters	Stargel
Bracy	Harrell	Stewart
Bradley	Hutson	Taddeo
Brandes	Jones	Thurston
Brodeur	Mayfield	Torres
Broxson	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Hooper

**CS for SB 936**—A bill to be entitled An act relating to recovery of spaceflight assets; creating s. 331.502, F.S.; defining terms; providing that a spaceflight entity retains ownership of a spaceflight asset after launch or upon reentry; requiring a person who finds an item reasonably identifiable as a spaceflight asset to report the description and location of the asset to law enforcement; requiring a law enforcement agency to make reasonable efforts to identify and notify the owner of a spaceflight asset; authorizing the owner of a spaceflight asset to enter private property under specified circumstances; prohibiting a person from appropriating a spaceflight asset to his or her own use or refusing to surrender a spaceflight asset to law enforcement or the owner; providing criminal penalties; amending s. 331.501, F.S.; updating references to federal provisions; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 936**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 221** was withdrawn from the Committee on Appropriations.

On motion by Senator Wright—

**CS for CS for HB 221**—A bill to be entitled An act relating to recovery of spaceflight assets; creating s. 331.502, F.S.; providing definitions; providing a spaceflight entity retains ownership of a spaceflight asset after launch or upon reentry; requiring a person who finds an item reasonably identifiable as a spaceflight asset to report the description and location to law enforcement; requiring law enforcement to notify the owner of a spaceflight asset; authorizing the owner of a spaceflight asset to enter private property under specified circumstances; prohibiting a person from appropriating a spaceflight asset to his or her own use or refusing to surrender a spaceflight asset to law enforcement or the owner; providing criminal penalties; providing construction; amending s. 331.501, F.S.; updating references to federal provisions; providing an effective date.

—a companion measure, was substituted for **CS for SB 936** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 221** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 976**—A bill to be entitled An act relating to the protection of ecological systems; creating s. 259.1055, F.S.; providing a short title; providing legislative findings and a purpose for the Florida Wildlife Corridor Act; defining terms; requiring the Department of Environmental Protection to take certain actions to support the Florida wildlife corridor; providing construction; requiring the St. Johns River Water Management District, in consultation with the Department of

Environmental Protection, Seminole County, the Fish and Wildlife Conservation Commission, and the Department of Transportation, to issue a report that includes information and updates regarding the implementation of recommendations from the Little Wekiva Watershed Management Plan Final Report dated November 2005 by a specified date; requiring the Department of Environmental Protection and the water management district to review certain permits along the Little Wekiva River; requiring certain enforcement actions to be taken against noncompliant permittees; providing an effective date.

—was read the second time by title. On motion by Senator Brodeur, by two-thirds vote, **CS for CS for SB 976** 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 CS for SB 1132** was deferred.

---

**CS for SB 1436**—A bill to be entitled An act relating to the Florida Postsecondary Academic Library Network; amending ss. 257.02 and 295.22, F.S.; conforming provisions to changes made by the act; amending s. 1004.013, F.S.; revising provisions relating to the awareness of certain postsecondary education programs and initiatives; amending s. 1006.73, F.S.; deleting provisions relating to the Florida Academic Library Services Cooperative; providing responsibilities for the Florida Postsecondary Academic Library Network; providing that the Board of Governors and the Department of Education will oversee a host entity chosen to deliver certain services; providing the services to be provided by the host entity; transferring responsibility for the statewide Internet-based catalog of distance learning courses to the host entity; providing requirements for such catalog; transferring responsibility for certain statewide online student advising services to the host entity; providing requirements for such services; requiring the host entity to annually submit a certain report by a specified date; providing requirements for such report; requiring the chancellors of the State University System and the Florida College System to provide a certain report; providing that specified entities have responsibility for the governance and administration of the provided services; requiring specified entities to issue a recommendation and report on expanding organizations who may access the provided services; repealing s. 1006.735, F.S., relating to the Complete Florida Plus Program; amending s. 1007.01, F.S.; conforming a cross-reference; amending s. 1007.27, F.S.; conforming a provision to changes made by the act; amending ss. 1009.23 and 1009.24, F.S.; conforming cross-references; revising a requirement to include a certain graphic on specified websites; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1436**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 847** was withdrawn from the Committee on Appropriations.

On motion by Senator Gruters—

**CS for HB 847**—A bill to be entitled An act relating to the Florida Postsecondary Academic Library Network; amending ss. 257.02 and

295.22, F.S.; conforming provisions to changes made by the act; amending s. 1004.013, F.S.; revising provisions relating to the awareness of certain postsecondary education programs and initiatives; amending s. 1006.73, F.S.; deleting provisions relating to the Florida Academic Library Services Cooperative; providing responsibilities for the Florida Postsecondary Academic Library Network; providing that the Board of Governors and the Department of Education will oversee a host entity chosen to deliver certain services; providing the services to be provided by the host entity; transferring responsibility for the statewide Internet-based catalog of distance learning courses to the host entity; providing requirements for such catalog; transferring responsibility for certain statewide online student advising services to the host entity; providing requirements for such services; requiring the host entity to submit a certain report by a specified date, annually; providing requirements for such report; requiring the Chancellors of the State University System and the Florida College System to provide a certain report; providing that specified entities have responsibility for the governance and administration of the provided services; requiring specified entities to issue a recommendation and report on expanding organizations who may access the provided services; repealing s. 1006.735, F.S., relating to the Complete Florida Plus Program; amending 1007.01, F.S.; conforming a cross-reference; amending 1007.27, F.S.; conforming a provision to changes made by the act; amending ss. 1009.23 and 1009.24, F.S.; revising a requirement to include a certain graphic on specified websites; providing an effective date.

—a companion measure, was substituted for **CS for SB 1436** and read the second time by title.

On motion by Senator Gruters, by two-thirds vote, **CS for HB 847** 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

---

**CS for CS for SB 1166**—A bill to be entitled An act relating to juvenile justice; amending s. 20.316, F.S.; creating the Accountability and Program Support Program within the Department of Juvenile Justice and revising the name of an existing program; amending s. 985.101, F.S.; authorizing a court to order that a child be taken into custody for failure to appear; requiring a court to consider specified information before it issues such an order; amending s. 985.435, F.S.; requiring each judicial circuit to develop, in consultation with specified persons and entities, a written plan specifying the alternative consequence component which must be based upon certain principles; providing that the alternative consequence component is designed to provide swift and appropriate consequences or incentives to a child who is alleged to be noncompliant with or in violation of probation; repealing s. 985.686, F.S., relating to the shared county and state financial support responsibility for juvenile detention; amending s. 985.6865, F.S.; deleting provisions relating to legislative findings and intent; requiring the Department of Juvenile Justice to calculate annually by a certain date and provide to each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles its annual percentage share of detention costs; requiring each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles to incorporate into its annual county budget sufficient

funds to pay its annual percentage share of detention costs; amending s. 1003.52, F.S.; authorizing the Department of Juvenile Justice, in consultation with the Department of Education, to evaluate the viability of an alternative model for providing and funding education services for youth in detention and residential facilities; providing requirements; providing for expiration; reenacting ss. 960.001(1)(b) and 985.439(2), F.S., relating to guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems and violation of probation or postcommitment probation, respectively, to incorporate the amendment made to s. 985.101, F.S., in references thereto; reenacting s. 985.565(4)(b), F.S., relating to sentencing alternatives, to incorporate the amendment made to s. 985.435, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1166**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 885** was withdrawn from the Committee on Appropriations.

On motion by Senator Brandes—

**CS for CS for HB 885**—A bill to be entitled An act relating to juvenile justice programs and detention; amending s. 20.316, F.S.; creating the Accountability and Program Support Program within the Department of Juvenile Justice and revising the name of an existing program; amending s. 985.101, F.S.; requiring a court to consider specified information before it issues an order to take a child into custody for failing to appear; amending s. 985.435, F.S.; requiring each judicial circuit to develop, in consultation with specified persons and entities, a written plan specifying the alternative consequence component which must be based upon certain principles; providing that the alternative consequence component is designed to provide swift and appropriate consequences or incentives to a child who is alleged to be noncompliant with or in violation of probation; repealing s. 985.686, F.S., relating to the shared county and state financial support responsibility for juvenile detention; amending s. 985.6865, F.S.; deleting provisions relating to legislative findings and intent; requiring the Department of Juvenile Justice to calculate annually by a certain date and provide to each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles its annual percentage share of detention costs; requiring each county that is not a fiscally constrained county and that does not provide its own detention care for juveniles to incorporate into its annual county budget sufficient funds to pay its annual percentage share of detention costs; amending s. 1003.52, F.S.; authorizing the Department of Juvenile Justice, in consultation with the Department of Education, to evaluate the viability of an alternative model for providing and funding education services for youth in detention and residential facilities; providing requirements; providing for expiration; reenacting ss. 960.001(1)(b) and 985.439(2), F.S., relating to guidelines for fair treatment of victims and witnesses in the criminal justice and juvenile justice systems and violation of probation or postcommitment probation, respectively, to incorporate the amendment made to s. 985.101, F.S., in references thereto; reenacting s. 985.565(4)(b), F.S., relating to sentencing alternatives, to incorporate the amendment made to s. 985.435, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1166** and read the second time by title.

On motion by Senator Brandes, by two-thirds vote, **CS for CS for HB 885** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Brandes	Gruters
Albritton	Brodeur	Harrell
Ausley	Broxson	Hooper
Baxley	Burgess	Hutson
Bean	Cruz	Jones
Berman	Diaz	Mayfield
Book	Farmer	Passidomo
Boyd	Gainer	Perry
Bracy	Garcia	Pizzo
Bradley	Gibson	Polsky

Powell	Stargel
Rodrigues	Stewart
Rodriguez	Taddeo
Rouson	Thurston

Nays—None

Torres
Wright

**CS for CS for SB 726**—A bill to be entitled An act relating to individual education plan requirements for students with disabilities; amending s. 1003.5716, F.S.; revising the timeline for the development and implementation of an individual education plan (IEP) for transition services for a student with disabilities to a postsecondary education and career opportunities; revising the requirements for an IEP for the transitions to a postsecondary education and career opportunities; requiring certain information to be provided at IEP meetings; revising when a certain statement of intent must be included in the IEP; providing requirements for such statement; requiring a specified party to provide a signed statement relating to the deferment of a standard high school diploma; requiring the Department of Education, in conjunction with the Project 10: Transition Education Network, to conduct a review of specified services and programs; requiring the department to establish and publish on its website uniform best practices for such services and programs by a specified date; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 726**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 173** was withdrawn from the Committee on Appropriations.

On motion by Senator Taddeo—

**CS for CS for HB 173**—A bill to be entitled An act relating to individual education plan requirements for students with disabilities; amending s. 1003.5716, F.S.; revising the timeline for the development and implementation of an individual education plan (IEP) for transition services for a student with disabilities to a postsecondary education and career opportunities; revising the requirements for an IEP for the transitions to a postsecondary education and career opportunities; requiring certain information be provided at IEP meetings; revising when a certain statement of intent must be included in the IEP; providing requirements for such statements; requiring a specified party to provide a signed statement relating to the deferment of a standard high school diploma; requiring the Department of Education to conduct a review of specified services and programs; requiring the department to establish and publish on its website uniform best practices for such services and programs by a specified date; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 726** and read the second time by title.

On motion by Senator Taddeo, by two-thirds vote, **CS for CS for HB 173** 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	Rodrigues
Berman	Garcia	Rodriguez
Book	Gibson	Rouson
Boyd	Gruters	Stargel
Bracy	Harrell	Stewart
Bradley	Hooper	Taddeo
Brandes	Jones	Thurston
Brodeur	Mayfield	Torres
Broxson	Passidomo	Wright

Nays—None



Vote after roll call:

Yea—Hutson

**CS for CS for SB 676**—A bill to be entitled An act relating to special and specialty license plates; amending s. 320.08053, F.S.; clarifying when the department may not issue new specialty license plates; amending s. 320.08056, F.S.; providing an exception to the requirement that specialty license plate annual use fees and interest earned from those fees be expended only in this state; amending s. 320.08058, F.S.; revising legislative intent; revising distribution and application of annual use fees from the sale of Florida Indian River Lagoon license plates; revising distribution of annual use fees from the sale of Wildlife Foundation of Florida license plates; revising distribution of annual use fees from the sale of Divine Nine license plates; providing eligibility requirements for issuance of such plates; authorizing such plates to be personalized; prohibiting the transfer of such plates between vehicle owners; requiring the Department of Highway Safety and Motor Vehicles to develop certain specialty license plates; providing for the distribution and use of fees collected from the sale of such plates; amending s. 320.0807, F.S.; revising requirements for the issuance of certain special license plates; amending s. 320.089, F.S.; authorizing the department to issue Army of Occupation license plates; specifying qualifications and requirements for the license plates; providing an effective date.

—was read the second time by title. On motion by Senator Baxley, by two-thirds vote, **CS for CS for SB 676** 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	Rodrigues
Berman	Garcia	Rodriguez
Book	Gibson	Rouson
Boyd	Gruters	Stargel
Bracy	Harrell	Stewart
Bradley	Hooper	Taddeo
Brandes	Jones	Thurston
Brodeur	Mayfield	Torres
Broxson	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Hutson

Consideration of **CS for SB 404** was deferred.

**SB 952**—A bill to be entitled An act relating to water management districts; creating s. 373.6075, F.S.; authorizing water management districts to purchase commodities and contractual services from the contracts of other specified entities under certain circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 952**, pursuant to Rule 3.11(3), there being no objection, **HB 169** was withdrawn from the Committee on Rules.

On motion by Senator Burgess—

**HB 169**—A bill to be entitled An act relating to the purchase of commodities and services by water management districts; creating s. 373.6075, F.S.; authorizing water management districts to purchase certain commodities and contractual services from the purchasing contracts of specified entities; providing conditions for such purchases; providing an effective date.

—a companion measure, was substituted for **SB 952** and read the second time by title.

On motion by Senator Burgess, by two-thirds vote, **HB 169** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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

—was read the second time by title.

Pending further consideration of **CS for SB 754**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 139** was withdrawn from the Committee on Appropriations.

On motion by Senator Diaz—

**CS for HB 139**—A bill to be entitled An act relating to motor vehicle and vessel registration data; amending s. 320.03, F.S.; requiring tax collectors, third parties contracted with tax collectors, and license tag agents to enter into a memorandum of understanding with the Department of Highway Safety and Motor Vehicles and make certain determinations regarding registration applicants; requiring the department to ensure that certain technology used by tax collectors protects customer privacy and data; authorizing the department to provide certain technology to tax collectors upon request in order to provide data access and uniform interface functionalities for registration renewal transactions; providing requirements; authorizing use of such data and functionality for certain purposes; requiring development of data access and uniform interface functionalities by a certain date; defining the term “registration renewal transactions”; amending s. 328.73, F.S.; authorizing the department to provide certain technology to tax collectors upon request in order to provide data access and uniform interface functionalities for registration renewal transactions; providing requirements; authorizing use of such data and functionality for certain

purposes; requiring development of data access and uniform interface functionalities by a certain date; defining the term “registration renewal transactions”; providing an effective date.

—a companion measure, was substituted for **CS for SB 754** and read the second time by title.

On motion by Senator Diaz, by two-thirds vote, **CS for HB 139** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

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

—was read the second time by title. On motion by Senator Harrell, by two-thirds vote, **CS for SB 262** 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 **CS for SB 7070** was deferred.

**CS for SB 590**—A bill to be entitled An act relating to school safety; amending s. 381.0056, F.S.; revising parent, guardian, or caregiver notification requirements that must be met before an involuntary examination of a minor; amending s. 394.463, F.S.; revising data reporting requirements for the Department of Children and Families; amending s. 1001.212, F.S.; revising data reporting requirements for the Office of

Safe Schools; amending s. 1002.20, F.S.; revising parent notification requirements; providing an exception; providing that parents of public school students have a right to access school safety and discipline incidents as reported; amending s. 1002.33, F.S.; revising parent notification requirements; providing an exception; providing that parents of charter school students have a right to access school safety and discipline incidents as reported; amending s. 1006.07, F.S.; requiring codes of student conduct to include provisions relating to civil citation or similar prearrest diversion programs for specified purposes; requiring codes of student conduct to include provisions relating to the assignment of students to school-based intervention programs; prohibiting participation in such programs from being entered into a specified system under certain circumstances; authorizing certain procedures to include accommodations for specified drills; requiring district school boards to establish certain emergency response and emergency preparedness policies and procedures and provide timely notification to parents following certain unlawful acts or significant emergencies; creating reporting requirements for schools relating to involuntary examinations of minors; amending s. 1006.12, F.S.; revising training requirements for school safety officers; amending s. 1011.62, F.S.; requiring that certain plans include procedures to assist certain mental and behavioral health providers in attempts to verbally de-escalate certain crisis situations before initiating an involuntary examination; requiring the procedures to include certain strategies; creating requirements for memoranda of understanding between schools and local mobile crisis response services; providing an effective date.

—was read the second time by title.

Senators Harrell and Gibson offered the following amendment which was moved by Senator Harrell and adopted:

**Amendment 1 (227004) (with title amendment)**—Delete lines 97-189 and insert:

established under ss. 1002.20(3) and 1002.33(9), as applicable.

*For purposes of this subparagraph, “a reasonable attempt to notify” means the exercise of reasonable diligence and care by the principal or the principal’s designee to make contact with the student’s parent, guardian, or other known emergency contact whom the student’s parent or guardian has authorized to receive notification of an involuntary examination. At a minimum, the principal or the principal’s designee must take the following actions:*

*a. Use available methods of communication to contact the student’s parent, guardian, or other known emergency contact, including but not limited to, telephone calls, text messages, e-mails, and voice mail messages following the decision to initiate an involuntary examination of the student.*

*b. Document the method and number of attempts made to contact the student’s parent, guardian, or other known emergency contact, and the outcome of each attempt.*

*A principal or his or her designee who successfully notifies any other known emergency contact may share only the information necessary to alert such contact that the parent or caregiver must be contacted. All such information must be in compliance with federal and state law.*

Section 2. Subsection (4) of section 394.463, Florida Statutes, is amended to read:

**394.463 Involuntary examination.—**

(4) **DATA ANALYSIS.**—Using data collected under paragraph (2)(a), the department shall, at a minimum, analyze data on *both* the initiation of involuntary examinations of children and *the initiation of involuntary examinations of students who are removed from a school*, identify any patterns or trends and cases in which involuntary examinations are repeatedly initiated on the same child or student, study root causes for such patterns, trends, or repeated involuntary examinations, and make recommendations to encourage the use of ~~for encouraging~~ alternatives to eliminate and eliminating inappropriate initiations of such examinations. The department shall submit a report on its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by November 1 of each ~~odd-numbered~~ ~~odd-numbered~~ year.

Section 3. Subsection (7) of section 1001.212, Florida Statutes, is amended to read:

1001.212 Office of Safe Schools.—There is created in the Department of Education the Office of Safe Schools. The office is fully accountable to the Commissioner of Education. The office shall serve as a central repository for best practices, training standards, and compliance oversight in all matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning. The office shall:

(7) Provide data to support the evaluation of mental health services pursuant to s. 1004.44. *Such data must include, for each school, the number of involuntary examinations as defined in s. 394.455 which are initiated at the school, on school transportation, or at a school-sponsored activity and the number of children for whom an examination is initiated.*

Section 4. Paragraph (l) of subsection (3) of section 1002.20, Florida Statutes, is amended, and subsection (25) is added to that section, to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(3) HEALTH ISSUES.—

(l) Notification of involuntary examinations.—

1. *Except as provided in subparagraph 2., the public school principal or the principal's designee shall make a reasonable attempt to immediately notify the parent of a student before the student who is removed from school, school transportation, or a school-sponsored activity to be and taken to a receiving facility for an involuntary examination pursuant to s. 394.463. For purposes of this subparagraph, "a reasonable attempt to notify" means the exercise of reasonable diligence and care by the principal or the principal's designee to make contact with the student's parent, guardian, or other known emergency contact whom the student's parent or guardian has authorized to receive notification of an involuntary examination. At a minimum, the principal or the principal's designee must take the following actions:*

*a. Use available methods of communication to contact the student's parent, guardian, or other known emergency contact, including but not limited to, telephone calls, text messages, e-mails, and voice mail messages following the decision to initiate an involuntary examination of the student.*

*b. Document the method and number of attempts made to contact the student's parent, guardian, or other known emergency contact, and the outcome of each attempt.*

*A principal or his or her designee who successfully notifies any other known emergency contact may share only the information necessary to alert such contact that the parent or caregiver must be contacted. All such information must be in compliance with federal and state law.*

2. The principal or the principal's designee may delay the required notification for no more than 24 hours after the student is removed if:

*a. The principal or the principal's designee deems the delay to be in the student's best interest and if a report has been submitted to the central abuse hotline, pursuant to s. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect; or*

*b. The principal or principal's designee reasonably believes that such delay is necessary to avoid jeopardizing the health and safety of the student.*

3. Before a principal or his or her designee contacts a law enforcement officer, he or she must verify that de-escalation strategies have been utilized and outreach to a mobile response team has been initiated unless the principal or the principal's designee reasonably believes that any delay in removing the student will increase the likelihood of harm

to the student or others. This requirement does not supersede the authority of a law enforcement officer to act under s. 394.463.

Each district school board shall develop a policy and procedures for notification under this paragraph.

(25) SAFE SCHOOLS.—

*(a) School safety and emergency incidents.—Parents of public school students have a right to timely notification of threats, unlawful acts, and significant emergencies pursuant to s. 1006.07(4) and (7).*

*(b) School environmental safety incident reporting.—Parents of public school students have a right to access school safety and discipline incidents as reported pursuant to s. 1006.07(9).*

Section 5. Paragraph (q) of subsection (9) of section 1002.33, Florida Statutes, is amended, and paragraph (r) is added to that subsection, to read:

1002.33 Charter schools.—

(9) CHARTER SCHOOL REQUIREMENTS.—

*(q)1. The charter school principal or the principal's designee shall make a reasonable attempt to immediately notify the parent of a student before the student who is removed from school, school transportation, or a school-sponsored activity to be and taken to a receiving facility for an involuntary examination pursuant to s. 394.463. For purposes of this subparagraph, "a reasonable attempt to notify" means the exercise of reasonable diligence and care by the principal or the principal's designee to make contact with the student's parent, guardian, or other known emergency contact whom the student's parent or guardian has authorized to receive notification of an involuntary examination. At a minimum, the principal or the principal's designee must take the following actions:*

*a. Use available methods of communication to contact the student's parent, guardian, or other known emergency contact, including but not limited to, telephone calls, text messages, e-mails, and voice mail messages following the decision to initiate an involuntary examination of the student.*

*b. Document the method and number of attempts made to contact the student's parent, guardian, or other known emergency contact, and the outcome of each attempt.*

*A principal or his or her designee who successfully notifies any other known emergency contact may share only the information necessary to alert such contact that the parent or caregiver must be contacted. All such information must be in compliance with federal and state law.*

And the title is amended as follows:

Delete lines 5-15 and insert: before an involuntary examination of a minor; defining the term "a reasonable attempt to notify"; requiring a principal or his or her designee who successfully notifies any known emergency contact to share only the information necessary to alert such contact that the parent or caregiver must be contacted; requiring all such information to be in compliance with federal and state law; amending s. 394.463, F.S.; revising data reporting requirements for the Department of Children and Families; amending s. 1001.212, F.S.; revising data reporting requirements for the Office of Safe Schools; amending s. 1002.20, F.S.; revising parent notification requirements; providing an exception; defining the term "a reasonable attempt to notify"; requiring a principal or his or her designee who successfully notifies any known emergency contact to share only the information necessary to alert such contact that the parent or caregiver must be contacted; requiring all such information to be in compliance with federal and state law; providing that parents of public school students have a right to access school safety and discipline incidents as reported; amending s. 1002.33, F.S.; revising parent notification requirements; defining the term "a reasonable attempt to notify"; requiring a principal or his or her designee who successfully notifies any known emergency contact to share only the information necessary to alert such contact that the parent or caregiver must be contacted; requiring all such information to be in compliance with federal and state law; providing an exception;

Senator Jones moved the following amendment which was adopted:

**Amendment 2 (603772) (with title amendment)**—Between lines 341 and 342 insert:

Section 8. Section 1008.386, Florida Statutes, is amended to read:

1008.386 Florida student identification ~~numbers~~.—

(1) When a student enrolls in a public school in this state, the district school board shall request that the student provide his or her social security number and shall indicate whether the student identification number assigned to the student is a social security number. A student satisfies this requirement by presenting his or her social security card or a copy of the card to a school enrollment official. However, a student is not required to provide his or her social security number as a condition for enrollment or graduation. The Commissioner of Education shall assist school districts with the assignment of student identification numbers to avoid duplication of any student identification number.

(2) The department shall establish a process for assigning a Florida student identification number to each student in the state, at which time a school district may not use social security numbers as student identification numbers in its management information systems.

(3) *Beginning with the 2021-2022 school year, any student identification card issued by a public school to students in grades 6 through 12 must include the telephone numbers for national or statewide crisis and suicide hotlines and text lines.*

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

And the title is amended as follows:

Between lines 36 and 37 insert: 1008.386, F.S.; requiring that student identification cards issued to certain students by public schools include specified telephone numbers; amending s.

Senator Harrell moved the following amendment which was adopted:

**Amendment 3 (693672)**—Delete lines 443-444 and insert:  
*either by contracts or interagency agreements with the managing entity, one or more local community behavioral health providers, or the local mobile*

On motion by Senator Harrell, by two-thirds vote, **CS for SB 590**, 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	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

**CS for CS for SB 1108**—A bill to be entitled An act relating to education; amending s. 1001.23, F.S.; authorizing the Department of Education to hold patents, copyrights, trademarks, and service marks; authorizing the department to take specified actions to enforce its rights under certain circumstances; requiring the department to notify the Department of State in writing when property rights by patent, copyright, trademark, or service marks are secured by the department; re-

quiring, except for educational materials and products, any proceeds received by the department from the exercise of its rights to be deposited in the department's Operating Trust Fund; creating s. 1002.334, F.S.; establishing the Innovative Blended Learning and Real-Time Student Assessment Pilot Program within the department; providing the purpose of the program; defining the term "innovative blended learning"; specifying program eligibility; requiring program applicants to submit applications to the department in a format prescribed by the department; requiring program applications to include specified information; requiring applications to be considered only for synchronous innovative blended learning programs; requiring the Commissioner of Education to select applicants to participate in the program; providing a start date for the program; providing for funding; authorizing the commissioner to remove an approved applicant from the program under certain circumstances; providing for future expiration; amending s. 1003.4282, F.S.; deleting obsolete language; requiring certain students to take a specified assessment relating to civic literacy; providing that such assessment meets certain postsecondary requirements under specified circumstances; conforming a cross-reference; amending s. 1007.25, F.S.; requiring certain postsecondary students to complete a civic literacy course and pass a specified assessment to demonstrate competency in civic literacy; authorizing students to meet the assessment requirements in high school; providing for rulemaking; authorizing the development of new civic literacy courses; providing requirements for such courses; amending s. 1008.212, F.S.; conforming cross-references; amending s. 1008.22, F.S.; revising the purpose of the assessment program; deleting obsolete language; requiring that certain assessments be given in a paper-based format; requiring school districts to provide the SAT or ACT to grade 11 students beginning in a specified school year; requiring school districts to choose which assessment to administer; deleting specified reporting requirements; deleting a requirement that the Commissioner of Education maintain a specified item bank; deleting specified requirements for the date of the administration of specified assessments; revising a deadline for the publication of certain assessments; conforming provisions to changes made by the act; amending s. 1008.24, F.S.; revising the tests that are included under test administration and security rules; amending ss. 1008.34 and 1008.3415, F.S.; conforming cross-references; amending s. 1009.286, F.S.; providing an additional exception to credit hours used when calculating baccalaureate degrees; providing an effective date.

—was read the second time by title.

Senator Brodeur moved the following amendment which was adopted:

**Amendment 1 (272776) (with title amendment)**—Between lines 225 and 226 insert:

Section 4. Section 1003.4996, Florida Statutes, is amended to read:

1003.4996 Competency-Based Education Pilot Program.—Beginning with the 2016-2017 school year, the Competency-Based Education Pilot Program is created within the Department of Education to be administered for a period of 7 ½ years. The purpose of the pilot program is to provide an educational environment that allows students to advance to higher levels of learning upon the mastery of concepts and skills through statutory exemptions relating to student progression and the awarding of credits.

(1) **PARTICIPATION.**—The P.K. Yonge Developmental Research School and the Lake, Palm Beach, Pinellas, and Seminole County School Districts may submit an application in a format prescribed by the department to participate in the pilot program.

(2) **APPLICATION.**—The application to participate in the pilot program must, at a minimum, include:

(a) The vision and timelines for the implementation of competency-based education within the school district, including a list of the schools that will participate in the pilot program during the first school year and the list of schools that will be integrated into the program in subsequent school years.

(b) The annual goals and performance outcomes for participating schools, including, but not limited to:

1. Student performance as defined in s. 1008.34.

2. Promotion and retention rates.
3. Graduation rates.
4. Indicators of college and career readiness.

(c) A communication plan for parents and other stakeholders, including local businesses and community members.

(d) The scope of and timelines for professional development for school instructional and administrative personnel.

(e) A plan for student progression based on the mastery of content, including mechanisms that determine and ensure that a student has satisfied the requirements for grade-level promotion and content mastery.

(f) A plan for using technology and digital and blended learning to enhance student achievement and facilitate the competency-based education system.

(g) The proposed allocation of resources for the pilot program at the school and district levels.

(h) The recruitment and selection of participating schools.

(i) The rules to be waived for participating schools pursuant to subsection (3) to implement the pilot program.

(3) **EXEMPTION FROM RULES.**—In addition to the waivers authorized in s. 1001.10(3), the State Board of Education may authorize the commissioner to grant an additional waiver of rules relating to student progression and the awarding of credits.

(4) **STUDENT FUNDING.**—Students enrolled in a participating school shall be reported for and generate funding pursuant to s. 1011.62.

(5) **DEPARTMENT DUTIES.**—The department shall:

(a) Compile the student and staff schedules of participating schools before and after implementation of the pilot program.

(b) Provide participating schools with access to statewide, standardized assessments required under s. 1008.22.

(c) Annually, by June 1, provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report summarizing the activities and accomplishments of the pilot program and any recommendations for statutory revisions.

(6) **RULES.**—The State Board of Education shall adopt rules to administer this section.

And the title is amended as follows:

Between lines 35 and 36 insert: s. 1003.4996, F.S.; extending the timeframe for the Competency-Based Education Pilot Program; amending

On motion by Senator Diaz, by two-thirds vote, **CS for CS for SB 1108**, 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	Broxson	Jones
Albritton	Burgess	Mayfield
Ausley	Cruz	Passidomo
Baxley	Diaz	Perry
Bean	Farmer	Pizzo
Berman	Gainer	Polsky
Book	Garcia	Powell
Boyd	Gibson	Rodriguez
Bracy	Gruters	Rodriguez
Bradley	Harrell	Rouson
Brandes	Hooper	Stargel
Brodeur	Hutson	Stewart

Taddeo  
Thurston

Torres  
Wright

Nays—None

On motion by Senator Hutson—

**CS for CS for SB 1080**—A bill to be entitled An act relating to tobacco and nicotine products; amending s. 210.095, F.S.; deleting the definition of the term “adult”; revising age limitations relating to mail order, Internet, and remote sales of tobacco products; amending s. 210.15, F.S.; requiring permits to be issued to persons or corporations whose officers are not under 21 years of age; amending s. 386.212, F.S.; providing that it is unlawful for persons under 21 years of age to smoke tobacco or vape in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school during specified hours; renaming ch. 569, F.S.; providing directives to the Division of Law Revision; amending s. 569.002, F.S.; defining the terms “nicotine product” and “nicotine dispensing device”; conforming provisions to changes made by the act; creating s. 569.0025, F.S.; preempting the establishment of the minimum age for purchasing and possessing, and the regulation for the marketing, sale, or delivery of, tobacco products to the state; amending ss. 569.003, 569.004, and 569.006, F.S.; conforming provisions to changes made by the act; amending s. 569.007, F.S.; revising age limitations relating to the sale and delivery of tobacco products; revising applicability; amending s. 569.0075, F.S.; revising age limitations relating to gifting sample tobacco products; amending s. 569.008, F.S.; revising legislative intent; revising qualification requirements for responsible retail tobacco products dealers; conforming provisions to changes made by the act; amending s. 569.009, F.S.; conforming a provision to changes made by the act; amending s. 569.101, F.S.; revising age limitations relating to selling, delivering, bartering, furnishing, or giving tobacco products to certain persons; amending s. 569.11, F.S.; revising age limitations relating to possessing and obtaining tobacco products; amending s. 569.12, F.S.; expanding the authority of tobacco product enforcement officers to include nicotine products; amending s. 569.14, F.S.; revising requirements for signage relating to tobacco products, nicotine products, and nicotine dispensing devices; conforming provisions to changes made by the act; amending s. 569.19, F.S.; conforming provisions to changes made by the act; creating s. 569.31, F.S.; defining terms; creating s. 569.315, F.S.; preempting the establishment of the minimum age for purchasing and possessing, and the regulation for the marketing, sale, or delivery of, nicotine products to the state; creating s. 569.32, F.S.; requiring retail nicotine product dealers to acquire a permit; providing requirements and authorizations for such permit; creating s. 569.33, F.S.; specifying that an applicant for a retail nicotine products dealer permit consents to certain inspections and searches upon accepting such permit; creating s. 569.34, F.S.; prohibiting certain persons, firms, associations, or corporations from operating without a permit; providing civil penalties; creating s. 569.35, F.S.; providing administrative penalties for retail nicotine product dealers under certain circumstances; requiring the Division of Alcoholic Beverages and Tobacco to deposit funds collected from administrative fines into the General Revenue Fund; creating s. 569.37, F.S.; providing restrictions on the sale or delivery of nicotine products; creating s. 569.38, F.S.; prohibiting certain persons from gifting sample nicotine products to persons under a specified age; creating s. 569.381, F.S.; providing legislative intent; providing requirements for a dealer to qualify as a responsible retail nicotine products dealer; authorizing the division to mitigate certain penalties; requiring the division to develop and make available a nicotine products training program; requiring dealers to exercise diligence in the management and supervision of their premises and the supervision and training of certain persons; creating s. 569.39, F.S.; requiring the division to adopt rules; creating ss. 569.41 and 569.42, F.S.; providing civil and criminal penalties relating to selling, delivering, bartering, furnishing, or giving nicotine products to certain persons and possessing and acquiring nicotine products, respectively; creating s. 569.43, F.S.; providing signage requirements relating to the sale of nicotine products or nicotine dispensing devices; providing criminal penalties; creating s. 569.44, F.S.; requiring the division to provide an annual report containing specified information to the Governor and the Legislature; creating s. 569.45, F.S.; defining terms; providing requirements for mail order, Internet, and remote sales of nicotine products; providing applicability; providing criminal penalties;

repealing s. 877.112, F.S., relating to nicotine products and nicotine dispensing devices; providing an effective date.

—was read the second time by title.

Senator Hutson moved the following amendment:

**Amendment 1 (226212) (with directory amendment)**—Delete lines 290-1152 and insert:

(2)(a) Permits may be issued only to persons who are *21 18* years of age or older or to corporations the officers of which are *21 18* years of age or older.

Section 9. Section 569.004, Florida Statutes, is amended to read:

569.004 Consent to inspection and search without warrant.—An applicant for a permit, by accepting the permit when issued, agrees that the place or premises covered by the permit is subject to inspection and search without a search warrant by the division or its authorized assistants, and by sheriffs, deputy sheriffs, or police officers, to determine compliance with this chapter, *including part II of this chapter if the applicant deals, at retail, in nicotine products within the state or allows a nicotine products vending machine to be located on its premises within the state.*

Section 10. Section 569.006, Florida Statutes, is amended to read:

569.006 Retail tobacco products dealers; administrative penalties.—The division may suspend or revoke the permit of the dealer upon sufficient cause appearing of the violation of any of the provisions of this chapter, *including part II of this chapter if the dealer deals, at retail, in nicotine products within the state or allows a nicotine products vending machine to be located on its premises within the state,* by a dealer or by a dealer's agent or employee. The division may also assess and accept administrative fines of up to \$1,000 against a dealer for each violation. The division shall deposit all fines collected into the General Revenue Fund as collected. An order imposing an administrative fine becomes effective 15 days after the date of the order. The division may suspend the imposition of a penalty against a dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

Section 11. Subsections (1), (2), and (4) of section 569.007, Florida Statutes, are amended to read:

569.007 Sale or delivery of tobacco products; restrictions.—

(1) In order to prevent persons under *21 18* years of age from purchasing or receiving tobacco products, the sale or delivery of tobacco products is prohibited, except:

(a) When under the direct control or line of sight of the dealer or the dealer's agent or employee; or

(b) Sales from a vending machine are prohibited under the provisions of paragraph (1)(a) and are only permissible from a machine that is equipped with an operational lockout device which is under the control of the dealer or the dealer's agent or employee who directly regulates the sale of items through the machine by triggering the lockout device to allow the dispensing of one tobacco product. The lockout device must include a mechanism to prevent the machine from functioning if the power source for the lockout device fails or if the lockout device is disabled, and a mechanism to ensure that only one tobacco product is dispensed at a time.

(2) The provisions of subsection (1) shall not apply to an establishment that prohibits persons under *21 18* years of age on the licensed premises.

(4) A dealer or a dealer's agent or employee may require proof of age of a purchaser of a tobacco product before selling the product to that person, *unless the purchaser appears to be 30 years of age or older.*

Section 12. Section 569.0075, Florida Statutes, is amended to read:

569.0075 Gift of sample tobacco products prohibited.—The gift of sample tobacco products to any person under the age of *21 18* by an entity licensed or permitted under the provisions of chapter 210 or this

*part chapter*, or by an employee of such entity, is prohibited and is punishable as provided in s. 569.101.

Section 13. Subsection (1), paragraphs (b) and (c) of subsection (2), and subsection (3) of section 569.008, Florida Statutes, are amended to read:

569.008 Responsible retail tobacco products dealers; qualifications; mitigation of disciplinary penalties; diligent management and supervision; presumption.—

(1) The Legislature intends to prevent the sale of tobacco products to persons under *21 18* years of age and to encourage retail tobacco products dealers to comply with responsible practices in accordance with this section.

(2) To qualify as a responsible retail tobacco products dealer, the dealer must establish and implement procedures designed to ensure that the dealer's employees comply with the provisions of this *part chapter*. The dealer must provide a training program for the dealer's employees which addresses the use and sale of tobacco products and which includes at least the following topics:

(b) Methods of recognizing and handling customers under *21 18* years of age.

(c) Procedures for proper examination of identification cards in order to verify that customers are not under *21 18* years of age.

(3) In determining penalties under s. 569.006, the division may mitigate penalties imposed against a dealer because of an employee's illegal sale of a tobacco product to a person under *21 18* years of age if the following conditions are met:

(a) The dealer is qualified as a responsible dealer under this section.

(b) The dealer provided the training program required under subsection (2) to that employee before the illegal sale occurred.

(c) The dealer had no knowledge of that employee's violation at the time of the violation and did not direct, approve, or participate in the violation.

(d) If the sale was made through a vending machine, the machine was equipped with an operational lock-out device.

Section 14. Section 569.009, Florida Statutes, is amended to read:

569.009 Rulemaking authority.—The division shall adopt any rules necessary to administer and enforce the provisions of this *part chapter*.

Section 15. Section 569.101, Florida Statutes, is amended to read:

569.101 Selling, delivering, bartering, furnishing, or giving tobacco products to persons under *21 18* years of age; criminal penalties; defense.—

(1) It is unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, to any person who is under *21 18* years of age, any tobacco product.

(2) Any person who violates subsection (1) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, any person who violates subsection (1) for a second or subsequent time within 1 year of the first violation, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person charged with a violation of subsection (1) has a complete defense if, at the time the tobacco product was sold, delivered, bartered, furnished, or given:

(a) The buyer or recipient falsely evidenced that she or he was *21 18* years of age or older;

(b) The appearance of the buyer or recipient was such that a prudent person would believe the buyer or recipient to be *21 18* years of age or older; and

(c) Such person carefully checked a driver license or an identification card issued by this state or another state of the United States, a passport, or a United States armed services identification card presented by the buyer or recipient and acted in good faith and in reliance upon the representation and appearance of the buyer or recipient in the belief that the buyer or recipient was 21 ~~18~~ years of age or older.

Section 16. Section 569.11, Florida Statutes, is amended to read:

569.11 Possession, misrepresenting age or military service to purchase, and purchase of tobacco products by persons under 21 ~~18~~ years of age prohibited; penalties; jurisdiction; disposition of fines.—

(1) It is unlawful for any person under 21 ~~18~~ years of age to knowingly possess any tobacco product. Any person under 21 ~~18~~ years of age who violates this subsection commits a noncriminal violation as provided in s. 775.08(3), punishable by:

(a) For a first violation, 16 hours of community service or, instead of community service, a \$25 fine. In addition, the person must attend a school-approved anti-tobacco program, if locally available; or

(b) For a second or subsequent violation within 12 weeks after the first violation, a \$25 fine.

Any second or subsequent violation not within the 12-week period after the first violation is punishable as provided for a first violation.

(2) It is unlawful for any person under 21 ~~18~~ years of age to misrepresent his or her age or military service for the purpose of inducing a dealer or an agent or employee of the dealer to sell, give, barter, furnish, or deliver any tobacco product, or to purchase, or attempt to purchase, any tobacco product from a person or a vending machine. Any person under 21 ~~18~~ years of age who violates this subsection commits a noncriminal violation as provided in s. 775.08(3), punishable by:

(a) For a first violation, 16 hours of community service or, instead of community service, a \$25 fine and, in addition, the person must attend a school-approved anti-tobacco program, if available; or

(b) For a second or subsequent violation within 12 weeks after the first violation, a \$25 fine.

Any second or subsequent violation not within the 12-week period after the first violation is punishable as provided for a first violation.

(3) Any person under 21 ~~18~~ years of age cited for committing a noncriminal violation under this section must sign and accept a civil citation indicating a promise to appear before the county court or comply with the requirement for paying the fine and must attend a school-approved anti-tobacco program, if locally available. If a fine is assessed for a violation of this section, the fine must be paid within 30 days after the date of the citation or, if a court appearance is mandatory, within 30 days after the date of the hearing.

(4) A person charged with a noncriminal violation under this section must appear before the county court or comply with the requirement for paying the fine. The court, after a hearing, shall make a determination as to whether the noncriminal violation was committed. If the court finds the violation was committed, it shall impose an appropriate penalty as specified in subsection (1) or subsection (2). A person who participates in community service shall be considered an employee of the state for the purpose of chapter 440, for the duration of such service.

(5)(a) If a person under 21 ~~18~~ years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to complete community service, pay the fine as required by paragraph (1)(a) or paragraph (2)(a), or attend a school-approved anti-tobacco program, if locally available, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for a period of 30 consecutive days.

(b) If a person under 21 ~~18~~ years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to pay the applicable fine as required by paragraph (1)(b) or paragraph (2)(b), the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver

license or driving privilege of that person for a period of 45 consecutive days.

(6) Eighty percent of all civil penalties received by a county court pursuant to this section shall be remitted by the clerk of the court to the Department of Revenue for transfer to the Department of Education to provide for teacher training and for research and evaluation to reduce and prevent the use of tobacco products by children. The remaining 20 percent of civil penalties received by a county court pursuant to this section shall remain with the clerk of the county court to cover administrative costs.

Section 17. Section 569.12, Florida Statutes, is amended to read:

569.12 Jurisdiction; tobacco product *and nicotine product* enforcement officers or agents; enforcement.—

(1) In addition to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, any law enforcement officer certified under s. 943.10(1), (6), or (8) shall enforce the provisions of this chapter.

(2)(a) A county or municipality may designate certain of its employees or agents as tobacco product *and nicotine product* enforcement officers. The training and qualifications of the employees or agents for such designation shall be determined by the county or the municipality. Nothing in this section shall be construed to permit the carrying of firearms or other weapons by a tobacco product *and nicotine product* enforcement agent, nor does designation as a tobacco product *and nicotine product* enforcement officer provide the employee or agent with the power of arrest or subject the employee or agent to the provisions of ss. 943.085-943.255. Nothing in this section amends, alters, or contravenes the provisions of any state-administered retirement system or any state-supported retirement system established by general law.

(b) A tobacco product *and nicotine product* enforcement officer is authorized to issue a citation to a person under the age of 21 ~~18~~ when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of s. 386.212, ~~or~~ s. 569.11, or s. 569.42.

(3) A correctional probation officer as defined in s. 943.10(3) is authorized to issue a citation to a person under the age of 21 ~~18~~ when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of s. 569.11 or s. 569.42.

(4) A citation issued to any person violating the provisions of s. 569.11 or s. 569.42 shall be in a form prescribed by the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation and shall contain:

(a) The date and time of issuance.

(b) The name and address of the person to whom the citation is issued.

(c) The date and time the civil infraction was committed.

(d) The facts constituting reasonable cause.

(e) The number of the Florida statute violated.

(f) The name and authority of the citing officer.

(g) The procedure for the person to follow in order to contest the citation, perform the required community service, attend the required anti-tobacco or anti-tobacco and anti-nicotine program, or to pay the civil penalty.

Section 18. Section 569.14, Florida Statutes, is amended to read:

569.14 Posting of a sign stating that the sale of tobacco products or nicotine products to persons under 21 ~~18~~ years of age is unlawful; enforcement; penalty.—

(1) A dealer that sells tobacco products shall post a clear and conspicuous sign in each place of business where such products are sold which substantially states the following:

THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF 21 ~~18~~ IS AGAINST FLORIDA LAW. PROOF OF AGE IS REQUIRED FOR PURCHASE.

(2) A dealer that sells tobacco products and nicotine products or nicotine dispensing devices, ~~as defined in s. 877.112,~~ may use a sign that substantially states the following:

THE SALE OF TOBACCO PRODUCTS, NICOTINE PRODUCTS, OR NICOTINE DISPENSING DEVICES TO PERSONS UNDER THE AGE OF 21 ~~18~~ IS AGAINST FLORIDA LAW. PROOF OF AGE IS REQUIRED FOR PURCHASE.

A dealer that uses a sign as described in this subsection meets the signage requirements of subsection (1) and s. 569.43(1) ~~s. 877.112~~.

(3) The division shall make available to dealers of tobacco products signs that meet the requirements of subsection (1) or subsection (2).

(4) Any dealer that sells tobacco products shall provide at the checkout counter in a location clearly visible to the dealer or the dealer's agent or employee instructional material in a calendar format or similar format to assist in determining whether a person is of legal age to purchase tobacco products. This point of sale material must contain substantially the following language:

IF YOU WERE NOT BORN BEFORE THIS DATE  
(insert date and applicable year)  
YOU CANNOT BUY TOBACCO PRODUCTS, NICOTINE  
PRODUCTS, OR NICOTINE DISPENSING DEVICES.

Upon approval by the division, in lieu of a calendar a dealer may use card readers, scanners, or other electronic or automated systems that can verify whether a person is of legal age to purchase tobacco products. Failure to comply with the provisions contained in this subsection shall result in imposition of administrative penalties as provided in s. 569.006.

(5) The division, through its agents and inspectors, shall enforce this section.

(6) Any person who fails to comply with subsection (1) is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 19. Section 569.19, Florida Statutes, is amended to read:

569.19 Annual report.—The division shall report annually with written findings to the Legislature and the Governor by December 31, on the progress of implementing the enforcement provisions of this part ~~chapter~~. This must include, but is not limited to:

- (1) The number and results of compliance visits.
- (2) The number of violations for failure of a retailer to hold a valid license.
- (3) The number of violations for selling tobacco products to persons under age 21 ~~18~~, and the results of administrative hearings on the above and related issues.
- (4) The number of persons under age 21 ~~18~~ cited for violations of s. 569.11 and sanctions imposed as a result of citation.

Section 20. Section 569.31, Florida Statutes, is created to read:

569.31 Definitions.—As used in this part, the term:

(1) “Dealer” is synonymous with the term “retail nicotine products dealer.”

(2) “Division” means the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation.

(3) “Nicotine dispensing device” means any product that employs an electronic, chemical, or mechanical means to produce vapor or aerosol from a nicotine product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and

any other container of nicotine in a solution or other form intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.

(4) “Nicotine product” means any product that contains nicotine, including liquid nicotine, which is intended for human consumption, whether inhaled, chewed, absorbed, dissolved, or ingested by any means. The term also includes any nicotine dispensing device. The term does not include a:

(a) Tobacco product, as defined in s. 569.002;

(b) Product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act; or

(c) Product that contains incidental nicotine.

(5) “Permit” is synonymous with the term “retail nicotine products dealer permit.”

(6) “Retail nicotine products dealer” means the holder of a retail nicotine products dealer permit.

(7) “Retail nicotine products dealer permit” means a permit issued by the division under s. 569.32.

(8) “Self-service merchandising” means the open display of nicotine products, whether packaged or otherwise, for direct retail customer access and handling before purchase without the intervention or assistance of the dealer or the dealer's owner, employee, or agent. An open display of such products and devices includes the use of an open display unit.

(9) “Any person under the age of 21” does not include any person under the age of 21 who:

(a) Is in the military reserve or on active duty in the Armed Forces of the United States; or

(b) Is acting in his or her scope of lawful employment.

Section 21. Section 569.315, Florida Statutes, is created to read:

569.315 Preemption.—The establishment of the minimum age for purchasing or possessing, and the regulation for the marketing, sale, or delivery of, nicotine products is preempted to the state.

Section 22. Section 569.32, Florida Statutes, is created to read:

569.32 Retail nicotine products dealer permits; application; qualifications; renewal; duplicates.—

(1)(a) Each person, firm, association, or corporation that seeks to deal, at retail, in nicotine products within the state, or to allow a nicotine products vending machine to be located on its premises in the state, must obtain a retail nicotine products dealer permit for each place of business or premises at which nicotine products are sold. Each dealer owning, leasing, furnishing, or operating vending machines through which nicotine products are sold must obtain a permit for each machine and shall post the permit in a conspicuous place on or near the machine; however, if the dealer has more than one vending machine at a single location or if nicotine products are sold both over the counter and through a vending machine at a single location, the dealer need obtain only one permit for that location.

(b) Application for a permit must be made on a form furnished by the division and must set forth the name under which the applicant transacts or intends to transact business, the address of the location of the applicant's place of business within the state, and any other information the division requires. If the applicant has or intends to have more than one place of business dealing in nicotine products within the state, a separate application must be made for each place of business. If the applicant is a firm or an association, the application must set forth the names and addresses of the persons constituting the firm or association; if the applicant is a corporation, the application must set forth the names and addresses of the principal officers of the corporation. The application must also set forth any other information prescribed by the division for the purpose of identifying the applicant firm, association, or corporation. The application must be signed and verified by oath or affir-



mation by the owner, if a sole proprietor, or, if the owner is a firm, association, or partnership, by the members or partners thereof, or, if the owner is a corporation, by an executive officer of the corporation or by a person authorized by the corporation to sign the application, together with the written evidence of this authority.

(2)(a) Permits may be issued only to persons who are 21 years of age or older or to corporations the officers of which are 21 years of age or older.

(b) The division may refuse to issue a permit to any person, firm, association, or corporation the permit of which has been revoked, to any corporation an officer of which has had his or her permit revoked, or to any person who is or has been an officer of a corporation the permit of which has been revoked. Any permit issued to a firm, association, or corporation prohibited from obtaining a permit under this chapter shall be revoked by the division.

(3) Upon approval of an application for a permit, the division shall issue to the applicant a permit for the place of business or premises specified in the application. A permit is not assignable and is valid only for the person in whose name the permit is issued and for the place designated in the permit. The permit shall be conspicuously displayed at all times at the place for which issued.

Section 23. Section 569.33 Florida Statutes, is created to read:

**569.33 Consent to inspection and search without warrant.**—An applicant for a retail nicotine products dealer permit, by accepting the permit when issued, agrees that the place or premises covered by the permit is subject to inspection and search without a search warrant by the division or its authorized assistants, and by sheriffs, deputy sheriffs, or police officers, to determine compliance with this part.

Section 24. Section 569.34, Florida Statutes, is created to read:

**569.34 Operating without a retail nicotine products dealer permit; penalty.**—

(1) It is unlawful for a person, firm, association, or corporation to deal, at retail, in nicotine products, in any manner, or to allow a nicotine products vending machine to be located on its premises, without having a retail nicotine product dealer permit as required by s. 569.32. A person who violates this section commits a noncriminal violation, punishable by a fine of not more than \$500.

(2) A retail tobacco products dealer, as defined in s. 569.002(4), is not required to have a separate or additional retail nicotine products dealer permit to deal, at retail, in nicotine products within the state, or allow a nicotine products vending machine to be located on its premises in the state. Any retail tobacco products dealer that deals, at retail, in nicotine products or allows a nicotine products vending machine to be located on its premises in the state, is subject to, and must be in compliance with, this part.

(3) Any person who violates this section shall be cited for such infraction and shall be cited to appear before the county court. The citation may indicate the time, date, and location of the scheduled hearing and must indicate that the penalty for a noncriminal violation is a fine of not more than \$500.

(a) A person cited for an infraction under this section may:

1. Post a \$500 bond; or
2. Sign and accept the citation indicating a promise to appear.

(b) A person cited for violating this section may:

1. Pay the fine, either by mail or in person, within 10 days after receiving the citation; or
2. If the person has posted bond, forfeit the bond by not appearing at the scheduled hearing.

(c) If the person pays the fine or forfeits bond, the person is deemed to have admitted violating this section and to have waived the right to a hearing on the issue of commission of the violation. Such admission may not be used as evidence in any other proceeding.

(d) The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven beyond a reasonable doubt, the court may impose a civil penalty in an amount that may not exceed \$500.

(e) If a person is found by the court to have committed the infraction, that person may appeal that finding to the circuit court.

Section 25. Section 569.35, Florida Statutes, is created to read:

**569.35 Retail nicotine product dealers; administrative penalties.**—The division may suspend or revoke the permit of a dealer, including the retail tobacco products dealer permit of a retail tobacco products dealer as defined in s. 569.002(4), upon sufficient cause appearing of the violation of any of the provisions of this part, by a dealer, or by a dealer's agent or employee. The division may also assess and accept an administrative fine of up to \$1,000 against a dealer for each violation. The division shall deposit all fines collected into the General Revenue Fund as collected. An order imposing an administrative fine becomes effective 15 days after the date of the order. The division may suspend the imposition of a penalty against a dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

Section 26. Section 569.37, Florida Statutes, is created to read:

**569.37 Sale or delivery of nicotine products; restrictions.**—

(1) In order to prevent persons under 21 years of age from purchasing or receiving nicotine products, the sale or delivery of nicotine products is prohibited, except:

(a) When under the direct control or line of sight of the dealer or the dealer's agent or employee; or

(b) Sales from a vending machine are prohibited under paragraph (a) and are only permissible from a machine that is equipped with an operational lockout device that is under the control of the dealer or the dealer's agent or employee who directly regulates the sale of items through the machine by triggering the lockout device to allow the dispensing of one nicotine product. The lockout device must include a mechanism to prevent the machine from functioning if the power source for the lockout device fails or if the lockout device is disabled, and a mechanism to ensure that only one nicotine product is dispensed at a time.

(2)(a) A dealer that sells nicotine products may not sell, permit to be sold, offer for sale, or display for sale such products or devices by means of self-service merchandising.

(b) A dealer that sells nicotine products may not place such products or devices in an open display unit unless the unit is located in an area that is inaccessible to customers.

(3) The provisions of subsections (1) and (2) shall not apply to an establishment that prohibits persons under 21 years of age on the licensed premises.

(4) A dealer or a dealer's agent or employee may require proof of age of a purchaser of a nicotine product before selling the product to that person, unless the purchaser appears to be 30 years of age or older.

Section 27. Section 569.38, Florida Statutes, is created to read:

**569.38 Gift of sample nicotine products and nicotine dispensing devices.**—The gift of sample nicotine products to any person under the age of 21 by an entity permitted under this part, or by an employee of such entity, is prohibited and is punishable as provided in s. 569.41.

Section 28. Section 569.381, Florida Statutes, is created to read:

**569.381 Responsible retail nicotine products dealers; qualifications; mitigation of disciplinary penalties; diligent management and supervision; presumption.**—

(1) It is the intent of the Legislature to prevent the sale of nicotine products to persons under 21 years of age and to encourage retail nicotine products dealers to comply with responsible practices in accordance with this section.

(2) To qualify as a responsible retail nicotine products dealer, the dealer must establish and implement procedures designed to ensure that the dealer's employees comply with this part. The dealer must provide a training program for the dealer's employees which addresses the use and sale of nicotine products and which includes at least the following topics:

- (a) Laws covering the sale of nicotine products.
- (b) Methods of recognizing and handling customers under 21 years of age.
- (c) Procedures for proper examination of identification cards in order to verify that customers are not under 21 years of age.
- (d) The use of the age audit identification function on electronic point-of-sale equipment, where available.

(3) In determining penalties under s. 569.35, the division may mitigate penalties imposed against a dealer because of an employee's illegal sale of a nicotine product to a person under 21 years of age if the following conditions are met:

- (a) The dealer is qualified as a responsible dealer under this section.
- (b) The dealer provided the training program required under subsection (2) to that employee before the illegal sale occurred.
- (c) The dealer had no knowledge of that employee's violation at the time of the violation and did not direct, approve, or participate in the violation.
- (d) If the sale was made through a vending machine, the machine was equipped with an operational lock-out device.

(4) The division shall develop and make available a model nicotine products training program designed to ensure adherence to this part by dealers and their employees which, if followed, will qualify dealers as responsible dealers.

(5) Dealers shall exercise diligence in the management and supervision of their premises and in the supervision and training of their employees, agents, or servants. In proceedings to impose penalties under s. 569.35, proof that employees, agents, or servants of the dealer, while in the scope of their employment, committed at least three violations of s. 569.41 during a 180-day period shall be prima facie evidence of a lack of due diligence by the dealer in the management and supervision of his or her premises and in the supervision and training of employees, agents, officers, or servants.

(6) The division may consider qualification as a responsible retail nicotine products dealer under this section as evidence that the dealer properly exercised the diligence required under this section.

Section 29. Section 569.39, Florida Statutes, is created to read:

569.39 Rulemaking authority.—The division shall adopt rules to administer and enforce this part.

Section 30. Section 569.41, Florida Statutes, is created to read:

569.41 Selling, delivering, bartering, furnishing, or giving nicotine products to persons under 21 years of age; criminal penalties; defense.—

(1) It is unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, to any person who is under 21 years of age, any nicotine product.

(2) Any person who violates subsection (1) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, any person who violates subsection (1) for a second or subsequent time within 1 year after the first violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person charged with a violation of subsection (1) has a complete defense if, at the time the nicotine product was sold, delivered, bartered, furnished, or given:

(a) The buyer or recipient falsely evidenced that she or he was 21 years of age or older;

(b) The appearance of the buyer or recipient was such that a prudent person would believe the buyer or recipient to be 21 years of age or older; and

(c) Such person carefully checked a driver license or an identification card issued by the state or another state of the United States, a passport, or a United States armed services identification card presented by the buyer or recipient and acted in good faith and in reliance upon the representation and appearance of the buyer or recipient in the belief that the buyer or recipient was 21 years of age or older.

Section 31. Section 569.42, Florida Statutes, is created to read:

569.42 Possession, misrepresenting age or military service to purchase, and purchase of nicotine products by persons under 21 years of age prohibited; penalties; jurisdiction; disposition of fines.—

(1) It is unlawful for any person under 21 years of age to knowingly possess any nicotine product. Any person under 21 years of age who violates this subsection commits a noncriminal violation as provided in s. 775.08(3), punishable by:

(a) For a first violation, 16 hours of community service or, instead of community service, a \$25 fine. In addition, the person must attend a school-approved anti-tobacco and anti-nicotine program, if locally available; or

(b) For a second or subsequent violation within 12 weeks after the first violation, a \$25 fine.

Any second or subsequent violation not within the 12-week period after the first violation is punishable as provided for a first violation.

(2) It is unlawful for any person under 21 years of age to misrepresent his or her age or military service for the purpose of inducing a dealer or an agent or employee of the dealer to sell, give, barter, furnish, or deliver any nicotine product, or to purchase, or attempt to purchase, any nicotine product from a person or a vending machine. Any person under 21 years of age who violates this subsection commits a noncriminal violation as defined in s. 775.08(3), punishable by:

(a) For a first violation, 16 hours of community service or, instead of community service, a \$25 fine and, in addition, the person must attend a school-approved anti-tobacco and anti-nicotine program, if available; or

(b) For a second or subsequent violation within 12 weeks after the first violation, a \$25 fine.

Any second or subsequent violation not within the 12-week period after the first violation is punishable as provided for a first violation.

(3) Any person under 21 years of age cited for committing a noncriminal violation under this section must sign and accept a civil citation indicating a promise to appear before the county court or comply with the requirement for paying the fine and must attend a school-approved anti-tobacco and anti-nicotine program, if locally available. If a fine is assessed for a violation of this section, the fine must be paid within 30 days after the date of the citation or, if a court appearance is mandatory, within 30 days after the date of the hearing.

(4) A person charged with a noncriminal violation under this section must appear before the county court or comply with the requirement for paying the fine. The court, after a hearing, shall make a determination as to whether the noncriminal violation was committed. If the court finds the violation was committed, it shall impose an appropriate penalty as specified in subsection (1) or subsection (2). A person who participates in community service shall be considered an employee of the state for the purpose of chapter 440, for the duration of such service.

(5)(a) If a person under 21 years of age is found by the court to have committed a noncriminal violation under this section and the person has failed to complete community service, pay the fine as required by paragraph (1)(a) or paragraph (2)(a), or attend a school-approved anti-tobacco and anti-nicotine program, if locally available, the court may direct the Department of Highway Safety and Motor Vehicles to withhold

issuance of or suspend the driver license or driving privilege of that person for a period of 30 consecutive days.

(b) If a person under 21 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to pay the applicable fine as required by paragraph (1)(b) or paragraph (2)(b), the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for a period of 45 consecutive days.

(6) Eighty percent of all civil penalties received by a county court under this section shall be remitted by the clerk of the court to the Department of Revenue for transfer to the Department of Education to provide for teacher training and for research and evaluation to reduce and prevent the use of nicotine products by children. The remaining 20 percent of civil penalties received by a county court under this section shall remain with the clerk of the county court to cover administrative costs.

Section 32. Section 569.43, Florida Statutes, is created to read:

569.43 Posting of a sign stating that the sale of nicotine products or nicotine dispensing devices to persons under 21 years of age is unlawful; enforcement; penalty.—

(1) A dealer that sells nicotine products shall post a clear and conspicuous sign in each place of business at which such products are sold which substantially states the following:

**THE SALE OF NICOTINE PRODUCTS OR NICOTINE DISPENSING DEVICES TO PERSONS UNDER THE AGE OF 21 IS AGAINST FLORIDA LAW. PROOF OF AGE IS REQUIRED FOR PURCHASE.**

(2) The division shall make available to dealers of nicotine products signs that meet the requirements of subsection (1).

(3) Any dealer that sells nicotine products shall provide at the checkout counter in a location clearly visible to the dealer or the dealer's agent or employee instructional material in a calendar format or similar format to assist in determining whether a person is of legal age to purchase nicotine products. This point of sale material must contain substantially the following language:

**IF YOU WERE NOT BORN BEFORE THIS DATE**

(insert date and applicable year)

**YOU CANNOT BUY TOBACCO PRODUCTS, NICOTINE PRODUCTS, OR NICOTINE DISPENSING DEVICES.**

Upon approval by the division, in lieu of a calendar a dealer may use card readers, scanners, or other electronic or automated systems that can verify whether a person is of legal age to purchase nicotine products. Failure to comply with the provisions contained in this subsection shall result in imposition of administrative penalties as provided in s. 569.35.

(4) The division, through its agents and inspectors, shall enforce this section.

(5) Any person who fails to comply with subsection (1) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 33. Section 569.44, Florida Statutes, is created to read:

569.44 Annual report.—The division shall report annually with written findings to the Legislature and the Governor by December 31, on the progress of implementing the enforcement provisions of this part. This must include, but is not limited to:

- (1) The number and results of compliance visits.
- (2) The number of violations for failure of a retailer to hold a valid permit.
- (3) The number of violations for selling nicotine products to persons under age 21, and the results of administrative hearings on the above and related issues.

(4) The number of persons under age 21 cited for violations of s. 569.42 and sanctions imposed as a result of citation.

Section 34. Section 569.45, Florida Statutes, is created to read:

569.45 Mail order, Internet, and remote sales of nicotine products; age verification.—

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

(a) “Consumer” means a person in the state who comes into possession of any nicotine product who, at the time of possession, is not intending to sell or distribute the nicotine product, or is not a retailer.

(b) “Delivery sale” means any sale of nicotine products to a consumer in the state for which:

1. The consumer submits the order for the sale by telephonic or other voice transmission, mail, delivery service, or the Internet or other online service; or

2. The nicotine products are delivered by use of mail or a delivery service.

(c) “Delivery service” means any person engaged in the commercial delivery of letters, packages, or other containers.

(d) “Legal minimum purchase age” means the minimum age at which an individual may legally purchase nicotine products in the state.

(e) “Retailer” means any person who is required to obtain a retail nicotine products dealer permit or a retail tobacco products dealer permit, as defined in s. 569.002.

(f) “Shipping container” means a container in which nicotine products are shipped in connection with a delivery sale.

(g) “Shipping document” means a bill of lading, airbill, United States Postal Service form, or any other document used to verify the undertaking by a delivery service to deliver letters, packages, or other containers.

(2)(a) A sale of nicotine products constituting a delivery sale under paragraph (1)(b) is a delivery sale regardless of whether the person accepting the order for the delivery sale is located inside or outside the state.

(b) A retailer must obtain a retail nicotine products dealer permit or a retail tobacco products dealer permit, as defined in s. 569.002, from the division under the requirements of this chapter before accepting an order for a delivery sale.

(c) A person may not make a delivery sale of nicotine products to any individual who is not 21 years of age or older.

(d) Each person accepting an order for a delivery sale must comply with each of the following:

1. The age verification requirements set forth in subsection (3).
2. The disclosure requirements set forth in subsection (4).
3. The shipping requirements set forth in subsection (5).

(3) A person may not mail, ship, or otherwise deliver nicotine products in connection with an order for a delivery sale unless, before the first delivery to the consumer, the person accepting the order for the delivery sale:

(a) Obtains from the person submitting the order a certification that includes:

1. Reliable confirmation that the person is 21 years of age or older; and
2. A statement signed by the person in writing and under penalty of perjury which:
  - a. Certifies the address and date of birth of the person; and

b. *Confirms that the person wants to receive delivery sales from a nicotine products company and understands that, under the laws of the state, the following actions are illegal:*

- (I) *Signing another person's name to the certification;*
  - (II) *Selling nicotine products to individuals who are not 21 years of age or older; and*
  - (III) *Purchasing nicotine products, if the person making the purchase is not 21 years of age or older.*
- (b) *Makes a good faith effort to verify the information contained in the certification provided by the individual under paragraph (a) against a commercially available database that may be reasonably relied upon for accurate age information or obtains a photocopy or other image of a valid government-issued identification card stating the date of birth or age of the individual.*
- (c) *Provides to the individual, via electronic mail or other means, a notice meeting the requirements of subsection (4).*
- (d) *If an order for nicotine products is made pursuant to an advertisement on the Internet, receives payment for the delivery sale from the consumer by a credit or debit card issued in the name of the consumer, or by personal or company check of the consumer.*
- (e) *Submits, to each credit card acquiring company with which the*

And the directory clause is amended as follows:

Delete line 278 and insert:

Section 35. Paragraph (c) of subsection (1) and paragraph (a) of subsection (2) of section

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

Senator Hutson moved the following substitute amendment which was adopted:

**Substitute Amendment 2 (465114) (with directory and title amendments)**—Delete lines 290-1152 and insert:

(2)(a) Permits may be issued only to persons who are 21 ~~18~~ years of age or older or to corporations the officers of which are 21 ~~18~~ years of age or older.

Section 9. Section 569.004, Florida Statutes, is amended to read:

569.004 Consent to inspection and search without warrant.—An applicant for a permit, by accepting the permit when issued, agrees that the place or premises covered by the permit is subject to inspection and search without a search warrant by the division or its authorized assistants, and by sheriffs, deputy sheriffs, or police officers, to determine compliance with this chapter, *including part II of this chapter if the applicant deals, at retail, in nicotine products within the state or allows a nicotine products vending machine to be located on its premises within the state.*

Section 10. Section 569.006, Florida Statutes, is amended to read:

569.006 Retail tobacco products dealers; administrative penalties.—The division may suspend or revoke the permit of the dealer upon sufficient cause appearing of the violation of any of the provisions of this chapter, *including part II of this chapter if the dealer deals, at retail, in nicotine products within the state or allows a nicotine products vending machine to be located on its premises within the state*, by a dealer or by a dealer's agent or employee. The division may also assess and accept administrative fines of up to \$1,000 against a dealer for each violation. The division shall deposit all fines collected into the General Revenue Fund as collected. An order imposing an administrative fine becomes effective 15 days after the date of the order. The division may suspend the imposition of a penalty against a dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

Section 11. Subsections (1), (2), and (4) of section 569.007, Florida Statutes, are amended to read:

569.007 Sale or delivery of tobacco products; restrictions.—

(1) In order to prevent persons under 21 ~~18~~ years of age from purchasing or receiving tobacco products, the sale or delivery of tobacco products is prohibited, except:

(a) When under the direct control or line of sight of the dealer or the dealer's agent or employee; or

(b) Sales from a vending machine are prohibited under the provisions of paragraph (1)(a) and are only permissible from a machine that is equipped with an operational lockout device which is under the control of the dealer or the dealer's agent or employee who directly regulates the sale of items through the machine by triggering the lockout device to allow the dispensing of one tobacco product. The lockout device must include a mechanism to prevent the machine from functioning if the power source for the lockout device fails or if the lockout device is disabled, and a mechanism to ensure that only one tobacco product is dispensed at a time.

(2) The provisions of subsection (1) shall not apply to an establishment that prohibits persons under 21 ~~18~~ years of age on the licensed premises.

(4) A dealer or a dealer's agent or employee *must* ~~may~~ require proof of age of a purchaser of a tobacco product before selling the product to that person, *unless the purchaser appears to be 30 years of age or older.*

Section 12. Section 569.0075, Florida Statutes, is amended to read:

569.0075 Gift of sample tobacco products prohibited.—The gift of sample tobacco products to any person under the age of 21 ~~18~~ by an entity licensed or permitted under the provisions of chapter 210 or this ~~part~~ ~~chapter~~, or by an employee of such entity, is prohibited and is punishable as provided in s. 569.101.

Section 13. Subsection (1), paragraphs (b) and (c) of subsection (2), and subsection (3) of section 569.008, Florida Statutes, are amended to read:

569.008 Responsible retail tobacco products dealers; qualifications; mitigation of disciplinary penalties; diligent management and supervision; presumption.—

(1) The Legislature intends to prevent the sale of tobacco products to persons under 21 ~~18~~ years of age and to encourage retail tobacco products dealers to comply with responsible practices in accordance with this section.

(2) To qualify as a responsible retail tobacco products dealer, the dealer must establish and implement procedures designed to ensure that the dealer's employees comply with the provisions of this ~~part~~ ~~chapter~~. The dealer must provide a training program for the dealer's employees which addresses the use and sale of tobacco products and which includes at least the following topics:

(b) Methods of recognizing and handling customers under 21 ~~18~~ years of age.

(c) Procedures for proper examination of identification cards in order to verify that customers are not under 21 ~~18~~ years of age.

(3) In determining penalties under s. 569.006, the division may mitigate penalties imposed against a dealer because of an employee's illegal sale of a tobacco product to a person under 21 ~~18~~ years of age if the following conditions are met:

(a) The dealer is qualified as a responsible dealer under this section.

(b) The dealer provided the training program required under subsection (2) to that employee before the illegal sale occurred.

(c) The dealer had no knowledge of that employee's violation at the time of the violation and did not direct, approve, or participate in the violation.

(d) If the sale was made through a vending machine, the machine was equipped with an operational lock-out device.

Section 14. Section 569.009, Florida Statutes, is amended to read:

569.009 Rulemaking authority.—The division shall adopt any rules necessary to administer and enforce the provisions of this ~~part~~ **chapter**.

Section 15. Section 569.101, Florida Statutes, is amended to read:

569.101 Selling, delivering, bartering, furnishing, or giving tobacco products to persons under 21 ~~18~~ years of age; criminal penalties; defense.—

(1) It is unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, to any person who is under 21 ~~18~~ years of age, any tobacco product.

(2) Any person who violates subsection (1) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, any person who violates subsection (1) for a second or subsequent time within 1 year of the first violation, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person charged with a violation of subsection (1) has a complete defense if, at the time the tobacco product was sold, delivered, bartered, furnished, or given:

(a) The buyer or recipient falsely evidenced that she or he was 21 ~~18~~ years of age or older;

(b) The appearance of the buyer or recipient was such that a prudent person would believe the buyer or recipient to be 21 ~~18~~ years of age or older; and

(c) Such person carefully checked a driver license or an identification card issued by this state or another state of the United States, a passport, or a United States armed services identification card presented by the buyer or recipient and acted in good faith and in reliance upon the representation and appearance of the buyer or recipient in the belief that the buyer or recipient was 21 ~~18~~ years of age or older.

Section 16. Section 569.11, Florida Statutes, is amended to read:

569.11 Possession, misrepresenting age or military service to purchase, and purchase of tobacco products by persons under 21 ~~18~~ years of age prohibited; penalties; jurisdiction; disposition of fines.—

(1) It is unlawful for any person under 21 ~~18~~ years of age to knowingly possess any tobacco product. Any person under 21 ~~18~~ years of age who violates this subsection commits a noncriminal violation as provided in s. 775.08(3), punishable by:

(a) For a first violation, 16 hours of community service or, instead of community service, a \$25 fine. In addition, the person must attend a school-approved anti-tobacco program, if locally available; or

(b) For a second or subsequent violation within 12 weeks after the first violation, a \$25 fine.

Any second or subsequent violation not within the 12-week period after the first violation is punishable as provided for a first violation.

(2) It is unlawful for any person under 21 ~~18~~ years of age to misrepresent his or her age or military service for the purpose of inducing a dealer or an agent or employee of the dealer to sell, give, barter, furnish, or deliver any tobacco product, or to purchase, or attempt to purchase, any tobacco product from a person or a vending machine. Any person under 21 ~~18~~ years of age who violates this subsection commits a noncriminal violation as provided in s. 775.08(3), punishable by:

(a) For a first violation, 16 hours of community service or, instead of community service, a \$25 fine and, in addition, the person must attend a school-approved anti-tobacco program, if available; or

(b) For a second or subsequent violation within 12 weeks after the first violation, a \$25 fine.

Any second or subsequent violation not within the 12-week period after the first violation is punishable as provided for a first violation.

(3) Any person under 21 ~~18~~ years of age cited for committing a noncriminal violation under this section must sign and accept a civil citation indicating a promise to appear before the county court or comply with the requirement for paying the fine and must attend a school-approved anti-tobacco program, if locally available. If a fine is assessed for a violation of this section, the fine must be paid within 30 days after the date of the citation or, if a court appearance is mandatory, within 30 days after the date of the hearing.

(4) A person charged with a noncriminal violation under this section must appear before the county court or comply with the requirement for paying the fine. The court, after a hearing, shall make a determination as to whether the noncriminal violation was committed. If the court finds the violation was committed, it shall impose an appropriate penalty as specified in subsection (1) or subsection (2). A person who participates in community service shall be considered an employee of the state for the purpose of chapter 440, for the duration of such service.

(5)(a) If a person under 21 ~~18~~ years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to complete community service, pay the fine as required by paragraph (1)(a) or paragraph (2)(a), or attend a school-approved anti-tobacco program, if locally available, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for a period of 30 consecutive days.

(b) If a person under 21 ~~18~~ years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to pay the applicable fine as required by paragraph (1)(b) or paragraph (2)(b), the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for a period of 45 consecutive days.

(6) Eighty percent of all civil penalties received by a county court pursuant to this section shall be remitted by the clerk of the court to the Department of Revenue for transfer to the Department of Education to provide for teacher training and for research and evaluation to reduce and prevent the use of tobacco products by children. The remaining 20 percent of civil penalties received by a county court pursuant to this section shall remain with the clerk of the county court to cover administrative costs.

Section 17. Section 569.12, Florida Statutes, is amended to read:

569.12 Jurisdiction; tobacco product *and nicotine product* enforcement officers or agents; enforcement.—

(1) In addition to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, any law enforcement officer certified under s. 943.10(1), (6), or (8) shall enforce the provisions of this chapter.

(2)(a) A county or municipality may designate certain of its employees or agents as tobacco product *and nicotine product* enforcement officers. The training and qualifications of the employees or agents for such designation shall be determined by the county or the municipality. Nothing in this section shall be construed to permit the carrying of firearms or other weapons by a tobacco product *and nicotine product* enforcement agent, nor does designation as a tobacco product *and nicotine product* enforcement officer provide the employee or agent with the power of arrest or subject the employee or agent to the provisions of ss. 943.085-943.255. Nothing in this section amends, alters, or contravenes the provisions of any state-administered retirement system or any state-supported retirement system established by general law.

(b) A tobacco product *and nicotine product* enforcement officer is authorized to issue a citation to a person under the age of 21 ~~18~~ when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of s. 386.212, ~~or~~ s. 569.11, or s. 569.42.

(3) A correctional probation officer as defined in s. 943.10(3) is authorized to issue a citation to a person under the age of 21 ~~18~~ when, based upon personal investigation, the officer has reasonable cause to believe that the person has committed a civil infraction in violation of s. 569.11 or s. 569.42.

(4) A citation issued to any person violating the provisions of s. 569.11 or s. 569.42 shall be in a form prescribed by the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation and shall contain:

- (a) The date and time of issuance.
- (b) The name and address of the person to whom the citation is issued.
- (c) The date and time the civil infraction was committed.
- (d) The facts constituting reasonable cause.
- (e) The number of the Florida statute violated.
- (f) The name and authority of the citing officer.
- (g) The procedure for the person to follow in order to contest the citation, perform the required community service, attend the required anti-tobacco or anti-tobacco and anti-nicotine program, or to pay the civil penalty.

Section 18. Section 569.14, Florida Statutes, is amended to read:

569.14 Posting of a sign stating that the sale of tobacco products or nicotine products to persons under 21 ~~18~~ years of age is unlawful; enforcement; penalty.—

(1) A dealer that sells tobacco products shall post a clear and conspicuous sign in each place of business where such products are sold which substantially states the following:

THE SALE OF TOBACCO PRODUCTS TO PERSONS UNDER THE AGE OF 21 ~~18~~ IS AGAINST FLORIDA LAW. PROOF OF AGE IS REQUIRED FOR PURCHASE.

(2) A dealer that sells tobacco products and nicotine products or nicotine dispensing devices, as defined in s. ~~877.112~~, may use a sign that substantially states the following:

THE SALE OF TOBACCO PRODUCTS, NICOTINE PRODUCTS, OR NICOTINE DISPENSING DEVICES TO PERSONS UNDER THE AGE OF 21 ~~18~~ IS AGAINST FLORIDA LAW. PROOF OF AGE IS REQUIRED FOR PURCHASE.

A dealer that uses a sign as described in this subsection meets the signage requirements of subsection (1) and s. ~~569.43(1) s. 877.112~~.

(3) The division shall make available to dealers of tobacco products signs that meet the requirements of subsection (1) or subsection (2).

(4) Any dealer that sells tobacco products shall provide at the checkout counter in a location clearly visible to the dealer or the dealer's agent or employee instructional material in a calendar format or similar format to assist in determining whether a person is of legal age to purchase tobacco products. This point of sale material must contain substantially the following language:

IF YOU WERE NOT BORN BEFORE THIS DATE  
(insert date and applicable year)  
YOU CANNOT BUY TOBACCO PRODUCTS, NICOTINE  
PRODUCTS, OR NICOTINE DISPENSING DEVICES.

Upon approval by the division, in lieu of a calendar a dealer may use card readers, scanners, or other electronic or automated systems that can verify whether a person is of legal age to purchase tobacco products. Failure to comply with the provisions contained in this subsection shall result in imposition of administrative penalties as provided in s. 569.006.

(5) The division, through its agents and inspectors, shall enforce this section.

(6) Any person who fails to comply with subsection (1) is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 19. Section 569.19, Florida Statutes, is amended to read:

569.19 Annual report.—The division shall report annually with written findings to the Legislature and the Governor by December 31, on the progress of implementing the enforcement provisions of this ~~part~~ ~~chapter~~. This must include, but is not limited to:

- (1) The number and results of compliance visits.
- (2) The number of violations for failure of a retailer to hold a valid license.
- (3) The number of violations for selling tobacco products to persons under age 21 ~~18~~, and the results of administrative hearings on the above and related issues.
- (4) The number of persons under age 21 ~~18~~ cited for violations of s. 569.11 and sanctions imposed as a result of citation.

Section 20. Section 569.31, Florida Statutes, is created to read:

569.31 Definitions.—As used in this part, the term:

(1) “Dealer” is synonymous with the term “retail nicotine products dealer.”

(2) “Division” means the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation.

(3) “Nicotine dispensing device” means any product that employs an electronic, chemical, or mechanical means to produce vapor or aerosol from a nicotine product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of nicotine in a solution or other form intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product.

(4) “Nicotine product” means any product that contains nicotine, including liquid nicotine, which is intended for human consumption, whether inhaled, chewed, absorbed, dissolved, or ingested by any means. The term also includes any nicotine dispensing device. The term does not include a:

(a) Tobacco product, as defined in s. 569.002;

(b) Product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act; or

(c) Product that contains incidental nicotine.

(5) “Permit” is synonymous with the term “retail nicotine products dealer permit.”

(6) “Retail nicotine products dealer” means the holder of a retail nicotine products dealer permit.

(7) “Retail nicotine products dealer permit” means a permit issued by the division under s. 569.32.

(8) “Self-service merchandising” means the open display of nicotine products, whether packaged or otherwise, for direct retail customer access and handling before purchase without the intervention or assistance of the dealer or the dealer's owner, employee, or agent. An open display of such products and devices includes the use of an open display unit.

(9) “Any person under the age of 21” does not include any person under the age of 21 who:

(a) Is in the military reserve or on active duty in the Armed Forces of the United States; or

(b) Is acting in his or her scope of lawful employment.

Section 21. Section 569.315, Florida Statutes, is created to read:

569.315 Preemption.—The establishment of the minimum age for purchasing or possessing, and the regulation for the marketing, sale, or delivery of, nicotine products is preempted to the state.

Section 22. Section 569.32, Florida Statutes, is created to read:

569.32 Retail nicotine products dealer permits; application; qualifications; renewal; duplicates.—

(1)(a) Each person, firm, association, or corporation that seeks to deal, at retail, in nicotine products within the state, or to allow a nicotine products vending machine to be located on its premises in the state, must obtain a retail nicotine products dealer permit for each place of business or premises at which nicotine products are sold. Each dealer owning, leasing, furnishing, or operating vending machines through which nicotine products are sold must obtain a permit for each machine and shall post the permit in a conspicuous place on or near the machine; however, if the dealer has more than one vending machine at a single location or if nicotine products are sold both over the counter and through a vending machine at a single location, the dealer need obtain only one permit for that location.

(b) Application for a permit must be made on a form furnished by the division and must set forth the name under which the applicant transacts or intends to transact business, the address of the location of the applicant's place of business within the state, and any other information the division requires. If the applicant has or intends to have more than one place of business dealing in nicotine products within the state, a separate application must be made for each place of business. If the applicant is a firm or an association, the application must set forth the names and addresses of the persons constituting the firm or association; if the applicant is a corporation, the application must set forth the names and addresses of the principal officers of the corporation. The application must also set forth any other information prescribed by the division for the purpose of identifying the applicant firm, association, or corporation. The application must be signed and verified by oath or affirmation by the owner, if a sole proprietor, or, if the owner is a firm, association, or partnership, by the members or partners thereof, or, if the owner is a corporation, by an executive officer of the corporation or by a person authorized by the corporation to sign the application, together with the written evidence of this authority.

(2)(a) Permits may be issued only to persons who are 21 years of age or older or to corporations the officers of which are 21 years of age or older.

(b) The division may refuse to issue a permit to any person, firm, association, or corporation the permit of which has been revoked, to any corporation an officer of which has had his or her permit revoked, or to any person who is or has been an officer of a corporation the permit of which has been revoked. Any permit issued to a firm, association, or corporation prohibited from obtaining a permit under this chapter shall be revoked by the division.

(3) Upon approval of an application for a permit, the division shall issue to the applicant a permit for the place of business or premises specified in the application. A permit is not assignable and is valid only for the person in whose name the permit is issued and for the place designated in the permit. The permit shall be conspicuously displayed at all times at the place for which issued.

Section 23. Section 569.33 Florida Statutes, is created to read:

569.33 Consent to inspection and search without warrant.—An applicant for a retail nicotine products dealer permit, by accepting the permit when issued, agrees that the place or premises covered by the permit is subject to inspection and search without a search warrant by the division or its authorized assistants, and by sheriffs, deputy sheriffs, or police officers, to determine compliance with this part.

Section 24. Section 569.34, Florida Statutes, is created to read:

569.34 Operating without a retail nicotine products dealer permit; penalty.—

(1) It is unlawful for a person, firm, association, or corporation to deal, at retail, in nicotine products, in any manner, or to allow a nicotine products vending machine to be located on its premises, without having a retail nicotine product dealer permit as required by s. 569.32. A person who violates this section commits a noncriminal violation, punishable by a fine of not more than \$500.

(2) A retail tobacco products dealer, as defined in s. 569.002(4), is not required to have a separate or additional retail nicotine products dealer

permit to deal, at retail, in nicotine products within the state, or allow a nicotine products vending machine to be located on its premises in the state. Any retail tobacco products dealer that deals, at retail, in nicotine products or allows a nicotine products vending machine to be located on its premises in the state, is subject to, and must be in compliance with, this part.

(3) Any person who violates this section shall be cited for such infraction and shall be cited to appear before the county court. The citation may indicate the time, date, and location of the scheduled hearing and must indicate that the penalty for a noncriminal violation is a fine of not more than \$500.

(a) A person cited for an infraction under this section may:

1. Post a \$500 bond; or
2. Sign and accept the citation indicating a promise to appear.

(b) A person cited for violating this section may:

1. Pay the fine, either by mail or in person, within 10 days after receiving the citation; or
2. If the person has posted bond, forfeit the bond by not appearing at the scheduled hearing.

(c) If the person pays the fine or forfeits bond, the person is deemed to have admitted violating this section and to have waived the right to a hearing on the issue of commission of the violation. Such admission may not be used as evidence in any other proceeding.

(d) The court, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven beyond a reasonable doubt, the court may impose a civil penalty in an amount that may not exceed \$500.

(e) If a person is found by the court to have committed the infraction, that person may appeal that finding to the circuit court.

Section 25. Section 569.35, Florida Statutes, is created to read:

569.35 Retail nicotine product dealers; administrative penalties.—The division may suspend or revoke the permit of a dealer, including the retail tobacco products dealer permit of a retail tobacco products dealer as defined in s. 569.002(4), upon sufficient cause appearing of the violation of any of the provisions of this part, by a dealer, or by a dealer's agent or employee. The division may also assess and accept an administrative fine of up to \$1,000 against a dealer for each violation. The division shall deposit all fines collected into the General Revenue Fund as collected. An order imposing an administrative fine becomes effective 15 days after the date of the order. The division may suspend the imposition of a penalty against a dealer, conditioned upon the dealer's compliance with terms the division considers appropriate.

Section 26. Section 569.37, Florida Statutes, is created to read:

569.37 Sale or delivery of nicotine products; restrictions.—

(1) In order to prevent persons under 21 years of age from purchasing or receiving nicotine products, the sale or delivery of nicotine products is prohibited, except:

(a) When under the direct control or line of sight of the dealer or the dealer's agent or employee; or

(b) Sales from a vending machine are prohibited under paragraph (a) and are only permissible from a machine that is equipped with an operational lockout device that is under the control of the dealer or the dealer's agent or employee who directly regulates the sale of items through the machine by triggering the lockout device to allow the dispensing of one nicotine product. The lockout device must include a mechanism to prevent the machine from functioning if the power source for the lockout device fails or if the lockout device is disabled, and a mechanism to ensure that only one nicotine product is dispensed at a time.

(2)(a) A dealer that sells nicotine products may not sell, permit to be sold, offer for sale, or display for sale such products or devices by means of self-service merchandising.

(b) A dealer that sells nicotine products may not place such products or devices in an open display unit unless the unit is located in an area that is inaccessible to customers.

(3) The provisions of subsections (1) and (2) shall not apply to an establishment that prohibits persons under 21 years of age on the licensed premises.

(4) A dealer or a dealer's agent or employee must require proof of age of a purchaser of a nicotine product before selling the product to that person, unless the purchaser appears to be 30 years of age or older.

Section 27. Section 569.38, Florida Statutes, is created to read:

**569.38 Gift of sample nicotine products and nicotine dispensing devices.**—The gift of sample nicotine products to any person under the age of 21 by an entity permitted under this part, or by an employee of such entity, is prohibited and is punishable as provided in s. 569.41.

Section 28. Section 569.381, Florida Statutes, is created to read:

**569.381 Responsible retail nicotine products dealers; qualifications; mitigation of disciplinary penalties; diligent management and supervision; presumption.**—

(1) It is the intent of the Legislature to prevent the sale of nicotine products to persons under 21 years of age and to encourage retail nicotine products dealers to comply with responsible practices in accordance with this section.

(2) To qualify as a responsible retail nicotine products dealer, the dealer must establish and implement procedures designed to ensure that the dealer's employees comply with this part. The dealer must provide a training program for the dealer's employees which addresses the use and sale of nicotine products and which includes at least the following topics:

- (a) Laws covering the sale of nicotine products.
- (b) Methods of recognizing and handling customers under 21 years of age.
- (c) Procedures for proper examination of identification cards in order to verify that customers are not under 21 years of age.
- (d) The use of the age audit identification function on electronic point-of-sale equipment, where available.

(3) In determining penalties under s. 569.35, the division may mitigate penalties imposed against a dealer because of an employee's illegal sale of a nicotine product to a person under 21 years of age if the following conditions are met:

- (a) The dealer is qualified as a responsible dealer under this section.
- (b) The dealer provided the training program required under subsection (2) to that employee before the illegal sale occurred.
- (c) The dealer had no knowledge of that employee's violation at the time of the violation and did not direct, approve, or participate in the violation.
- (d) If the sale was made through a vending machine, the machine was equipped with an operational lock-out device.
- (4) The division shall develop and make available a model nicotine products training program designed to ensure adherence to this part by dealers and their employees which, if followed, will qualify dealers as responsible dealers.

(5) Dealers shall exercise diligence in the management and supervision of their premises and in the supervision and training of their employees, agents, or servants. In proceedings to impose penalties under s. 569.35, proof that employees, agents, or servants of the dealer, while in the scope of their employment, committed at least three violations of s. 569.41 during a 180-day period shall be prima facie evidence of a lack of due diligence by the dealer in the management and supervision of his or her premises and in the supervision and training of employees, agents, officers, or servants.

(6) The division may consider qualification as a responsible retail nicotine products dealer under this section as evidence that the dealer properly exercised the diligence required under this section.

Section 29. Section 569.39, Florida Statutes, is created to read:

**569.39 Rulemaking authority.**—The division shall adopt rules to administer and enforce this part.

Section 30. Section 569.41, Florida Statutes, is created to read:

**569.41 Selling, delivering, bartering, furnishing, or giving nicotine products to persons under 21 years of age; criminal penalties; defense.**—

(1) It is unlawful to sell, deliver, barter, furnish, or give, directly or indirectly, to any person who is under 21 years of age, any nicotine product.

(2) Any person who violates subsection (1) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, any person who violates subsection (1) for a second or subsequent time within 1 year after the first violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person charged with a violation of subsection (1) has a complete defense if, at the time the nicotine product was sold, delivered, bartered, furnished, or given:

- (a) The buyer or recipient falsely evidenced that she or he was 21 years of age or older;
- (b) The appearance of the buyer or recipient was such that a prudent person would believe the buyer or recipient to be 21 years of age or older; and

(c) Such person carefully checked a driver license or an identification card issued by the state or another state of the United States, a passport, or a United States armed services identification card presented by the buyer or recipient and acted in good faith and in reliance upon the representation and appearance of the buyer or recipient in the belief that the buyer or recipient was 21 years of age or older.

Section 31. Section 569.42, Florida Statutes, is created to read:

**569.42 Possession, misrepresenting age or military service to purchase, and purchase of nicotine products by persons under 21 years of age prohibited; penalties; jurisdiction; disposition of fines.**—

(1) It is unlawful for any person under 21 years of age to knowingly possess any nicotine product. Any person under 21 years of age who violates this subsection commits a noncriminal violation as provided in s. 775.08(3), punishable by:

- (a) For a first violation, 16 hours of community service or, instead of community service, a \$25 fine. In addition, the person must attend a school-approved anti-tobacco and anti-nicotine program, if locally available; or
- (b) For a second or subsequent violation within 12 weeks after the first violation, a \$25 fine.

Any second or subsequent violation not within the 12-week period after the first violation is punishable as provided for a first violation.

(2) It is unlawful for any person under 21 years of age to misrepresent his or her age or military service for the purpose of inducing a dealer or an agent or employee of the dealer to sell, give, barter, furnish, or deliver any nicotine product, or to purchase, or attempt to purchase, any nicotine product from a person or a vending machine. Any person under 21 years of age who violates this subsection commits a noncriminal violation as defined in s. 775.08(3), punishable by:

- (a) For a first violation, 16 hours of community service or, instead of community service, a \$25 fine and, in addition, the person must attend a school-approved anti-tobacco and anti-nicotine program, if available; or
- (b) For a second or subsequent violation within 12 weeks after the first violation, a \$25 fine.



Any second or subsequent violation not within the 12-week period after the first violation is punishable as provided for a first violation.

(3) Any person under 21 years of age cited for committing a noncriminal violation under this section must sign and accept a civil citation indicating a promise to appear before the county court or comply with the requirement for paying the fine and must attend a school-approved anti-tobacco and anti-nicotine program, if locally available. If a fine is assessed for a violation of this section, the fine must be paid within 30 days after the date of the citation or, if a court appearance is mandatory, within 30 days after the date of the hearing.

(4) A person charged with a noncriminal violation under this section must appear before the county court or comply with the requirement for paying the fine. The court, after a hearing, shall make a determination as to whether the noncriminal violation was committed. If the court finds the violation was committed, it shall impose an appropriate penalty as specified in subsection (1) or subsection (2). A person who participates in community service shall be considered an employee of the state for the purpose of chapter 440, for the duration of such service.

(5)(a) If a person under 21 years of age is found by the court to have committed a noncriminal violation under this section and the person has failed to complete community service, pay the fine as required by paragraph (1)(a) or paragraph (2)(a), or attend a school-approved anti-tobacco and anti-nicotine program, if locally available, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for a period of 30 consecutive days.

(b) If a person under 21 years of age is found by the court to have committed a noncriminal violation under this section and that person has failed to pay the applicable fine as required by paragraph (1)(b) or paragraph (2)(b), the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of or suspend the driver license or driving privilege of that person for a period of 45 consecutive days.

(6) Eighty percent of all civil penalties received by a county court under this section shall be remitted by the clerk of the court to the Department of Revenue for transfer to the Department of Education to provide for teacher training and for research and evaluation to reduce and prevent the use of nicotine products by children. The remaining 20 percent of civil penalties received by a county court under this section shall remain with the clerk of the county court to cover administrative costs.

Section 32. Section 569.43, Florida Statutes, is created to read:

**569.43 Posting of a sign stating that the sale of nicotine products or nicotine dispensing devices to persons under 21 years of age is unlawful; enforcement; penalty.—**

(1) A dealer that sells nicotine products shall post a clear and conspicuous sign in each place of business at which such products are sold which substantially states the following:

**THE SALE OF NICOTINE PRODUCTS OR NICOTINE DISPENSING DEVICES TO PERSONS UNDER THE AGE OF 21 IS AGAINST FLORIDA LAW. PROOF OF AGE IS REQUIRED FOR PURCHASE.**

(2) The division shall make available to dealers of nicotine products signs that meet the requirements of subsection (1).

(3) Any dealer that sells nicotine products shall provide at the checkout counter in a location clearly visible to the dealer or the dealer's agent or employee instructional material in a calendar format or similar format to assist in determining whether a person is of legal age to purchase nicotine products. This point of sale material must contain substantially the following language:

**IF YOU WERE NOT BORN BEFORE THIS DATE**

(insert date and applicable year)

**YOU CANNOT BUY TOBACCO PRODUCTS, NICOTINE PRODUCTS, OR NICOTINE DISPENSING DEVICES.**

Upon approval by the division, in lieu of a calendar a dealer may use card readers, scanners, or other electronic or automated systems that can

verify whether a person is of legal age to purchase nicotine products. Failure to comply with the provisions contained in this subsection shall result in imposition of administrative penalties as provided in s. 569.35.

(4) The division, through its agents and inspectors, shall enforce this section.

(5) Any person who fails to comply with subsection (1) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 33. Section 569.44, Florida Statutes, is created to read:

**569.44 Annual report.—**The division shall report annually with written findings to the Legislature and the Governor by December 31, on the progress of implementing the enforcement provisions of this part. This must include, but is not limited to:

(1) The number and results of compliance visits.

(2) The number of violations for failure of a retailer to hold a valid permit.

(3) The number of violations for selling nicotine products to persons under age 21, and the results of administrative hearings on the above and related issues.

(4) The number of persons under age 21 cited for violations of s. 569.42 and sanctions imposed as a result of citation.

Section 34. Section 569.45, Florida Statutes, is created to read:

**569.45 Mail order, Internet, and remote sales of nicotine products; age verification.—**

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

(a) “Consumer” means a person in the state who comes into possession of any nicotine product who, at the time of possession, is not intending to sell or distribute the nicotine product, or is not a retailer.

(b) “Delivery sale” means any sale of nicotine products to a consumer in the state for which:

1. The consumer submits the order for the sale by telephonic or other voice transmission, mail, delivery service, or the Internet or other online service; or

2. The nicotine products are delivered by use of mail or a delivery service.

(c) “Delivery service” means any person engaged in the commercial delivery of letters, packages, or other containers.

(d) “Legal minimum purchase age” means the minimum age at which an individual may legally purchase nicotine products in the state.

(e) “Retailer” means any person who is required to obtain a retail nicotine products dealer permit or a retail tobacco products dealer permit, as defined in s. 569.002.

(f) “Shipping container” means a container in which nicotine products are shipped in connection with a delivery sale.

(g) “Shipping document” means a bill of lading, airbill, United States Postal Service form, or any other document used to verify the undertaking by a delivery service to deliver letters, packages, or other containers.

(2)(a) A sale of nicotine products constituting a delivery sale under paragraph (1)(b) is a delivery sale regardless of whether the person accepting the order for the delivery sale is located inside or outside the state.

(b) A retailer must obtain a retail nicotine products dealer permit or a retail tobacco products dealer permit, as defined in s. 569.002, from the division under the requirements of this chapter before accepting an order for a delivery sale.

(c) *A person may not make a delivery sale of nicotine products to any individual who is not 21 years of age or older.*

(d) *Each person accepting an order for a delivery sale must comply with each of the following:*

1. *The age verification requirements set forth in subsection (3).*
2. *The disclosure requirements set forth in subsection (4).*
3. *The shipping requirements set forth in subsection (5).*

(3) *A person may not mail, ship, or otherwise deliver nicotine products in connection with an order for a delivery sale unless, before the first delivery to the consumer, the person accepting the order for the delivery sale:*

(a) *Obtains from the person submitting the order a certification that includes:*

1. *Reliable confirmation that the person is 21 years of age or older; and*
2. *A statement signed by the person in writing and under penalty of perjury which:*

- a. *Certifies the address and date of birth of the person; and*
- b. *Confirms that the person wants to receive delivery sales from a nicotine products company and understands that, under the laws of the state, the following actions are illegal:*

(I) *Signing another person's name to the certification;*

(II) *Selling nicotine products to individuals who are not 21 years of age or older; and*

(III) *Purchasing nicotine products, if the person making the purchase is not 21 years of age or older.*

(b) *Makes a good faith effort to verify the information contained in the certification provided by the individual under paragraph (a) against a commercially available database that may be reasonably relied upon for accurate age information or obtains a photocopy or other image of a valid government-issued identification card stating the date of birth or age of the individual.*

(c) *Provides to the individual, via electronic mail or other means, a notice meeting the requirements of subsection (4).*

(d) *If an order for nicotine products is made pursuant to an advertisement on the Internet, receives payment for the delivery sale from the consumer by a credit or debit card issued in the name of the consumer, or by personal or company check of the consumer.*

(e) *Submits, to each credit card acquiring company with which the*

And the directory clause is amended as follows:

Delete line 278 and insert:

Section 8. Paragraph (c) of subsection (1) and paragraph (a) of subsection (2) of section

And the title is amended as follows:

Between lines 25 and 26 insert: requiring proof of age for certain purchases of tobacco products;

Pursuant to Rule 4.19, **CS for CS for SB 1080**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 900** was deferred.

**SB 918**—A bill to be entitled An act relating to education; amending s. 1011.62, F.S.; requiring school districts to allocate a certain amount of specified funds to certain programs that prepare prospective students to

enroll in Advanced International Certificate of Education courses; requiring such funds to be spent on specified costs; requiring school districts to distribute specified bonuses to certain classroom teachers providing International General Certificate of Secondary Education instruction; requiring bonuses based on a student's specified score on the Advanced International Certificate of Education examination to be paid to all Advanced International Certificate of Education teachers instead of only full-credit Advanced International Certificate of Education teachers; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 918**, pursuant to Rule 3.11(3), there being no objection, **HB 827** was withdrawn from the Committee on Appropriations.

On motion by Senator Bradley—

**HB 827**—A bill to be entitled An act relating to school district funding; amending s. 1011.62, F.S.; requiring school districts to allocate a certain amount of specified funds to certain programs that prepare prospective students to enroll in Advanced International Certificate of Education courses; requiring such funds to be spent on specified costs; requiring school districts to distribute specified bonuses to certain classroom teachers providing International General Certificate of Secondary Education instruction; requiring bonuses based on a student's specified score on the Advanced International Certificate of Education examination to be paid to all Advanced International Certificate of Education teachers instead of only full-credit Advanced International Certificate of Education teachers; providing an effective date.

—a companion measure, was substituted for **SB 918** and read the second time by title.

On motion by Senator Bradley, by two-thirds vote, **HB 827** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

Albritton	Diaz	Pizzo
Ausley	Farmer	Polsky
Baxley	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
Cruz	Perry	

Nays—None

Vote after roll call:

Yea—Bean

On motion by Senator Baxley—

**CS for CS for CS for SB 90**—A bill to be entitled An act relating to election administration; amending s. 97.052, F.S.; revising requirements for the uniform statewide voter registration application; amending s. 97.0525, F.S.; authorizing an applicant to submit an online voter registration application using the last four digits of the applicant's social security number; prescribing procedures for applicants who submit an application using the last four digits of their social security numbers; specifying additional requirements for comprehensive risk assessments of the online voter registration system; amending s. 97.053, F.S.; revising requirements governing the acceptance of voter registration applications; amending s. 97.057, F.S.; requiring the Department of Highway Safety and Motor Vehicles to assist the Department of State in identifying certain residence address changes; requiring the Department of State to report such changes to supervisors of

elections; amending s. 97.0575, F.S.; revising requirements for third-party voter registration organizations; providing applicability; revising circumstances under which a third-party voter registration organization is subject to fines for violations regarding the delivery of voter registration applications; revising requirements for Division of Elections rules governing third-party voter registration organizations; amending s. 97.0585, F.S.; deleting an exemption from public records requirements for information related to a voter registration applicant's or voter's prior felony conviction and his or her restoration of voting rights to conform to changes made by the act; amending s. 97.1031, F.S.; revising requirements for notifying the supervisor of address changes; modifying procedures for submitting changes of name or party affiliation to conform to changes made by the act; amending s. 98.0981, F.S.; providing that certain ballot types or precinct subtotals may not be reported in precinct-level election results; requiring supervisors to post live turnout data for election day voting and vote-by-mail ballot statistics on their websites; requiring supervisors to transmit live turnout data to the Division of Elections; directing the division to create and maintain a statewide voter turnout dashboard on its website using such data; amending s. 99.021, F.S.; requiring a person seeking to qualify for office as a candidate with no party affiliation to subscribe to an oath or affirmation that he or she is registered without party affiliation and has not been a registered member of a political party for a specified timeframe; amending ss. 99.061 and 99.063, F.S.; conforming provisions to changes made by the act; amending s. 101.043, F.S.; deleting a provision that prohibits the use of an address appearing on identification presented by an elector at the polls as a basis to confirm an elector's legal residence; deleting a provision that prohibits a clerk or an inspector from asking an elector to provide additional identification information under specified circumstances; creating s. 101.046, F.S.; prescribing procedures and limitations governing signature verification; defining the term "wet signature"; amending s. 101.051, F.S.; prohibiting certain solicitation of voters at drop box locations; increasing the no-solicitation zone surrounding a drop box location or the entrance of a polling place or an early voting site wherein certain activities are prohibited; amending s. 101.545, F.S.; requiring ballots, forms, and election materials to be retained for a specified minimum timeframe following an election; amending s. 101.5605, F.S.; revising the timeframe within which the department must approve or disapprove a voting system submitted for certification; amending s. 101.5614, F.S.; revising requirements for making true duplicate copies of vote-by-mail ballots under certain circumstances; requiring that an observer of the duplication of ballots be provided certain allowances; requiring the canvassing board to take certain action in response to an objection to a ballot duplicate; amending s. 101.591, F.S.; revising the timeframe and requirements for the voting systems audit report submitted to the department; amending s. 101.595, F.S.; requiring a specified report regarding overvotes and undervotes to be submitted with the voting systems audit report; revising the date by which the department must submit the report to the Governor and Legislature; amending s. 101.62, F.S.; limiting the duration of requests for vote-by-mail ballots to all elections through the end of the calendar year of the next regularly scheduled general election; specifying applicability; requiring certain vote-by-mail ballot requests to include additional identifying information regarding the requesting elector; requiring supervisors of elections to record whether a voter's certificate on a vote-by-mail ballot has a mismatched signature; revising the definition of the term "immediate family" to conform to changes made by the act; prohibiting counties, municipalities, and state agencies from sending vote-by-mail ballots to voters absent a request; providing exceptions; amending s. 101.64, F.S.; prohibiting the display of an absent elector's party affiliation or other partisan information on the outside of vote-by-mail ballots and return and secrecy envelopes; amending s. 101.68, F.S.; specifying that the supervisor may not use any knowledge of a voter's party affiliation during the signature comparison process; authorizing the canvassing of vote-by-mail ballots upon the completion of the public preelection testing of automatic tabulating equipment; amending s. 101.69, F.S.; revising requirements governing the placement and supervision of secure drop boxes for the return of vote-by-mail ballots; requiring the supervisor to designate drop box locations in advance of an election; prohibiting changes in drop box locations for an election after their initial designation; specifying requirements regarding the retrieval of vote-by-mail ballots returned in a drop box; providing that the supervisor is subject to a civil penalty for certain violations regarding drop boxes; amending s. 102.031, F.S.; prohibiting certain solicitation activities within a specified area surrounding a drop box; revising the definition of "solicit" and "solicitation" to include the giving, or attempting to give,

any item to a voter by certain persons; providing for construction; restricting certain persons from prohibiting the solicitation of voters by a candidate or a candidate's designee outside of the no-solicitation zone; amending s. 102.141, F.S.; requiring the names of canvassing board members be published on the supervisor's website before the tabulation of any vote-by-mail ballots in an election; authorizing each political party and candidate to have one watcher at canvassing board meetings within a distance that allows him or her to directly observe proceedings; requiring additional information be included in public notices of canvassing board meetings; amending s. 104.0616, F.S.; revising the definition of "immediate family"; prohibiting any person from distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing more than two vote-by-mail ballots of other electors per election, not including immediate family members; providing exceptions; providing a penalty; providing effective dates.

—was read the second time by title.

Senator Jones moved the following amendment which failed:

**Amendment 1 (832704) (with title amendment)**—Between lines 451 and 452 insert:

Section 6. Section 97.0583, Florida Statutes, is amended to read:

97.0583 Voter registration at *secondary schools* and qualifying educational institutions.—

(1) *Secondary schools are encouraged to provide opportunities for preregistration for students 16 years of age and older to help ensure greater participation in the electoral process once students are eligible to vote upon reaching 18 years of age.*

(2) Each qualifying educational institution shall provide each student enrolled in that institution the opportunity to register to vote or to update a voter registration record on each campus at least once a year. Qualifying educational institutions are also encouraged to provide voter registration services at other times and places, such as upon application for financial aid, during admissions, at registration, upon issuance of student identifications, and at new-student orientation.

And the title is amended as follows:

Delete line 27 and insert: voter registration organizations; amending s. 97.0583, F.S.; encouraging secondary schools to provide opportunities for preregistration for certain students; amending s. 97.0585,

Senator Brandes moved the following amendments which failed:

**Amendment 2 (869250) (with title amendment)**—Delete lines 254-349 and insert:

(c)1. *If the applicant has submitted the last four digits of his or her social security number, the online voter registration system must verify the last four digits of the social security number in accordance with s. 97.053(6). The applicant must also provide an electronic image of his or her signature. The department shall adopt rules to authorize a secure method for an applicant to upload or otherwise provide a high-quality electronic image of his or her signature through the online voter registration system.*

2. *If the last four digits of the applicant's social security number are verified pursuant to s. 97.053(6), the online voter registration system shall transmit, using the statewide voter registration system maintained pursuant to s. 98.035, the applicant's registration application, along with the electronic image of the applicant's signature provided pursuant to subparagraph 1., to the supervisor of elections. The electronic image of the applicant's signature satisfies the signature requirement of s. 97.052(2)(q).*

(d) *If the applicant's name and date of birth cannot be verified by the records of the Department of Highway Safety and Motor Vehicles, or if the last four digits of the applicant's social security number cannot be verified, the applicant indicated that he or she has not been issued a Florida driver license or Florida identification card, the online voter registration system shall populate the applicant's information into a printable voter registration application pursuant to s. 97.052(2) and direct the applicant to print, sign, and date the application and deliver the application to the supervisor of elections for disposition pursuant to s. 97.073.*

Section 3. Paragraph (a) of subsection (5) and subsection (6) of section 97.053, Florida Statutes, are amended to read:

97.053 Acceptance of voter registration applications.—

(5)(a) A voter registration application is complete if it contains the following information necessary to establish the applicant's eligibility pursuant to s. 97.041, including:

1. The applicant's name.
2. The applicant's address of legal residence, including a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier, if appropriate. Failure to include a distinguishing apartment, suite, lot, room, or dormitory room or other identifier on a voter registration application does not impact a voter's eligibility to register to vote or cast a ballot, and such an omission may not serve as the basis for a challenge to a voter's eligibility or reason to not count a ballot.
3. The applicant's date of birth.
4. A mark in the checkbox affirming that the applicant is a citizen of the United States.
- 5.a. The applicant's current and valid Florida driver license number or the identification number from a Florida identification card issued under s. 322.051, or

b. If the applicant has not been issued a current and valid Florida driver license or a Florida identification card, the last four digits of the applicant's social security number.

In case an applicant has not been issued a current and valid Florida driver license, Florida identification card, or social security number, the applicant shall affirm this fact in the manner prescribed in the uniform statewide voter registration application.

6. A mark in the ~~applicable~~ checkbox affirming that the applicant has not been convicted of a felony or that, if convicted, ~~has had his or her civil rights restored through executive clemency, or~~ has had his or her voting rights restored pursuant to s. 4, Art. VI of the State Constitution.

7. A mark in the checkbox affirming that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8. The original signature or a digital signature transmitted by the Department of Highway Safety and Motor Vehicles of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

(6) A voter registration application, *including an application with a change in name, address, or party affiliation*, may be accepted as valid only after the department has verified the authenticity or nonexistence of the driver license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant. If a completed voter registration application has been received by the book-closing deadline but the driver license number, the Florida identification card number, or the last four digits of the social security number provided by the applicant cannot be verified, the applicant shall be notified that the number cannot be verified and that the applicant must provide evidence to the supervisor sufficient to verify the authenticity of the applicant's driver license number, Florida identification card number, or last four digits of the social security number. If the applicant provides the necessary evidence, the supervisor shall place the applicant's name on the registration rolls as an active voter. If the applicant has not provided the necessary evidence or the number has not otherwise been verified prior to the applicant presenting himself or herself to vote, the applicant shall be provided a provisional ballot. The provisional ballot shall be counted only if the number is verified by the end of the canvassing period or if the applicant presents evidence to the supervisor of elections sufficient to verify the authenticity of the applicant's driver license number, Florida identification card number, or

last four digits of the social security number no later than 5 p.m. of the second day following the election.

Section 4. Effective July 1, 2022, paragraph (a) of subsection (5) of section 97.053, Florida Statutes, as amended by section 3 of this act, is amended to read:

97.053 Acceptance of voter registration applications.—

(5)(a) A voter registration application is complete if it contains the following information necessary to establish the applicant's eligibility pursuant to s. 97.041, including:

1. The applicant's name.
2. The applicant's address of legal residence, including a distinguishing apartment, suite, lot, room, or dormitory room number or other identifier, if appropriate. Failure to include a distinguishing apartment, suite, lot, room, or dormitory room or other identifier on a voter registration application does not impact a voter's eligibility to register to vote or cast a ballot, and such an omission may not serve as the basis for a challenge to a voter's eligibility or reason to not count a ballot.
3. The applicant's date of birth.
4. A mark in the checkbox affirming that the applicant is a citizen of the United States.
- 5.a. The applicant's current and valid Florida driver license number or the identification number from a Florida identification card issued under s. 322.051, or

b. If the applicant has not been issued a current and valid Florida driver license or a Florida identification card, the last four digits of the applicant's social security number.

In case an applicant has not been issued a current and valid Florida driver license, Florida identification card, or social security number, the applicant shall affirm this fact in the manner prescribed in the uniform statewide voter registration application.

6. A mark in the checkbox affirming that the applicant has not been convicted of a felony or that, if convicted, has had his or her voting rights restored.

7. A mark in the checkbox affirming that the applicant has not been adjudicated mentally incapacitated with respect to voting or that, if so adjudicated, has had his or her right to vote restored.

8. The original signature, *an electronic image of a signature transmitted pursuant to s. 97.0525(4)(c)*, or a digital signature transmitted by the Department of Highway Safety and Motor Vehicles of the applicant swearing or affirming under the penalty for false swearing pursuant to s. 104.011 that the information contained in the registration application is true and subscribing to the oath required by s. 3, Art. VI of the State Constitution and s. 97.051.

And the title is amended as follows:

Delete line 12 and insert: registration system; requiring certain applicants to provide an electronic image of their signature; requiring the Department of State to adopt certain rules governing electronic images of applicants' signatures; amending s. 97.053, F.S.;

**Amendment 3 (218458) (with title amendment)**—Delete lines 350-360 and insert:

Section 4. Effective July 1, 2022, present subsections (4) through (12) of section 97.057, Florida Statutes, are redesignated as subsections (5) through (13), respectively, a new subsection (4) and subsection (14) are added to that section, and subsections (1) and (2) of that section are amended, to read:

97.057 Voter registration by the Department of Highway Safety and Motor Vehicles.—

(1) The Department of Highway Safety and Motor Vehicles shall provide the opportunity to register to vote ~~or to update a voter registration record~~ to each individual *who is not registered to vote in this state* who comes to an office of that department to:

- (a) Apply for or renew a driver license;
  - (b) Apply for or renew an identification card pursuant to chapter 322; or
  - (c) Change an address on an existing driver license or identification card.
- (2) The Department of Highway Safety and Motor Vehicles shall:

(a) Notify each individual *subject to subsection (1)*, orally or in writing, that:

1. Information gathered for the completion of a driver license or identification card application, renewal, or change of address can be automatically transferred to a voter registration application;

2. If additional information and a signature are provided, the voter registration application will be completed and sent to the proper election authority;

3. ~~Information provided can also be used to update a voter registration record;~~

4. All declinations will remain confidential and may be used only for voter registration purposes; and

4.5. The particular driver license office in which the person applies to register to vote ~~or updates a voter registration record~~ will remain confidential and may be used only for voter registration purposes.

(b) Require a driver license examiner to inquire orally or, if the applicant is hearing impaired, inquire in writing whether the applicant wishes to register to vote ~~or update a voter registration record~~ during the completion of a driver license or identification card application, renewal, or change of address.

1. If the applicant chooses to register to vote ~~or to update a voter registration record~~:

a. All applicable information received by the Department of Highway Safety and Motor Vehicles in the course of filling out the forms necessary under subsection (1) must be transferred to a voter registration application.

b. The additional necessary information must be obtained by the driver license examiner and must not duplicate any information already obtained while completing the forms required under subsection (1).

c. A voter registration application with all of the applicant's voter registration information required to establish the applicant's eligibility pursuant to s. 97.041 must be presented to the applicant to review and verify the voter registration information received and provide an electronic signature affirming the accuracy of the information provided.

2. If the applicant declines to register to vote, ~~update the applicant's voter registration record, or change the applicant's address~~ by either orally declining or by failing to sign the voter registration application, the Department of Highway Safety and Motor Vehicles must note such declination on its records and shall forward the declination to the statewide voter registration system.

(4) *If a registered or preregistered voter submits a change of address to the Department of Highway Safety and Motor Vehicles, or supplies an address of legal residence as part of a driver license or identification card application or renewal which differs from the address in the person's voter registration record, the Department of Highway Safety and Motor Vehicles must electronically transmit within 24 hours after receipt the information necessary to update the person's voter registration record to the statewide voter registration system. The person's voter registration shall be updated in accordance with s. 98.065(4)(a).*

(14) *The Department of Highway Safety and Motor Vehicles and the Department of State shall prescribe a method by which a driver license office, upon obtaining a person's full name, date of birth, driver license or state identification number, address of legal residence, and mailing address if different from the address of legal residence, may immediately use the information in the statewide voter registration system to determine whether the person is registered or preregistered to vote in this state and, if so, whether the person is registered or preregistered at the address of legal residence the person provided to the Department of Highway Safety and Motor Vehicles.*

Section 5. Effective July 1, 2022, paragraph (b) of subsection (4) of section 98.045, Florida Statutes, is amended to read:

98.045 Administration of voter registration.—

(4) STATEWIDE ELECTRONIC DATABASE OF VALID RESIDENTIAL STREET ADDRESSES.—

(b) The department shall make the statewide database of valid street addresses available to the Department of Highway Safety and Motor Vehicles as provided in s. 97.057(11) ~~or 97.057(10)~~. The Department of Highway Safety and Motor Vehicles shall use the database for purposes of validating the legal residential addresses provided in voter registration applications received by the Department of Highway Safety and Motor Vehicles.

And the title is amended as follows:

Delete lines 15-19 and insert: F.S.; revising procedures governing voter registration by the Department of Highway Safety and Motor Vehicles; modifying procedures for updates to voter registration records; providing for the electronic transmittal of change of address information in accordance with specified requirements; requiring the Department of Highway Safety and Motor Vehicles and the Department of State to prescribe a method to verify the registration or preregistration status of certain individuals; amending s. 98.045, F.S.; conforming a cross-reference; amending s.

Senator Jones moved the following amendments which failed:

**Amendment 4 (348670)**—Delete lines 388-395 and insert: *the next ensuing election. The third-party voter registration organization must inform the*

**Amendment 5 (536600) (with title amendment)**—Between lines 509 and 510 insert:

Section 8. Subsection (5) is added to section 98.0751, Florida Statutes, to read:

98.0751 Restoration of voting rights; termination of ineligibility subsequent to a felony conviction.—

(5) *An entity that issues a notification under s. 944.705(7)(a), s. 947.24(3), s. 948.041, or s. 951.29, or the sentencing court if none of those sections apply, must notify the appropriate supervisor of elections of the person who has been disqualified from voting based on a felony conviction for an offense other than murder or a felony sexual offense. Upon receipt of such information, the supervisor must provide a notification to any such person stating that he or she is eligible for voting rights restoration upon payment of any outstanding fines or fees so long as he or she has completed all other terms of sentence and meets any other requirements under s. 4, Art. VI of the State Constitution and this code.*

And the title is amended as follows:

Between lines 36 and 37 insert: 98.0751, F.S.; requiring the supervisor to provide a notice regarding voting rights restoration to specified persons; amending s.

#### SENATOR BEAN PRESIDING

Senator Brandes moved the following amendment which failed:

**Amendment 6 (525692)**—Delete lines 549-553 and insert:

(b) *Beginning at 7 p.m. on election day, the supervisor must, at least once every hour while actively counting, post on his or her website the number of vote-by-mail ballots that have been received and the number of vote-by-mail ballots that remain uncounted.*

Senator Polsky moved the following amendment which failed:

**Amendment 7 (441962) (with title amendment)**—Between lines 616 and 617 insert:

Section 12. Section 13. Subsection (1) of section 100.141, Florida Statutes, is amended to read:

100.141 Notice of special election to fill any vacancy in office.—

(1) Whenever a special election is required to fill any vacancy in office, the Governor, after consultation with the Secretary of State, shall issue an order declaring on what day the election shall be held and deliver the order to the Department of State. *The Governor shall issue the order within 14 calendar days of the occurrence of the vacancy.*

Section 13. *The amendments made by this act to s. 100.141, Florida Statutes, shall also apply to any vacancy in an elective office existing on the effective date of this act which may only be filled by election, regardless of whether the vacancy was created before the effective date of this act.*

And the title is amended as follows:

Delete line 53 and insert: act; amending s. 100.141, F.S.; requiring the Governor to issue an order calling a special election within a specified timeframe following a vacancy; specifying applicability; amending s. 101.043, F.S.; deleting a provision

The vote was:

Yeas—16

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

Nays—23

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

Senator Baxley moved the following amendment which was adopted:

**Amendment 8 (649842) (with title amendment)**—Delete lines 641-651.

And the title is amended as follows:

Delete lines 60-62 and insert: circumstances;

Senator Jones moved the following amendment which failed:

**Amendment 9 (792326) (with title amendment)**—Delete lines 652-692.

And the title is amended as follows:

Delete lines 63-68 and insert: amending s. 101.545, F.S.; requiring

Senator Brandes moved the following amendment which was adopted:

**Amendment 10 (297608)**—Delete lines 722-730 and insert: ballot containing an undervoted race, if there is a clear indication on the ballot that the voter has made a definite choice in the overvoted or undervoted race or ballot measure. A duplicate in which every race is undervoted which shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). A duplicate may not include a vote if the voter's intent in such race or on such ballot measure is not clear ~~in which every race is undervoted which shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4).~~ Upon request, a physically present candidate, a political party official, a political committee official, or an authorized designee thereof, must be allowed to observe the duplication of ballots. *The observer must be able to observe the duplication of*

Senator Cruz moved the following amendment which failed:

**Amendment 11 (137780) (with title amendment)**—Delete lines 919-921 and insert:

Section 21. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor shall enclose with each vote-by-mail ballot separate printed instructions in substantially the following form; however, where the instructions appear in capitalized text, the text of the printed instructions must be in bold font:

**READ THESE INSTRUCTIONS CAREFULLY  
BEFORE MARKING BALLOT.**

1. **VERY IMPORTANT.** In order to ensure that your vote-by-mail ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the day of the election. However, if you are an overseas voter casting a ballot in a presidential preference primary or general election, your vote-by-mail ballot must be postmarked or dated no later than the date of the election and received by the supervisor of elections of the county in which you are registered to vote no later than 10 days after the date of the election. Note that the later you return your ballot, the less time you will have to cure any signature deficiencies, which is authorized until 5 p.m. on the 2nd day after the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one candidate, your vote in that race will not be counted.

4. Place your marked ballot in the enclosed secrecy envelope.

5. Insert the secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

6. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.

7. **VERY IMPORTANT.** In order for your vote-by-mail ballot to be counted, you must sign your name on the line above (Voter's Signature). A vote-by-mail ballot will be considered illegal and not be counted if the signature on the voter's certificate does not match the signature on record. The signature on file at the time the supervisor of elections in the county in which your precinct is located receives your vote-by-mail ballot is the signature that will be used to verify your signature on the voter's certificate. If you need to update your signature for this election, send your signature update on a voter registration application to your supervisor of elections so that it is received before your vote-by-mail ballot is received.

8. **VERY IMPORTANT.** If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted.

9. Mail, deliver, or have delivered the completed mailing envelope. ~~Be sure there is sufficient postage if mailed.~~ **THE COMPLETED**

MAILING ENVELOPE CAN BE DELIVERED TO THE OFFICE OF THE SUPERVISOR OF ELECTIONS OF THE COUNTY IN WHICH YOUR PRECINCT IS LOCATED OR DROPPED OFF AT AN AUTHORIZED SECURE DROP BOX, AVAILABLE AT EACH EARLY VOTING LOCATION.

10. **FELONY NOTICE.** It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Section 22. Subsection (2) of section 101.6921, Florida Statutes, is amended to read:

101.6921 Delivery of special vote-by-mail ballot to certain first-time voters.—

(2) The supervisor shall enclose with each vote-by-mail ballot three envelopes: a secrecy envelope, into which the absent elector will enclose his or her marked ballot; an envelope containing the Voter's Certificate, into which the absent elector shall place the secrecy envelope; and a *postage paid* mailing envelope, which shall be addressed to the supervisor and into which the absent elector will place the envelope containing the Voter's Certificate and a copy of the required identification.

Section 23. Subsection (2) of section 101.6923, Florida Statutes, is amended to read:

101.6923 Special vote-by-mail ballot instructions for certain first-time voters.—

(2) A voter covered by this section shall be provided with printed instructions with his or her vote-by-mail ballot in substantially the following form:

**READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.**

1. In order to ensure that your vote-by-mail ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the date of the election. However, if you are an overseas voter casting a ballot in a presidential preference primary or general election, your vote-by-mail ballot must be postmarked or dated no later than the date of the election and received by the supervisor of elections of the county in which you are registered to vote no later than 10 days after the date of the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate and you vote for more than one, your vote in that race will not be counted.

4. Place your marked ballot in the enclosed secrecy envelope and seal the envelope.

5. Insert the secrecy envelope into the enclosed envelope bearing the Voter's Certificate. Seal the envelope and completely fill out the Voter's Certificate on the back of the envelope.

- a. You must sign your name on the line above (Voter's Signature).
- b. If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted.
- c. A vote-by-mail ballot will be considered illegal and will not be counted if the signature on the Voter's Certificate does not match the signature on record. The signature on file at the start of the canvass of the vote-by-mail ballots is the signature that will be used to verify your signature on the Voter's Certificate. If you need to update your signature on the Voter's Certificate. If you need to update your signature for this election, send your signature update on a voter registration application to your supervisor of elections so that it is received before your vote-by-mail ballot is received.

6. Unless you meet one of the exemptions in Item 7., you must make a copy of one of the following forms of identification:

- a. Identification which must include your name and photograph: United States passport; debit or credit card; military identification; student identification; retirement center identification; neighborhood association identification; public assistance identification; veteran health identification card issued by the United States Department of Veterans Affairs; a Florida license to carry a concealed weapon or firearm; or an employee identification card issued by any branch, department, agency, or entity of the Federal Government, the state, a county, or a municipality; or

- b. Identification which shows your name and current residence address: current utility bill, bank statement, government check, paycheck, or government document (excluding voter information card).

7. The identification requirements of Item 6. do not apply if you meet one of the following requirements:

- a. You are 65 years of age or older.
- b. You have a temporary or permanent physical disability.
- c. You are a member of a uniformed service on active duty who, by reason of such active duty, will be absent from the county on election day.
- d. You are a member of the Merchant Marine who, by reason of service in the Merchant Marine, will be absent from the county on election day.
- e. You are the spouse or dependent of a member referred to in paragraph c. or paragraph d. who, by reason of the active duty or service of the member, will be absent from the county on election day.
- f. You are currently residing outside the United States.

8. Place the envelope bearing the Voter's Certificate into the mailing envelope addressed to the supervisor. Insert a copy of your identification in the mailing envelope. **DO NOT PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.**

9. Mail, deliver, or have delivered the completed mailing envelope. ~~Be sure there is sufficient postage if mailed.~~

10. **FELONY NOTICE.** It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Section 24. Subsection (1) of section 101.64, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

101.64 Delivery of vote-by-mail ballots; envelopes; form.—

(1) The supervisor shall enclose with each vote-by-mail ballot two envelopes: a secrecy envelope, into which the absent elector shall enclose his or her marked ballot; and a *postage paid* mailing envelope, into which the absent elector shall then place the secrecy envelope, which shall be addressed to the supervisor and also bear on the back side a certificate in substantially the following form:

Note: Please Read Instructions Carefully Before Marking Ballot and Completing Voter's Certificate.

#### VOTER'S CERTIFICATE

I, ..., do solemnly swear or affirm that I am a qualified and registered voter of .... County, Florida, and that I have not and will not vote more than one ballot in this election. I understand that if I commit or attempt to commit any fraud in connection with voting, vote a fraudulent ballot, or vote more than once in an election, I can be convicted of a felony of the

third degree and fined up to \$5,000 and/or imprisoned for up to 5 years. I also understand that failure to sign this certificate will invalidate my ballot.

_____ (Date)	_____ (Voter's Signature)
_____ (E-Mail Address)	_____ (Home Telephone Number)
	_____ (Mobile Telephone Number)

And the title is amended as follows:

Delete line 101 and insert: exceptions; amending ss. 101.65, 101.6921, and 101.6923, F.S.; requiring the supervisor of elections to enclose a postage paid mailing envelope with each vote-by-mail ballot; conforming provisions to changes made by the act; amending s. 101.64, F.S.; requiring the supervisor of elections to enclose a postage paid mailing envelope with each vote-by-mail ballot; prohibiting the

The vote was:

Yeas—16

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

Nays—24

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

Senator Jones moved the following amendments which failed:

**Amendment 12 (497334) (with title amendment)**—Between lines 925 and 926 insert:

Section 22. Section 101.65, Florida Statutes, is amended to read:

101.65 Instructions to absent electors.—The supervisor shall enclose with each vote-by-mail ballot separate printed instructions in substantially the following form; however, where the instructions appear in capitalized text, the text of the printed instructions must be in bold font:

**READ THESE INSTRUCTIONS CAREFULLY  
BEFORE MARKING BALLOT.**

1. VERY IMPORTANT. In order to ensure that your vote-by-mail ballot will be counted, it should be completed and returned as soon as possible so that it can be *postmarked or dated no later than the day of the election, if mailed, and reach the supervisor of elections of the county in which your precinct is located no later than 10 days after 7 p.m. on the date day of the election. However, if you are an overseas voter casting a ballot in a presidential preference primary or general election, your vote by mail ballot must be postmarked or dated no later than the date of the election and received by the supervisor of elections of the county in which you are registered to vote no later than 10 days after the date of the election.* Note that the later you return your ballot, the less time you will have to cure any signature deficiencies, which is authorized until 5 p.m. on the 2nd day after the election.

2. Mark your ballot in secret as instructed on the ballot. You must mark your own ballot unless you are unable to do so because of blindness, disability, or inability to read or write.

3. Mark only the number of candidates or issue choices for a race as indicated on the ballot. If you are allowed to "Vote for One" candidate

and you vote for more than one candidate, your vote in that race will not be counted.

4. Place your marked ballot in the enclosed secrecy envelope.

5. Insert the secrecy envelope into the enclosed mailing envelope which is addressed to the supervisor.

6. Seal the mailing envelope and completely fill out the Voter's Certificate on the back of the mailing envelope.

7. VERY IMPORTANT. In order for your vote-by-mail ballot to be counted, you must sign your name on the line above (Voter's Signature). A vote-by-mail ballot will be considered illegal and not be counted if the signature on the voter's certificate does not match the signature on record. The signature on file at the time the supervisor of elections in the county in which your precinct is located receives your vote-by-mail ballot is the signature that will be used to verify your signature on the voter's certificate. If you need to update your signature for this election, send your signature update on a voter registration application to your supervisor of elections so that it is received before your vote-by-mail ballot is received.

8. VERY IMPORTANT. If you are an overseas voter, you must include the date you signed the Voter's Certificate on the line above (Date) or your ballot may not be counted.

9. Mail, deliver, or have delivered the completed mailing envelope. Be sure there is sufficient postage if mailed. **THE COMPLETED MAILING ENVELOPE CAN BE DELIVERED TO THE OFFICE OF THE SUPERVISOR OF ELECTIONS OF THE COUNTY IN WHICH YOUR PRECINCT IS LOCATED OR DROPPED OFF AT AN AUTHORIZED SECURE DROP BOX, AVAILABLE AT EACH EARLY VOTING LOCATION.**

10. FELONY NOTICE. It is a felony under Florida law to accept any gift, payment, or gratuity in exchange for your vote for a candidate. It is also a felony under Florida law to vote in an election using a false identity or false address, or under any other circumstances making your ballot false or fraudulent.

Section 23. Subsection (2) of section 101.67, Florida Statutes, is amended to read:

101.67 Safekeeping of mailed ballots; deadline for receiving vote-by-mail ballots.—

(2) ~~Except as provided in s. 101.6952(5),~~ All marked absent electors' ballots to be counted must be *postmarked or dated no later than the day of the election and received by the supervisor by 10 days after 7 p.m. the date day of the election.* All ballots received thereafter shall be marked with the time and date of receipt and filed in the supervisor's office.

And the title is amended as follows:

Between lines 104 and 105 insert: amending s. 101.65, F.S.; revising instructions to absent electors to conform to changes made by the act; amending s. 101.67, F.S.; revising the deadline by which the supervisor must receive a vote-by-mail ballot;

**Amendment 13 (471968) (with title amendment)**—Delete lines 983-985.

And the title is amended as follows:

Delete lines 113-117 and insert: return of vote-by-mail ballots; specifying requirements regarding the

Senator Berman moved the following amendment which failed:

**Amendment 14 (257964) (with directory and title amendments)**—Delete lines 992-995.

And the directory clause is amended as follows:

Delete lines 967-968 and insert: Statutes, is amended to read:

And the title is amended as follows:

Delete lines 119-121 and insert: box; amending s. 102.031, F.S.; prohibiting certain



Senator Cruz moved the following amendment which was adopted:

**Amendment 15 (244586)**—Delete line 1146 and insert: provided in ss. 101.6105-101.694, *including supervised voting at assisted living facilities and nursing home facilities as authorized under s. 101.655*, commits a misdemeanor of the

## THE PRESIDENT PRESIDING

### SENATOR BEAN PRESIDING

Pursuant to Rule 4.19, **CS for CS for CS for SB 90**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**CS for CS for CS for SB 750**—A bill to be entitled An act relating to impact fees; amending s. 163.31801, F.S.; defining the terms “infrastructure” and “public facilities”; requiring local governments and special districts to credit against the collection of impact fees any contribution related to public facilities or infrastructure; providing conditions under which credits may not be applied; providing limitations on impact fee increases; providing for retroactive operation; requiring specified entities to submit an affidavit attesting that impact fees were appropriately collected and expended; providing for retroactive applicability; requiring school districts to report specified information regarding impact fees; providing a directive to the Division of Law Revision; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 750**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 337** was withdrawn from the Committee on Appropriations.

On motion by Senator Gruters—

**CS for CS for CS for HB 337**—A bill to be entitled An act relating to impact fees; amending s. 163.31801, F.S.; defining the terms “infrastructure” and “public facilities”; requiring local governments and special districts to credit against the collection of impact fees any contribution related to public facilities or infrastructure; providing conditions under which credits may not be applied; providing limitations on impact fee increases; providing for retroactive operation; requiring specified entities to submit an affidavit attesting that impact fees were appropriately collected and expended; providing that impact fee credits are assignable and transferable regardless of when they the credits were established; requiring school districts to report specified information regarding impact fees; providing a directive to the Division of Law Revision; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 750** and read the second time by title.

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

**SB 848**—A bill to be entitled An act relating to electronic legal documents; amending s. 117.201, F.S.; revising the definition of the term “online notarization”; amending s. 117.285, F.S.; clarifying that supervising the witnessing of an electronic record by an online notary public is a notarial act; specifying applicability of online notarization procedures to supervision of the witnessing of an electronic record; modifying witnessing procedures; revising applicability; amending s. 709.2119, F.S.; revising the statutory form for an affidavit for acceptance of and reliance upon a power of attorney to reflect means of notarization; amending s. 732.401, F.S.; revising the statutory form for the notice of election relating to the descent of homestead property to reflect means of notarization; amending s. 732.503, F.S.; revising the statutory form for the self-proof of a will or codicil to reflect means of notarization; amending s. 732.521, F.S.; conforming a cross-reference; amending s. 732.703, F.S.; revising statutory forms relating to the disposition of certain assets at death to reflect means of notarization; amending s. 747.051, F.S.; revising the form for a petition of summary relief for the sale or transfer of certain property owned by an absentee to reflect

means of notarization; providing for construction and retroactive application; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 848**, pursuant to Rule 3.11(3), there being no objection, **HB 483** was withdrawn from the Committee on Rules.

On motion by Senator Powell—

**HB 483**—A bill to be entitled An act relating to electronic legal documents; amending s. 117.201, F.S.; revising the definition of the term “online notarization”; amending s. 117.285, F.S.; clarifying that supervising the witnessing of an electronic record by an online notary public is a notarial act; specifying applicability of online notarization procedures to supervision of the witnessing of an electronic record; modifying witnessing procedures; revising applicability; amending s. 709.2119, F.S.; revising the statutory form for an affidavit for acceptance of and reliance upon a power of attorney to reflect means of notarization; amending s. 732.401, F.S.; revising the statutory form for the notice of election relating to the descent of homestead property to reflect means of notarization; amending s. 732.503, F.S.; revising the statutory form for the self-proof of a will or codicil to reflect means of notarization; amending s. 732.521, F.S.; conforming a cross-reference; amending s. 732.703, F.S.; revising statutory forms relating to the disposition of certain assets at death to reflect means of notarization; amending s. 747.051, F.S.; revising the form for a petition of summary relief for the sale or transfer of certain property owned by an absentee to reflect means of notarization; providing for construction and retroactive application; providing an effective date.

—a companion measure, was substituted for **SB 848** and read the second time by title.

On motion by Senator Powell, by two-thirds vote, **HB 483** 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 CS for SB 1532** was deferred.

On motion by Senator Burgess—

**CS for CS for SB 1786**—A bill to be entitled An act relating to the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 766.301, F.S.; revising legislative intent; amending s. 766.303, F.S.; requiring the Florida Birth-Related Neurological Injury Compensation Association to administer the Florida Birth-Related Neurological Injury Compensation Plan in a specified manner; amending s. 766.305, F.S.; requiring that, if a physician is involved in more than one filed claim, the Division of Medical Quality Assurance of the Department of Health review all such claims together when making certain determinations; amending s. 766.31, F.S.; revising requirements for the award for compensation for claims under the plan; increasing the maximum amount that may be awarded to the parents or legal guardians of an infant found to have sustained a birth-related neurological injury, as of

a specified date; requiring that the maximum award amount be increased by a certain percentage annually; requiring the plan to provide retroactive payments to certain parents or legal guardians which are sufficient to bring the total award to a specified amount; authorizing such payments to be made in a lump sum or periodically; increasing the amount of the death benefit that must be awarded; requiring the plan to act on a request for payment of expenses within a specified timeframe; requiring parents or legal guardians, or their designee, to submit any additional information or documentation requested by the plan within a specified timeframe; requiring the plan to pay or deny a request within a specified timeframe; providing that failure to pay or deny the claim within a specified timeframe results in an uncontestable obligation to pay the claim; amending s. 766.313, F.S.; revising the timeframe within which birth-related neurological injury compensation claims must be filed; creating s. 766.3135, F.S.; providing that the Florida Birth-Related Neurological Injury Compensation Association is responsible for reimbursing parents and legal guardians for actual expenses for medically necessary and reasonable services for an injured child; prohibiting the association from holding itself out as the payor of last resort for services under the plan; requiring the association to reimburse parents and legal guardians for services, drugs, equipment, or treatment at a reasonable rate if they submit a certain letter of medical necessity; authorizing the association to establish an independent review process for such reimbursement; requiring parents and legal guardians to submit a certain report to the association for reimbursement of experimental treatments, therapies, or programs; authorizing the association to use its review process to make certain determinations regarding such reimbursement; requiring the association to reimburse parents and legal guardians for experimental treatments, therapies, and programs under certain circumstances; specifying expenses for which parents and legal guardians are eligible to receive reimbursement; providing duties for the association; amending s. 766.314, F.S.; beginning on a specified date, requiring the annual assessments imposed on physicians and certain entities participating in the plan to be increased by a certain percentage annually; creating s. 766.3145, F.S.; requiring association employees to annually sign and submit a conflict-of-interest statement as a condition of employment; requiring prospective employees to sign and submit such statement as a condition of employment; providing that the executive director, the ombudsman, senior managers, and the board of directors are subject to specified provisions; prohibiting board members from voting on measures under certain circumstances; providing procedures and requirements for board members who have a conflict of interest; requiring the executive director, senior managers, and board members to file certain disclosures; requiring the executive director or his or her designee to notify specified individuals of the reporting requirements; requiring the executive director or his or her designee to submit, at least quarterly, a list of specified individuals to the Commission on Ethics; prohibiting employees and board members from accepting gifts or expenditures from certain individuals; providing penalties; prohibiting certain senior managers and executive directors from representing persons or entities before the association for a specified timeframe; amending s. 766.315, F.S.; revising membership of the plan's board of directors; prohibiting certain appointed directors from voting on board matters relating to a claim if they were named in the petition for the claim; requiring the board of directors to employ an ombudsman for a specified purpose; providing duties of the ombudsman; requiring the association to submit an annual report to the Governor and the Legislature by a specified date; providing requirements for the report; requiring that the first report include a certain actuarial report; providing requirements for the actuarial report; requiring the Auditor General to conduct a performance audit of the association and plan; providing requirements for the audit; requiring the Auditor General to release the audit by a specified date; providing for future repeal; providing applicability; providing an effective date.

—was read the second time by title.

Senator Burgess moved the following amendment which was adopted:

**Amendment 1 (439190) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (4) is added to section 766.303, Florida Statutes, to read:

766.303 Florida Birth-Related Neurological Injury Compensation Plan; exclusiveness of remedy.—

(4) *The Florida Birth-Related Neurological Injury Compensation Association shall administer the plan in a manner that promotes and protects the health and best interests of children with birth-related neurological injuries who have been accepted into the plan, and the association shall strive to ensure that all of their medically necessary needs are being met.*

Section 2. Subsection (5) of section 766.305, Florida Statutes, is amended to read:

766.305 Filing of claims and responses; medical disciplinary review.—

(5) Upon receipt of such petition, the Division of Medical Quality Assurance shall review the information therein and determine whether it involved conduct by a physician licensed under chapter 458 or an osteopathic physician licensed under chapter 459 ~~which that~~ is subject to disciplinary action. *If a physician is involved in more than one filed claim, the division also must review the circumstances of all such claims together to determine whether the physician's conduct establishes a pattern of practice subject to disciplinary action. Section 456.073 applies in such cases, in which case the provisions of s. 456.073 shall apply.*

Section 3. Present subsection (3) of section 766.31, Florida Statutes, is redesignated as subsection (4), a new subsection (3) is added to that section, and subsections (1) and (2) are amended, to read:

766.31 Administrative law judge awards for birth-related neurological injuries; notice of award.—

(1) Upon determining that an infant has sustained a birth-related neurological injury and that obstetrical services were delivered by a participating physician at the birth, the administrative law judge shall make an award providing compensation for the following items relative to such injury:

(a) Actual expenses for medically necessary and reasonable medical and hospital, habilitative and training, family residential or custodial care, professional residential, and custodial care and service, for medically necessary drugs, special equipment, and facilities, and for related travel. *At a minimum, compensation must be provided for the following actual expenses:*

1. *Diapers and baby formula for the child from the time of birth and pureed baby food or other baby food for the child at the appropriate age or developmental stage.*

2. *A total annual benefit of up to \$10,000 for immediate family members who reside with the infant for psychotherapeutic services obtained from providers licensed under chapter 490 or chapter 491.*

3. *Transportation-related assistance, including, but not limited to, the following:*

a. *Reimbursement for all medically necessary trips, including travel to the pharmacy each month to purchase the child's prescription medications.*

b. *For the life of the child, providing parents or legal guardians with a reliable method of transportation for the care of the child or reimbursing the cost of upgrading an existing vehicle to accommodate the child's needs when it becomes medically necessary for wheelchair transportation. The mode of transportation must take into account the special accommodations required for the specific child. The plan may not limit such transportation assistance based on the child's age or weight. The plan must replace any vans purchased by the plan every 7 years or 150,000 miles, whichever comes first.*

4. *Housing assistance of up to \$100,000 for the lifetime of the child, including home construction and modification costs.*

(b) *However, the following expenses are not subject to compensation such expenses shall not include:*

1. Expenses for items or services that the infant has received, or is entitled to receive, under the laws of any state or the Federal Government, except to the extent such exclusion may be prohibited by federal law.

2. Expenses for items or services that the infant has received, or is contractually entitled to receive, from any prepaid health plan, health maintenance organization, or other private insuring entity.

3. Expenses for which the infant has received reimbursement, or for which the infant is entitled to receive reimbursement, under the laws of any state or the Federal Government, except to the extent such exclusion may be prohibited by federal law.

4. Expenses for which the infant has received reimbursement, or for which the infant is contractually entitled to receive reimbursement, pursuant to the provisions of any health or sickness insurance policy or other private insurance program.

(c) Expenses included under this paragraph (a) may not exceed usual and customary ~~shall be limited to reasonable~~ charges prevailing in the same community for similar treatment of injured persons when such treatment is paid for by the injured person.

(d) ~~1.a.(b)1.~~ Periodic payments of an award to the parents or legal guardians of the infant found to have sustained a birth-related neurological injury, which award may ~~shall~~ not exceed \$100,000. However, at the discretion of the administrative law judge, such award may be made in a lump sum. *Beginning on January 1, 2021, the award may not exceed \$250,000, and each January 1 thereafter the maximum award authorized under this paragraph shall increase by 3 percent.*

*b. Parents or legal guardians who received an award pursuant to this section before January 1, 2021, and whose child currently receives benefits under the plan must receive a retroactive payment in an amount sufficient to bring the total award paid to the parents or legal guardians pursuant to sub-subparagraph a. to \$250,000. This additional payment may be made in a lump sum or in periodic payments as designated by the parents or legal guardians.*

2. Death benefit for the infant in an amount of \$50,000. *Parents or legal guardians who received an award pursuant to this section, and whose child died since the inception of the program, must receive a retroactive payment in an amount sufficient to bring the total award paid to the parents or legal guardians pursuant to this subparagraph to \$50,000. This additional payment may be made in a lump sum or in periodic payments as designated by the parents or legal guardians \$10,000.*

(e) ~~(e)~~ Reasonable expenses incurred in connection with the filing of a claim under ss. 766.301-766.316, including reasonable ~~attorney attorney's~~ fees, which ~~are shall be~~ subject to the approval and award of the administrative law judge. In determining an award for ~~attorney attorney's~~ fees, the administrative law judge shall consider the following factors:

1. The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal services properly.

2. The fee customarily charged in the locality for similar legal services.

3. The time limitations imposed by the claimant or the circumstances.

4. The nature and length of the professional relationship with the claimant.

5. The experience, reputation, and ability of the lawyer or lawyers performing services.

6. The contingency or certainty of a fee.

Should there be a final determination of compensability, and the claimants accept an award under this section, the claimants ~~are shall not be~~ liable for any expenses, including ~~attorney attorney's~~ fees, incurred in connection with the filing of a claim under ss. 766.301-766.316 other than those expenses awarded under this section.

(2) The award shall require the immediate payment of expenses previously incurred and shall require that future expenses be paid as incurred.

(3)(a) *To request reimbursement from the plan for actual expenses, the parents or legal guardians of a child under the plan must submit a letter of medical necessity to the plan from the child's physician, who must be licensed under chapter 458 or chapter 459 or, if the child resides in another state, must be licensed under the laws of that state, or from another licensed treating health care practitioner as defined in s. 456.001 requesting reimbursement of the medically necessary services, drugs, equipment, or treatment. Within 20 days after the receipt of a request for reimbursement of expenses, the plan must reimburse the expenses or notify the parents or legal guardians and the ombudsman appointed pursuant to s. 766.315(4)(i)1. that specific additional information or documentation is needed to evaluate the request or that the request for payment of the expenses is being denied. Before denying the request, the plan must consult with the ombudsman concerning the request and any relevant information concerning the child's unique needs. The plan must provide the ombudsman with a detailed written explanation for the proposed denial. If the plan denies the request because it determines that the services or treatment were not medically necessary, the plan must request the parents or legal guardians to provide a letter of medical necessity from a second licensed physician or health care provider who is not affiliated with or does not have an investment interest, as described in s. 456.053, with the first physician or health care provider who provided the medical necessity letter. If such letter is provided, the plan must reimburse the parents or legal guardians for the actual expenses, including the expenses associated with obtaining the second medical necessity letter from a physician or other health care practitioner. If the parents or legal guardians are unable to provide a second letter, the plan is not required to reimburse the expenses.*

(b) *Parents or legal guardians, or their designee, must submit any additional information or documentation requested by the plan within 35 days after receipt of the notification by the plan that additional information or documentation is needed. Additional information is considered submitted on the date it is mailed or electronically submitted to the plan.*

(c) *A request for reimbursement of expenses must be paid or denied within 90 days after receipt of the request. A denial of reimbursement by the plan must be accompanied by a detailed written explanation of why the request was denied. Failure to pay or deny the request for reimbursement within 120 days after receipt of the request creates an uncontestable obligation to reimburse the expenses.*

Section 4. Section 766.313, Florida Statutes, is amended to read:

766.313 Limitation on claim.—Any claim for compensation under ss. 766.301-766.316 ~~which that~~ is filed more than 8 ~~5~~ years after the birth of an infant alleged to have a birth-related neurological injury is ~~shall be~~ barred.

Section 5. Section 766.3145, Florida Statutes, is created to read:

766.3145 Code of ethics.—

(1) *On or before July 1 of each year, employees of the association must sign and submit a statement attesting that they do not have a conflict of interest as defined in part III of chapter 112. As a condition of employment, all prospective employees must sign and submit to the association a conflict-of-interest statement.*

(2) *The executive director, the ombudsman, senior managers, and members of the board of directors are subject to the code of ethics under part III of chapter 112. For purposes of applying part III of chapter 112 to activities of the executive director, senior managers, and members of the board of directors, those persons are considered public officers or employees and the association is considered their agency. A board member may not vote on any measure that would inure to his or her special private gain or loss and, notwithstanding s. 112.3143(2), may not vote on any measure that he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312; or that he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Before the vote is taken, such member shall publicly state to the board the nature of his or her interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person re-*

sponsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(3) Notwithstanding s. 112.3148, s. 112.3149, or any other law, an employee or board member may not knowingly accept, directly or indirectly, any gift or expenditure from a person or entity, or an employee or representative of such person or entity, which has a contractual relationship with the association or which is under consideration for a contract.

(4) An employee or board member who fails to comply with subsection (2) or subsection (3) is subject to penalties provided under ss. 112.317 and 112.3173.

(5) Any senior manager or executive director of the association who is employed on or after January 1, 2022, regardless of the date of hire, who subsequently retires or terminates employment is prohibited from representing another person or entity before the association for 2 years after retirement or termination of employment from the association.

Section 6. Paragraphs (a) and (c) of subsection (1), paragraph (a) of subsection (2), and paragraph (i) of subsection (4) of section 766.315, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

766.315 Florida Birth-Related Neurological Injury Compensation Association; board of directors.—

(1)(a) The Florida Birth-Related Neurological Injury Compensation Plan shall be governed by a board of ~~seven~~ **five** directors which shall be known as the Florida Birth-Related Neurological Injury Compensation Association. The association is not a state agency, board, or commission. Notwithstanding the provision of s. 15.03, the association is authorized to use the state seal.

(c) ~~The Chief Financial Officer shall appoint the directors shall be appointed by the Chief Financial Officer~~ as follows:

1. One citizen representative.
2. One representative of participating physicians.
3. One representative of hospitals.
4. One representative of casualty insurers.
5. One representative of physicians other than participating physicians.
6. One parent or legal guardian representative of an injured infant under the plan.
7. One representative of an advocacy organization for children with disabilities.

(2)(a) The Chief Financial Officer may select the representative of the participating physicians from a list of at least three names recommended by the American Congress of Obstetricians and Gynecologists, District XII; the representative of hospitals from a list of at least three names recommended by the Florida Hospital Association; the representative of casualty insurers from a list of at least three names, one of which is recommended by the American Insurance Association, one of which is recommended by the Florida Insurance Council, and one of which is recommended by the Property Casualty Insurers Association of America; and the representative of physicians, other than participating physicians, from a list of three names recommended by the Florida Medical Association and a list of three names recommended by the Florida Osteopathic Medical Association. However, the Chief Financial Officer is not required to make an appointment from among the nominees of the respective associations. A participating physician who is named in a pending petition for a claim may not be appointed to the board. An appointed director who is a participating physician may not vote on any board matter relating to a claim accepted for an award for compensation if the physician was named in the petition for the claim.

- (4) The board of directors shall have the power to:
  - (i) Employ or retain such persons as are necessary to perform the administrative and financial transactions and responsibilities of the

plan and to perform other necessary and proper functions not prohibited by law.

1. The board of directors shall employ an ombudsman who will serve at the pleasure of, and must report directly to, the board and who will act as an advocate for the parents and legal guardians of children under the plan. The board must appoint or remove the ombudsman by a majority vote with at least four affirmative votes, with the board member who is the parent or legal guardian representative of an injured child under the plan and the board member who is a representative of an advocacy organization for children with disabilities on the prevailing side.

2. At a minimum, the person appointed as the ombudsman must have at least 5 years of experience and employment in the field of children with disabilities, which includes advocacy for children with disabilities.

3. The ombudsman shall do all of the following:

a. Provide information and assistance, outreach, and education to parents and legal guardians of children under the plan regarding plan benefits; assist parents and legal guardians in the resolution of benefit and payment disputes; and inform parents and legal guardians regarding community, state, and federal government resources.

b. Investigate complaints of parents or legal guardians of children under the plan regarding the operation of the plan.

c. Provide an annual report to the board regarding the ombudsman's activities, the disposition of complaints, and any recommendations to improve the operations of the plan, resolution of disputes, and the delivery of benefits to participants.

(6) On or before November 1, 2021, and by each November 1 thereafter, the association shall submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Financial Officer. The report must include:

(a) The number of petitions filed for compensation with the division, the number of claimants awarded compensation, the number of claimants denied compensation, and the reasons for the denial of compensation.

(b) The number and dollar amount of paid and denied compensation for expenses by category and the reasons for any denied compensation for expenses by category.

(c) The average turnaround time for paying or denying compensation for expenses.

(d) Legislative recommendations to improve the program.

(e) A summary of any pending or resolved litigation during the year which affects the plan.

(f) The amount of compensation paid to each association employee or member or the board of directors.

(g) For the initial report due on or before November 1, 2021, an actuarial report conducted by an independent actuary which provides an analysis of the estimated costs of implementing the following changes to the plan:

1. Reducing the minimum birth weight eligibility for a participant in the plan from 2,500 grams to 2,000 grams.

2. Revising the eligibility for participation in the plan by providing that an infant must be permanently and substantially mentally or physically impaired, rather than permanently and substantially mentally and physically impaired.

3. Increasing the annual special benefit or quality of life benefit from \$500 to \$2,500 per calendar year.

Section 7. The Auditor General shall conduct a performance audit of the association and plan to evaluate management's performance in administering the laws, policies, and procedures governing the operations of the association and plan in an efficient and effective manner.

(1) *The audit must include evaluations of all of the following:*

(a) *The protocols used for the payment of expenses, including standards for determining medical necessity and reasonableness of requests for medical care, services, or other benefits provided under the plan and the timeliness of the payment of expenses.*

(b) *The effectiveness of the association's outreach to inform parents and legal guardians of participants of available benefits and any changes in benefits and processes to resolve disputes regarding the payment of expenses internally.*

(c) *The efficacy of the current processes for the procurement of goods and services.*

(d) *The internal controls of the plan and association.*

(2) *The Auditor General shall release the audit by January 15, 2022.*

Section 8. *The amendments made to s. 766.31(1)(d)1.a. and 2., Florida Statutes, by this act apply to all claims filed under s. 766.305, Florida Statutes, for which an award was made through entry of final order under s. 766.31(1), Florida Statutes, on or after January 1, 2021.*

Section 9. *The Agency for Health Care Administration shall review its Medicaid third-party liability functions and rights under s. 409.910, Florida Statutes, relative to the Florida Birth-Related Neurological Injury Compensation Plan established under s. 766.303, Florida Statutes, and must include in its review the extent and value of the liabilities owed by the plan as a third-party benefit provider. On or before November 1, 2021, the agency must submit to the President of the Senate, the Speaker of the House of Representatives, and the Chief Financial Officer a report of its findings regarding the extent and value of the liabilities owed by the plan.*

Section 10. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 766.303, F.S.; requiring the Florida Birth-Related Neurological Injury Compensation Association to administer the Florida Birth-Related Neurological Injury Compensation Plan in a specified manner; amending s. 766.305, F.S.; requiring that, if a physician is involved in more than one filed claim, the Division of Medical Quality Assurance of the Department of Health review all such claims together when making certain determinations; providing applicability; amending s. 766.31, F.S.; revising requirements for the award for compensation for claims under the plan; increasing the maximum amount that may be awarded to the parents or legal guardians of an infant found to have sustained a birth-related neurological injury, as of a specified date; requiring that the maximum award amount be increased by a certain percentage annually; requiring the plan to provide retroactive payments to certain parents or legal guardians which are sufficient to bring the total award to a specified amount; authorizing such payments to be made in a lump sum or periodically; increasing the amount of the death benefit that must be awarded; requiring the plan to provide retroactive payments to certain parents or legal guardians which are sufficient to bring the total death benefit award to a specified amount; authorizing such payments to be made in a lump sum or periodically; requiring parents and legal guardians to submit a certain letter of medical necessity to request reimbursement for actual expenses; requiring the plan to act on a request for reimbursement of expenses within a specified timeframe; requiring the plan to notify the parents or legal guardians and the ombudsman if specific additional information or documentation is needed; requiring the plan to consult with the ombudsman before denying a request; requiring the plan to provide a detailed written explanation of the reason for a denial; requiring the plan to request a second letter of medical necessity if it denies a request on certain grounds; providing requirements for the second letter of medical necessity; requiring the plan to reimburse expenses if a second letter is provided; providing that the plan is not required to reimburse expenses if a second letter is not provided; requiring parents or legal guardians, or their designee, to submit any additional information or documentation requested by the plan within a specified timeframe; requiring the plan to pay or deny a request within a specified timeframe; providing that failure to pay or deny a request

within a specified timeframe results in an uncontestable obligation to reimburse the expenses; amending s. 766.313, F.S.; revising the timeframe within which birth-related neurological injury compensation claims must be filed; creating s. 766.3145, F.S.; requiring association employees to annually sign and submit a conflict-of-interest statement as a condition of employment; requiring prospective employees to sign and submit such statement as a condition of employment; providing that the executive director, the ombudsman, senior managers, and the board of directors are subject to specified provisions; prohibiting board members from voting on measures under certain circumstances; providing procedures and requirements for board members who have a conflict of interest; prohibiting employees and board members from accepting gifts or expenditures from certain individuals; providing penalties; prohibiting certain senior managers and executive directors from representing persons or entities before the association for a specified timeframe; amending s. 766.315, F.S.; revising membership of the plan's board of directors; prohibiting certain appointed directors from voting on board matters relating to a claim if they were named in the petition for the claim; requiring the board of directors to employ an ombudsman for a specified purpose; providing appointment and removal procedures for the ombudsman; providing qualifications for and duties of the ombudsman; requiring the association to submit an annual report to the Governor, the Legislature, and the Chief Financial Officer by a specified date; providing requirements for the report; requiring that the first report include a certain actuarial report; providing requirements for the actuarial report; requiring the Auditor General to conduct a performance audit of the association and plan; providing requirements for the audit; requiring the Auditor General to release the audit by a specified date; providing applicability; requiring the Agency for Health Care Administration to conduct a certain review of its Medicaid third-party liability functions and rights with respect to the plan; requiring the agency to submit a report of its findings to the Legislature and the Chief Financial Officer by a specified date; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 1786**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

---

On motion by Senator Perry—

**CS for CS for SB 566**—A bill to be entitled An act relating to motor vehicle rentals; amending s. 212.05, F.S.; specifying the applicable sales tax rate on motor vehicle leases and rentals by motor vehicle rental companies and peer-to-peer car-sharing programs; requiring peer-to-peer car-sharing programs to collect and remit the applicable sales tax; amending s. 212.0606, F.S.; defining terms; specifying the applicable surcharge on motor vehicle leases and rentals by motor vehicle rental companies; specifying applicability of the surcharge; requiring motor vehicle rental companies to collect specified surcharges; specifying the applicable rental car surcharge on peer-to-peer car-sharing program agreements involving shared vehicles; specifying applicability of the surcharge; requiring peer-to-peer car-sharing programs to collect specified surcharges; requiring car-sharing services to collect specified surcharges; defining the term "proceeds of this surcharge", rather than "proceeds of the surcharge"; providing that the surcharge for peer-to-peer car-sharing is attributable to the county corresponding to the location of the motor vehicle at the car-sharing start time; requiring a dealer to report collected surcharge revenue accordingly; providing an exception; providing for application of a surcharge to a shared vehicle; creating s. 627.7483, F.S.; defining terms; specifying motor vehicle insurance requirements for peer-to-peer car-sharing programs; providing that peer-to-peer car-sharing programs have an insurable interest in shared vehicles during specified periods; providing construction; authorizing peer-to-peer car-sharing programs to own and maintain certain motor vehicle insurance policies; requiring peer-to-peer car-sharing programs to assume certain liability; providing exceptions; providing for the assumption of primary liability for claims when certain disputes exist; requiring shared vehicle owners' insurers to indemnify peer-to-peer car-sharing programs under certain circumstances; providing exemptions from vicarious liabilities for peer-to-peer car-sharing programs and shared vehicle owners; authorizing motor vehicle insurers to exclude specified coverages under certain circumstances; providing construction related to exclusions; authorizing specified insurers to seek recovery against motor vehicle insurers of peer-to-peer car-sharing programs under certain circumstances; requiring peer-to-peer car-

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

—was read the second time by title.

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

Senator Stewart moved the following amendment which failed:

**Amendment 1 (499310) (with title amendment)**—Between lines 246 and 247 insert:

Section 3. Section 331.17, Florida Statutes, is created to read:

*331.17 Transportation services at airports.—To facilitate the provision of transportation services on the property of a publicly owned airport that is open for public use, a car-sharing service as defined in s. 212.0606(1), a motor vehicle rental company as defined in s. 212.0606(1), or a peer-to-peer car-sharing program as defined in s. 627.7483(1) must enter into an agreement with the airport to provide such services.*

And the title is amended as follows:

Delete line 27 and insert: vehicle; creating s. 331.17, F.S.; requiring specified entities to enter into an agreement to provide transportation services at publicly owned airports; creating s. 627.7483, F.S.; defining terms;

Pursuant to Rule 4.19, **CS for CS for SB 566** was placed on the calendar of Bills on Third Reading.

---

Consideration of **CS for CS for SB 748** was deferred.

---

On motion by Senator Albritton—

**CS for SB 1944**—A bill to be entitled An act relating to utility and communications poles; amending s. 120.80, F.S.; exempting certain rules adopted by the Public Service Commission from legislative ratification requirements; amending s. 366.02, F.S.; defining terms; amending s. 366.04, F.S.; requiring the commission to regulate and enforce rates, charges, terms, and conditions for pole attachments under certain circumstances; providing requirements for such rules; providing construction; providing situations under which a pole owner may deny access to the owner's pole on a nondiscriminatory basis; requiring the commission to hear and resolve complaints concerning rates, charges, terms, conditions, voluntary agreements, and denial of access relative to pole attachments; requiring the commission to establish cost-based rates and charges for pole attachments and apply certain decisions and orders of the Federal Communications Commission; requiring the commission to authorize certain parties to participate as an intervenor in a specified number of administrative proceedings; requiring the commission to adopt rules by a specified date and provide certification to the Federal Communications Commission upon such adoption; requiring the commission to regulate the safety, vegetation management, repair, replacement, maintenance, relocation, emergency response, and storm restoration requirements for poles of communications services providers; providing an exception; requiring the commission to adopt rules, including monetary penalties, by a specified date; authorizing the commission to access the books and records of communications services providers for specified purposes; providing that such information that contains proprietary confidential business information retains its confidential or exempt status when held by the commission; creating s. 366.97, F.S.; requiring the commission by rule to create a process requiring advance hardening project notice; requiring attaching entities to remove pole attachments from redundant poles within a specified timeframe after receipt of electronic or written notice from the pole

owner; requiring the commission to provide the form and requirements for such notice by rule; authorizing a pole owner or its agent to transfer or relocate pole attachments of an attaching entity at the entity's expense under certain circumstances; providing an exception; requiring attaching entities to submit payment within a specified timeframe; authorizing pole owners to seek enforcement of such payment; requiring that the pole owner and its directors, officers, agents, and employees be held harmless under certain circumstances for such actions; authorizing a pole owner to remove and sell or dispose of certain abandoned pole attachments; authorizing the commission to require attaching entities to post certain security instruments by rule; authorizing the commission to issue orders for the removal or transfer of pole attachments by noncompliant attaching entities upon petition by a pole owner; providing construction; requiring the commission to adopt rules by a specified date; providing a directive to the Division of Law Revision; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1944** was placed on the calendar of Bills on Third Reading.

---

Consideration of **CS for SB 410** was deferred.

---

**CS for CS for SB 856**—A bill to be entitled An act relating to the express preemption of fuel retailers and related transportation infrastructure; creating s. 377.707, F.S.; defining terms; prohibiting a municipality, county, special district, or political subdivision from taking certain actions to prohibit the siting, development, or redevelopment of fuel retailers and the related transportation infrastructure and from requiring fuel retailers to install or invest in a particular fueling infrastructure; providing construction; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 856**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 839** was withdrawn from the Committee on Rules.

On motion by Senator Hutson—

**CS for CS for HB 839**—A bill to be entitled An act relating to the express preemption of fuel retailers and related transportation infrastructure; creating s. 377.707, F.S.; defining terms; prohibiting a municipality, county, special district, or political subdivision from taking certain actions to prohibit the siting, development, or redevelopment of fuel retailers and the related transportation infrastructure and from requiring fuel retailers to install or invest in a particular kind of fueling infrastructure; providing construction; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 856** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 839** was placed on the calendar of Bills on Third Reading.

---

Consideration of **CS for CS for SB 954** and **CS for SB 1120** was deferred.

---

**CS for CS for CS for SB 1194**—A bill to be entitled An act relating to transportation; creating s. 177.107, F.S.; authorizing governing bodies of municipalities and counties to abandon and convey their interests in certain roads and rights-of-way dedicated in a recorded residential subdivision plat to community development districts under specified conditions; specifying duties for community development districts relating to such roads and rights-of-way; providing for traffic control jurisdiction of such roads; specifying that the community development district has all rights, title, and interest in such roads and rights-of-way upon abandonment and conveyance; requiring community development districts to thereafter hold such roads and rights-of-way in trust; providing construction; creating s. 287.05705, F.S.; providing that certain governmental entities may not prohibit certain vendors from responding to competitive solicitations of certain contractual services; providing applicability; amending s. 316.2397, F.S.; revising provisions

authorizing vehicles and equipment to show or display flashing lights; amending s. 318.18, F.S.; providing fines for certain violations relating to motor vehicle noise abatement equipment modifications; amending s. 319.30, F.S.; revising conditions under which insurance companies are authorized to receive salvage certificates of title or certificates of destruction for motor vehicles and mobile homes from the Department of Highway Safety and Motor Vehicles; amending s. 320.06, F.S.; clarifying that certain rental vehicles are authorized to elect a permanent registration period; amending s. 320.27, F.S.; requiring motor vehicle dealer licensees to deliver copies of renewed, continued, changed, or new insurance policies to the department within specified timeframes under certain conditions; requiring such licensees to deliver copies of renewed, continued, changed, or new surety bonds or irrevocable letters of credit to the department within specified timeframes under certain conditions; amending s. 337.025, F.S.; revising the type of transportation project contracts that are subject to an annual cap; creating s. 337.0262, F.S.; prohibiting the Department of Transportation and contractors and subcontractors of the department from purchasing specified substances from a borrow pit unless specified conditions are satisfied; requiring certain contracts, subcontracts, and purchase orders to require compliance with the prohibition; requiring the department to cease acceptance of substances from a borrow pit under certain conditions; authorizing the department to resume acceptance of such substances under certain conditions; amending s. 337.14, F.S.; requiring contractors wishing to bid on certain contracts to first be certified by the department as qualified; revising requirements for applying for and issuing a certificate of qualification; providing construction with respect to submission and approval of an application for such certificate; exempting airports from certain restrictions regarding entities performing engineering and inspection services; amending s. 337.185, F.S.; revising and providing definitions; revising requirements for arbitration of certain contracts by the State Arbitration Board; revising requirements regarding arbitration requests, hearings, procedures, and awards; revising membership and meeting requirements; revising compensation of board members; amending s. 338.166, F.S.; requiring that specified toll revenue be used to support certain public transportation projects; amending s. 339.175, F.S.; deleting a provision prohibiting certain metropolitan planning organizations from assessing any fees for municipalities, counties, or other governmental entities that are members of the organization; repealing part III of ch. 343, F.S., relating to the creation and operation of the Northwest Florida Transportation Corridor Authority; amending s. 348.754, F.S.; prohibiting the Central Florida Expressway Authority from constructing any extensions, additions, or improvements to the Central Florida Expressway System in Lake County without prior consultation with, rather than consent of, the Secretary of Transportation; amending s. 349.04, F.S.; revising a limitation on the terms of leases that the Jacksonville Transportation Authority may enter into and make; amending s. 378.403, F.S.; defining the term "borrow pit"; amending s. 378.801, F.S.; prohibiting operation of a borrow pit at a new location without notifying the Secretary of Environmental Protection of the intent to extract; conforming provisions to changes made by the act; amending s. 378.802, F.S.; revising application of provisions to exclude existing locations; amending s. 479.07, F.S.; requiring the department to create and implement a publicly accessible electronic database for sign permit information; specifying requirements for the database; prohibiting the department from furnishing permanent metal permit tags or replacement tags and from enforcing specified provisions once the department creates and implements the database; specifying that permittees are not required to return permit tags to the department once the department creates and implements the database; dissolving the Northwest Florida Transportation Corridor Authority and requiring the authority to discharge its liabilities, settle and close its activities and affairs, and provide for the distribution of the authority's assets; providing an effective date.

—was read the second time by title.

On motion by Senator Hooper, further consideration of **CS for CS for CS for SB 1194** was deferred.

**SB 1512**—A bill to be entitled An act relating to Space Florida board of directors; amending s. 331.3081, F.S.; revising the membership of the board of directors of Space Florida to include two ex officio, nonvoting members appointed by the Legislature; providing an effective date.

—was read the second time by title. On motion by Senator Wright, by two-thirds vote, **SB 1512** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Mr. President, Mayfield

---

The Senate resumed consideration of—

**CS for CS for CS for SB 1194**—A bill to be entitled An act relating to transportation; creating s. 177.107, F.S.; authorizing governing bodies of municipalities and counties to abandon and convey their interests in certain roads and rights-of-way dedicated in a recorded residential subdivision plat to community development districts under specified conditions; specifying duties for community development districts relating to such roads and rights-of-way; providing for traffic control jurisdiction of such roads; specifying that the community development district has all rights, title, and interest in such roads and rights-of-way upon abandonment and conveyance; requiring community development districts to thereafter hold such roads and rights-of-way in trust; providing construction; creating s. 287.05705, F.S.; providing that certain governmental entities may not prohibit certain vendors from responding to competitive solicitations of certain contractual services; providing applicability; amending s. 316.2397, F.S.; revising provisions authorizing vehicles and equipment to show or display flashing lights; amending s. 318.18, F.S.; providing fines for certain violations relating to motor vehicle noise abatement equipment modifications; amending s. 319.30, F.S.; revising conditions under which insurance companies are authorized to receive salvage certificates of title or certificates of destruction for motor vehicles and mobile homes from the Department of Highway Safety and Motor Vehicles; amending s. 320.06, F.S.; clarifying that certain rental vehicles are authorized to elect a permanent registration period; amending s. 320.27, F.S.; requiring motor vehicle dealer licensees to deliver copies of renewed, continued, changed, or new insurance policies to the department within specified timeframes under certain conditions; requiring such licensees to deliver copies of renewed, continued, changed, or new surety bonds or irrevocable letters of credit to the department within specified timeframes under certain conditions; amending s. 337.025, F.S.; revising the type of transportation project contracts that are subject to an annual cap; creating s. 337.0262, F.S.; prohibiting the Department of Transportation and contractors and subcontractors of the department from purchasing specified substances from a borrow pit unless specified conditions are satisfied; requiring certain contracts, subcontracts, and purchase orders to require compliance with the prohibition; requiring the department to cease acceptance of substances from a borrow pit under certain conditions; authorizing the department to resume acceptance of such substances under certain conditions; amending s. 337.14, F.S.; requiring contractors wishing to bid on certain contracts to first be certified by the department as qualified; revising requirements for applying for and issuing a certificate of qualification; providing construction with respect to submission and approval of an application for such certificate; exempting airports from certain restrictions regarding entities performing engineering and inspection services; amending s. 337.185, F.S.; revising and providing definitions; revising requirements for arbitration of certain contracts by the State Arbitration Board; revising requirements



regarding arbitration requests, hearings, procedures, and awards; revising membership and meeting requirements; revising compensation of board members; amending s. 338.166, F.S.; requiring that specified toll revenue be used to support certain public transportation projects; amending s. 339.175, F.S.; deleting a provision prohibiting certain metropolitan planning organizations from assessing any fees for municipalities, counties, or other governmental entities that are members of the organization; repealing part III of ch. 343, F.S., relating to the creation and operation of the Northwest Florida Transportation Corridor Authority; amending s. 348.754, F.S.; prohibiting the Central Florida Expressway Authority from constructing any extensions, additions, or improvements to the Central Florida Expressway System in Lake County without prior consultation with, rather than consent of, the Secretary of Transportation; amending s. 349.04, F.S.; revising a limitation on the terms of leases that the Jacksonville Transportation Authority may enter into and make; amending s. 378.403, F.S.; defining the term "borrow pit"; amending s. 378.801, F.S.; prohibiting operation of a borrow pit at a new location without notifying the Secretary of Environmental Protection of the intent to extract; conforming provisions to changes made by the act; amending s. 378.802, F.S.; revising application of provisions to exclude existing locations; amending s. 479.07, F.S.; requiring the department to create and implement a publicly accessible electronic database for sign permit information; specifying requirements for the database; prohibiting the department from furnishing permanent metal permit tags or replacement tags and from enforcing specified provisions once the department creates and implements the database; specifying that permittees are not required to return permit tags to the department once the department creates and implements the database; dissolving the Northwest Florida Transportation Corridor Authority and requiring the authority to discharge its liabilities, settle and close its activities and affairs, and provide for the distribution of the authority's assets; providing an effective date.

—which was previously considered this day.

Senator Rouson moved the following amendment which was adopted:

**Amendment 1 (934812) (with directory and title amendments)**—Between lines 748 and 749 insert:

(i) ~~There is created the Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee is created within the Tampa Bay Area Regional Transit Authority,~~ composed of the M.P.O.'s serving Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. ~~The authority shall provide administrative support and direction to the committee. The committee must, at a minimum:~~

1. Coordinate transportation projects deemed to be regionally significant by the committee.
2. Review the impact of regionally significant land use decisions on the region.
3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.
4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

Section 14. Paragraph (b) of subsection (2) and subsections (8) and (9) of section 343.92, Florida Statutes, are amended to read:

343.92 Tampa Bay Area Regional Transit Authority.—

(2) The governing board of the authority shall consist of 13 voting members appointed no later than 45 days after the creation of the authority.

(b) The 13 voting members of the board shall be as follows:

1. The county commissions of Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties shall each appoint one county commissioner to the board. Members appointed under this subparagraph shall serve 2-year terms with not more than three consecutive terms being served by any person. If a member under this subparagraph leaves

elected office, a vacancy exists on the board to be filled as provided in this subparagraph within 90 days.

2.a. Two members of the board shall be the mayor, or the mayor's designated alternate, of the largest municipality within the service area of each of the following independent transit agencies or their legislatively created successor agencies: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority. The largest municipality is that municipality with the largest population as determined by the most recent United States Decennial Census.

b. *The mayor's designated alternate must be an elected member of the municipality's city council and approved as the mayor's designated alternate by the municipality's city council. In the event the mayor is unable to attend a meeting, the mayor's designated alternate shall attend the meeting on the mayor's behalf and has the full right to vote.*

3. The following independent transit agencies or their legislatively created successor agencies shall each appoint from the membership of their governing bodies one member to the board: Pinellas Suncoast Transit Authority and Hillsborough Area Regional Transit Authority. Each member appointed under this subparagraph shall serve a 2-year term with not more than three consecutive terms being served by any person. If a member no longer meets the transit authority's criteria for appointment, a vacancy exists on the board, which must be filled as provided in this subparagraph within 90 days.

4. The Governor shall appoint to the board four members from the regional business community, each of whom must reside in one of the counties governed by the authority and may not be an elected official. Of the members initially appointed under this subparagraph, one shall serve a 1-year term, two shall serve 2-year terms, and one shall serve a term as the initial chair as provided in subsection (5). Thereafter, a member appointed under this subparagraph shall serve a 2-year term with not more than three consecutive terms being served by any person.

Appointments may be staggered to avoid mass turnover at the end of any 2-year or 4-year period. A vacancy during a term shall be filled within 90 days in the same manner as the original appointment for the remainder of the unexpired term.

(8) ~~A simple majority of seven members of the board shall constitute a quorum, and a simple majority of the voting members present shall be necessary for any action to be taken by the board. The vote of seven members is necessary for any action to be taken by the authority.~~ The authority may meet upon the constitution of a quorum. A vacancy does not impair the right of a quorum of the board to exercise all rights and the ability to perform all duties of the authority.

~~(9) Beginning July 1, 2017, the board must evaluate the abolishment, continuance, modification, or establishment of the following committees:~~

~~(a) Planning committee.~~

~~(b) Policy committee.~~

~~(c) Finance committee.~~

~~(d) Citizens advisory committee.~~

~~(e) Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee.~~

~~(f) Transit management committee.~~

~~(g) Technical advisory committee.~~

~~The board must submit its recommendations for abolishment, continuance, modification, or establishment of the committees to the President of the Senate and the Speaker of the House of Representatives before the beginning of the 2018 Regular Session.~~

Section 15. Paragraphs (e), (f), and (g) of subsection (3) of section 343.922, Florida Statutes, are amended to read:

343.922 Powers and duties.—

(3)



(e) The authority shall present the ~~original~~ regional transit development plan and updates to the governing bodies of the counties within the designated region, ~~to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee~~, and to the legislative delegation members representing those counties within 90 days after adoption.

~~(f) The authority shall coordinate plans and projects with the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee, to the extent practicable, and participate in the regional M.P.O. planning process to ensure regional comprehension of the authority's mission, goals, and objectives.~~

~~(g) The authority shall provide administrative support and direction to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee as provided in s. 339.175(6)(i).~~

And the directory clause is amended as follows:

Delete lines 728-729 and insert:

Section 13. Paragraphs (f) and (i) of subsection (6) of section 339.175, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete line 76 and insert: organization; renaming the Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee as the Chairs Coordinating Committee; deleting a requirement that the Tampa Bay Area Regional Transit Authority provide the committee with administrative support and direction; amending s. 343.92, F.S.; providing that a mayor's designated alternate may be a member of the governing board of the authority; requiring that the alternate be an elected member of the city council of the mayor's municipality and be approved by the municipality's city council; requiring a mayor's designated alternate to attend meetings under certain circumstances, in which case the alternate has full voting rights; providing that a simple majority of board members constitutes a quorum and that a simple majority of those members present is necessary for any action to be taken; deleting obsolete language; amending s. 343.922, F.S.; revising a provision requiring the authority to present the regional transit development plan and updates to specified entities; deleting a provision requiring that the authority coordinate plans and projects with the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee and participate in the regional M.P.O. planning process to ensure regional comprehension of the authority's mission, goals, and objectives; deleting a provision requiring that the authority provide administrative support and direction to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee; repealing part III of ch. 343, F.S.,

On motion by Senator Hooper, by two-thirds vote, **CS for CS for CS for SB 1194**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—39

Albritton	Cruz	Perry
Ausley	Diaz	Pizzo
Baxley	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—Mr. President

Consideration of **CS for SB 1408** was deferred.

## SENATOR STARGEL PRESIDING

On motion by Senator Rodrigues—

**SB 7072**—A bill to be entitled An act relating to social media platforms; creating s. 106.072, F.S.; defining terms; prohibiting a social media platform from knowingly deplatforming a candidate; providing fines for violations; authorizing social media platforms to provide free advertising for candidates under specified conditions; providing enforcement authority consistent with federal and state law; creating s. 287.137, F.S.; defining terms; providing requirements for public contracts and economic incentives related to entities that have been convicted or held civilly liable for antitrust violations; prohibiting a public entity from entering into any type of contract with a person or an affiliate on the antitrust violator vendor list; providing applicability; requiring certain contract documents to contain a specified statement; requiring the Department of Management Services to maintain a list of people or affiliates disqualified from the public contracting and purchasing process; specifying requirements for publishing such list; providing procedures for placing a person or an affiliate on the list; providing procedural and legal rights for a person or affiliate to challenge placement on the list; providing a procedure for temporarily placing a person on an antitrust violator vendor list; providing procedural and legal rights for a person to challenge temporary placement on the list; specifying conditions for removing certain entities and affiliates from the list; authorizing a person, under specified conditions, to retain rights or obligations under existing contracts or binding agreements; prohibiting a person who has been placed on the antitrust violator vendor list from receiving certain economic incentives; providing exceptions; providing enforcement authority consistent with federal and state law; creating s. 501.2041, F.S.; defining terms; providing that social media platforms that fail to comply with specified requirements and prohibitions commit an unfair or deceptive act or practice; requiring a notification given by a social media platform for censoring content or deplatforming a user to contain certain information; providing an exception to the notification requirements; authorizing the Department of Legal Affairs to investigate suspected violations under the Deceptive and Unfair Trade Practices Act and bring specified actions for such violations; specifying circumstances under which a private cause of action may be brought; specifying how damages are to be calculated; providing construction for violations of certain provisions of this act; granting the department specified subpoena powers; providing enforcement authority consistent with federal and state law; amending s. 501.212, F.S.; conforming a provision to changes made by the act; providing for severability; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 7072** was placed on the calendar of Bills on Third Reading.

## SENATOR BEAN PRESIDING

On motion by Senator Rodrigues—

**SB 7074**—A bill to be entitled An act relating to public records; amending s. 287.137, F.S.; providing a public records exemption for information received by the Attorney General pursuant to an investigation by the Attorney General or a law enforcement agency into certain social media platform activities; authorizing release of confidential and exempt information in certain instances; requiring certain information to remain confidential and exempt after an investigation is completed or ceases to be active; defining the term “proprietary business information”; providing for future legislative review and repeal of the exemption; amending s. 501.2041, F.S.; providing a public records exemption for information received by the Department of Legal Affairs pursuant to an investigation by the department or a law enforcement agency into violations by certain social media platforms; authorizing release of confidential and exempt information in certain instances; requiring certain information to remain confidential and exempt after an investigation is completed or ceases to be active; defining the term “proprietary business information”; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 7074** was placed on the calendar of Bills on Third Reading.

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

—was read the second time by title.

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

Senator Gibson moved the following amendment which was adopted:

**Amendment 1 (826808) (with directory and title amendments)**—Delete lines 127-181 and insert:

(10)(a) *A called party who is aggrieved by a violation of this section may bring an action to:*

1. *Enjoin such violation.*
2. *Recover actual damages or \$500, whichever is greater.*

(b) *If the court finds that the defendant willfully or knowingly violated this section or rules adopted pursuant to this section, the court may, in its discretion, increase the amount of the award to an amount equal to not more than three times the amount available under paragraph (a).*

Section 2. Subsections (6) and (7) of section 501.616, Florida Statutes, are amended to read:

501.616 Unlawful acts and practices.—

(6) A commercial telephone seller or salesperson may not make any of the following types of phone calls, including calls made through automated dialing or recorded messages:

(a) A commercial telephone solicitation phone call before 8 a.m. or after 8 p.m. local time in ~~at~~ the called person's time zone ~~location~~.

(b) More than three commercial telephone solicitation phone calls from any number to a person over a 24-hour period on the same subject matter or issue, regardless of the phone number used to make the call.

(7) A commercial telephone seller or salesperson making a commercial telephone solicitation call may not:

(a) Intentionally act to prevent transmission of the telephone solicitor's name or telephone number to the party called when the equipment or service used by the telephone solicitor is capable of creating and transmitting the telephone solicitor's name or telephone number.

(b) Use technology that deliberately displays a different caller identification number than the number the call is originating from to conceal

the true identity of the caller. A commercial telephone seller or salesperson who makes a call using such technology commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

And the directory clause is amended as follows:

Delete lines 35-40 and insert:

Section 1. Present paragraphs (a) through (e) and (f) through (i) of subsection (1) and present subsections (10), (11), and (12) of section 501.059, Florida Statutes, are redesignated as paragraphs (b) through (f) and (i) through (l), and subsections (11), (12), and (13), respectively, new paragraphs (a), (g), and (h) are added to subsection (1), a new subsection (10) is added to that section, and subsection (8) of that section is amended, to read:

And the title is amended as follows:

Delete lines 11-23 and insert: award for willful and knowing violations; amending s. 501.616, F.S.; prohibiting a commercial telephone seller or salesperson from using automated dialing or recorded messages to make certain commercial telephone solicitation phone calls; revising the timeframe during which a commercial telephone seller or salesperson may make commercial solicitation phone calls; prohibiting commercial telephone sellers or salespersons from making a specified number of commercial telephone solicitation phone calls to a person over a specified timeframe; prohibiting commercial telephone sellers or salespersons from using certain technology to conceal their true identity; providing criminal penalties;

On motion by Senator Gibson, by two-thirds vote, **CS for SB 1120**, 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	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 Hutson—

**CS for CS for SB 1028**—A bill to be entitled An act relating to charter schools; amending s. 1002.32, F.S.; providing that the limitation on lab schools does not apply to a school serving a military installation; removing a limitation on lab schools receiving a share of the sparsity supplement; amending s. 1002.33, F.S.; authorizing state universities and Florida College System institutions to solicit applications and sponsor charter schools under certain circumstances; prohibiting certain charter schools from being sponsored by a Florida College System institution until such charter schools' existing charter expires; authorizing a state university or Florida College System institution to, at its discretion, deny an application for a charter school; revising the contents of an annual report that charter school sponsors must provide to the Department of Education; revising the date by which the department must post a specified annual report; revising provisions relating to Florida College System institutions that are operating charter schools; prohibiting certain interlocal agreements; requiring the board of trustees of a state university or Florida College System institution that is sponsoring a charter school to serve as the local educational agency for such school; prohibiting certain charter school students from being included in specified school district grade calculations; requiring the department to develop a sponsor evaluation framework; providing re-

quirements for the framework; requiring the department to compile results in a specified manner; deleting obsolete language; revising requirements for the charter school application process; requiring certain school districts to reduce administrative fees withheld; requiring such school districts to file monthly reports; authorizing school districts to resume withholding the full amount of administrative fees under specified circumstance; authorizing certain charter schools to recover attorney fees and costs; requiring the State Board of Education to withhold state funds from a district school board that is in violation of a state board decision on a charter school; authorizing parties to appeal without first mediating in certain circumstances; providing that certain changes to curriculum are deemed approved; providing an exception; revising the circumstances in which a charter may be immediately terminated; providing that certain information must be provided to specified entities upon immediate termination of a charter; authorizing the award of specified fees and costs in certain circumstances; authorizing a sponsor to seek an injunction in certain circumstances; revising provisions related to sponsor assumption of operation; revising the student populations for which a charter school is authorized to limit the enrollment process; providing a calculation for the operational funding for a charter school sponsored by a state university or Florida College System institution; requiring the department to develop a tool for state universities and Florida College System institutions for specified purposes relating to certain funding calculations; providing that such funding must be appropriated to the charter school; providing for capital outlay funding for such schools; authorizing a sponsor to withhold an administrative fee for the provision of certain services to an exceptional student education center that meets specified requirements; conforming provisions to changes made by the act; amending s. 1002.331, F.S.; revising requirements for a charter school to be a high-performing charter school; revising a limitation on the expansion of high-performing charter schools; revising provisions relating to the opening of additional high-performing charter schools; amending s. 1002.333, F.S.; revising the definition of the term “persistently low-performing school”; providing that certain nonprofit entities may be designated as a local education agency; providing that certain entities report students to the department in a specified manner; specifying reporting provisions that apply only to certain schools of hope; providing that schools of hope may comply with certain financial reporting in a specified manner; revising the manner in which underused, vacant, or surplus facilities owned or operated by school districts are identified; authorizing a nonprofit entity designated as a local education agency to use any capital assets identified in a certain annual financial audit for another school of hope operated by the local education agency within the same district; increasing the number of years for which certain funds may be carried forward; amending s. 1002.45, F.S.; authorizing a virtual charter school to provide part-time virtual instruction; amending s. 1003.493, F.S.; authorizing a charter school to offer a career and professional academy; amending s. 1008.3415, F.S.; requiring the Commissioner of Education, upon request by a charter school that meets specified criteria, to provide a letter to the charter school and the charter school’s sponsor authorizing the charter school to replicate its educational program; amending s. 1012.32, F.S.; providing an alternate screening method for specified persons employed by certain schools of hope or serving on certain school of hope governing boards; amending s. 1013.62, F.S.; expanding eligibility to receive capital outlay funds to schools of hope operated by a hope operator; providing for severability; providing an effective date.

—was read the second time by title.

Senator Hutson moved the following amendment which was adopted:

**Amendment 1 (775406)**—Delete line 713 and insert:  
*the sponsor and the Department of Education determine in writing that the curriculum is*

Senator Diaz moved the following amendment which was adopted:

**Amendment 2 (882946) (with directory and title amendments)**—Delete lines 1516-1522.

And the directory clause is amended as follows:

Delete lines 1423-1424 and insert:

(g), and (h) of subsection (6), and paragraph (d) of subsection (7) of section 1002.333,

And the title is amended as follows:

Delete lines 91-92 and insert: the same district; amending

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

Senator Hutson moved the following amendment which was adopted:

**Amendment 3 (967772) (with directory and title amendments)**—Delete lines 142-163.

And the directory clause is amended as follows:

Delete lines 113-114 and insert:

Section 1. Subsection (2) of section 1002.32, Florida Statutes, is amended to read:

And the title is amended as follows:

Delete lines 5-6 and insert: installation; amending

Pursuant to Rule 4.19, **CS for CS for SB 1028**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

## SPECIAL RECOGNITION

Senator Diaz recognized his three daughters, Lexington, Madison, and Grayson, who were present in the gallery.

**CS for CS for SB 896**—A bill to be entitled An act relating to renewable energy; creating s. 163.3205, F.S.; providing legislative intent; defining the term “solar facility”; providing that solar facilities are a permitted use in local government comprehensive plan agricultural land use categories and certain agricultural zoning districts; requiring solar facilities to comply with specified criteria; authorizing counties to adopt ordinances that meet certain requirements; amending s. 366.91, F.S.; defining and redefining terms; authorizing the Florida Public Service Commission to approve cost recovery by a gas public utility for certain contracts for the purchase of renewable natural gas; amending ss. 366.92, 373.236, and 403.973, F.S.; conforming cross-references; reenacting s. 288.9606(7), F.S., relating to the issuance of revenue bonds, to incorporate the amendment made to s. 366.91, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

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

Senator Farmer moved the following amendment which was adopted:

**Amendment 1 (633872) (with title amendment)**—Between lines 55 and 56 insert:

(5) *This section does not apply to any site that was the subject of an application to construct a solar facility submitted to a local governmental entity before July 1, 2021.*

And the title is amended as follows:

Delete line 10 and insert: certain requirements; providing applicability; amending s. 366.91, F.S.;

On motion by Senator Brodeur, further consideration of **CS for CS for SB 896**, as amended, was deferred.

**CS for CS for SB 1906**—A bill to be entitled An act relating to reemployment assistance; amending s. 443.036, F.S.; defining and revising terms for purposes of the Reemployment Assistance Program Law; amending s. 443.091, F.S.; revising requirements for reemployment assistance benefits eligibility; creating s. 443.092, F.S.; prohibiting the Department of Economic Opportunity from denying a person

reemployment assistance solely on the basis of pregnancy; amending s. 443.111, F.S.; requiring an alternative base period to be used under certain circumstances when calculating wages in determining qualification for reemployment assistance benefits; requiring the department to contact an individual's employer if certain wage information is unavailable through specified means; specifying that wages that fall within an alternative base period are not available for reuse in subsequent benefit years; requiring the department to adopt rules; increasing the weekly benefit amounts an individual may receive; providing that weekly benefit amounts be determined based on the greater of the base period or alternative base period; replacing the term "Florida average unemployment rate" with "most recent monthly unemployment rate"; defining the term "most recent unemployment rate"; increasing the cap on the total benefit amount an individual is entitled to receive during a benefit year; increasing the duration of benefits; amending ss. 215.425, 443.1216, and 443.131, F.S.; conforming cross-references; reenacting ss. 443.041(2)(b) and 443.1116(6), (7), and (8)(a), F.S., relating to fees and short-time compensation, respectively, to incorporate the amendments made to s. 443.111, F.S., in references thereto; providing an effective date.

—was read the second time by title.

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

Senator Brodeur moved the following amendment:

**Amendment 1 (774412) (with title amendment)**—Delete lines 230-242 and insert:

(a) *Except as provided in paragraph (b), an individual's "weekly benefit amount" is an amount equal to one twenty-sixth of the total wages for insured work paid during that quarter of the base period in which the total wages paid were the highest, but not less than \$100 ~~\$32~~ or more than \$375 ~~\$275~~. The weekly benefit amount, if not a multiple of \$1, is rounded downward to the nearest full dollar amount. The maximum weekly benefit amount in effect at the time the claimant establishes an individual weekly benefit amount is the maximum benefit amount applicable throughout the claimant's benefit year.*

(b) *If an individual's weekly benefit calculated pursuant to paragraph (a) would result in a weekly benefit amount of less than \$100, the individual's weekly benefit amount may not exceed one-thirteenth of the total wages for insured work paid during the quarter of the base period in which the total wages paid were the highest.*

And the title is amended as follows:

Delete lines 19-23 and insert: requiring the department to adopt rules; revising the weekly benefit amounts an individual may receive; replacing the term "Florida average

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

Senator Brodeur moved the following substitute amendment which was adopted:

**Substitute Amendment 2 (347936) (with title amendment)**—Delete lines 230-242 and insert:

(a) *Except as provided in paragraph (b), an individual's "weekly benefit amount" is an amount equal to one twenty-sixth of the total wages for insured work paid during that quarter of the base period in which the total wages paid were the highest, but not less than \$100 ~~\$32~~ or more than \$375 ~~\$275~~. The weekly benefit amount, if not a multiple of \$1, is rounded downward to the nearest full dollar amount. The maximum weekly benefit amount in effect at the time the claimant establishes an individual weekly benefit amount is the maximum benefit amount applicable throughout the claimant's benefit year.*

(b) *If an individual's weekly benefit calculated pursuant to paragraph (a) would result in a weekly benefit amount of less than \$100, the individual's weekly benefit amount may not exceed one-thirteenth of the total wages for insured work paid during the quarter of the base period in which the total wages paid were the highest or \$100, whichever is less.*

And the title is amended as follows:

Delete lines 19-23 and insert: requiring the department to adopt rules; revising the weekly benefit amounts an individual may receive; replacing the term "Florida average

On motion by Senator Brodeur, by two-thirds vote, **CS for CS for SB 1906**, 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	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 CS for CS for SB 1076** was deferred.

**CS for SB 1324**—A bill to be entitled An act relating to digital driver licenses and identification cards; amending s. 322.032, F.S.; defining terms; requiring the Department of Highway Safety and Motor Vehicles to establish a secure and uniform system for issuing optional digital proofs of driver licenses and identification cards; authorizing the department to contract with one or more private entities to develop an electronic credentialing system; prohibiting such electronic credentialing system from retaining certain information; revising requirements for digital proofs of driver licenses and providing requirements for digital proofs of identification cards; revising the department's rulemaking authority; revising requirements for the issuance of digital proofs of driver licenses and identification cards; authorizing the department to use telephone numbers submitted by licensees and cardholders for specified purposes only; authorizing the department to enter into contracts with private entities for a specified purpose; prohibiting entities from storing, selling, or sharing personal information collected from scanning the digital proofs of driver licenses and identification cards; providing an exception by authorizing individuals to consent to allow private entities to collect and store such personal information; requiring that an individual be informed what information is collected in such scans and the purposes for which the information will be used; authorizing private entities to manually collect personal information from individuals under certain circumstances; providing a civil penalty; providing applicability; conforming provisions to changes made by the act; amending s. 322.14, F.S.; conforming a provision to changes made by the act; amending s. 322.15, F.S.; conforming a provision to changes made by the act; requiring a licensee to present or submit his or her printed driver license to a law enforcement officer or an authorized representative of the department under specified circumstances; reenacting s. 322.121(2), F.S., relating to periodic reexamination of all drivers, to incorporate the amendment made to s. 322.15, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1324**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1313** was withdrawn from the Committee on Rules.

On motion by Senator Harrell—

**CS for HB 1313**—A bill to be entitled An act relating to digital driver licenses and identification cards; amending s. 322.032, F.S.; defining terms; requiring the Department of Highway Safety and Motor Vehicles to establish a secure and uniform system for issuing optional digital

proofs of driver licenses and identification cards; authorizing the department to contract with one or more private entities to develop an electronic credentialing system; prohibiting such electronic credentialing system from retaining certain information; revising requirements for digital proofs of driver licenses and providing requirements for digital proofs of identification cards; revising the department's rulemaking authority; revising requirements for the issuance of digital proofs of driver licenses and identification cards; authorizing the department to use telephone numbers submitted by licensees and cardholders for specified purposes only; authorizing the department to enter into contracts with private entities for a specified purpose; prohibiting private entities from storing, selling, or sharing personal information collected from scanning the digital proofs of driver licenses and identification cards; providing an exception by authorizing individuals to consent to allow private entities to collect and store such personal information; requiring that an individual is informed what information is collected in such scans and the purposes for which the information will be used; authorizing private entities to manually collect personal information from individuals under certain circumstances; providing a civil penalty; providing applicability; conforming provisions to changes made by the act; amending s. 322.14, F.S.; conforming a provision to changes made by the act; amending s. 322.15, F.S.; conforming a provision to changes made by the act; requiring a licensee to present or submit his or her printed driver license to a law enforcement officer or an authorized representative of the department under specified circumstances; reenacting s. 322.121(2), F.S., relating to periodic reexamination of all drivers, to incorporate the amendment made to s. 322.15, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for SB 1324** and read the second time by title.

On motion by Senator Harrell, by two-thirds vote, **CS for HB 1313** 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

**CS for SB 1326**—A bill to be entitled An act relating to public records; amending s. 119.0712, F.S.; providing exemptions from public records requirements for secure login credentials, Internet protocol addresses, and geolocation data held by the Department of Highway Safety and Motor Vehicles; providing retroactive application; defining the terms “secure login credentials” and “public-facing portal”; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1326**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1315** was withdrawn from the Committee on Rules.

On motion by Senator Harrell—

**CS for HB 1315**—A bill to be entitled An act relating to public records; amending s. 119.0712, F.S.; providing exemptions from public records requirements for secure login credentials, Internet protocol

addresses, geolocation data, and other certain information held by the Department of Highway Safety and Motor Vehicles; providing retroactive application; defining the terms “secure login credentials” and “public-facing portal”; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 1326** and read the second time by title.

On motion by Senator Harrell, by two-thirds vote, **CS for HB 1315** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and voting, and certified to the House. The vote on passage was:

Yeas—40

Mr. President	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

**CS for CS for CS for SB 1128**—A bill to be entitled An act relating to preemption over restriction of utility services; creating s. 366.032, F.S.; prohibiting municipalities, counties, special districts, or other political subdivisions from restricting or prohibiting the types or fuel sources of energy production used, delivered, converted, or supplied by certain entities to serve customers; providing construction; voiding existing specified documents and policies that are preempted by the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 1128**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 919** was withdrawn from the Committee on Rules.

On motion by Senator Hutson, by two-thirds vote—

**CS for CS for HB 919**—A bill to be entitled An act relating to preemption over restriction of utility services; creating s. 366.032, F.S.; prohibiting municipalities, counties, special districts, or other political subdivisions from restricting or prohibiting the types or fuel sources of energy production used, delivered, converted, or supplied by certain entities to serve customers; providing construction; voiding existing specified documents and policies that are preempted by this act; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1128** and, by two-thirds vote, read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 919** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 48**—A bill to be entitled An act relating to educational scholarship programs; amending s. 11.45, F.S.; requiring the Auditor General to conduct certain audits at least every 3 years instead of annually; conforming provisions to changes made by the act; amending s. 211.0251, F.S.; conforming provisions to changes made by the act; deleting a provision limiting a certain tax credit to no more than 50 percent of the tax due on the return the credit is taken; amending s. 212.099, F.S.; revising the definition of the term “eligible contribution”; deleting the definition of the term “eligible nonprofit scholarship-

funding organization"; granting a credit against the state portion of certain taxes to eligible businesses; requiring dealers to remit any contributions of designated amounts from an eligible business; revising the circumstances under which dealers reduce the collection of taxes from certain businesses; requiring the Department of Revenue to provide eligible businesses that make a contribution with a receipt during a certain timeframe; requiring a dealer to identify on the dealer's return the amount of an eligible contribution; requiring dealers to remit to the Department of Revenue specified contributions; requiring the Department of Revenue to ensure that certain receipts are deposited into a specified fund; conforming provisions to changes made by the act; amending s. 212.1831, F.S.; conforming provisions to changes made by the act; amending s. 212.1832, F.S.; defining terms; requiring dealers claiming certain tax credits to file and pay returns electronically; requiring specified persons to report to the Department of Revenue on certain returns the amount of credits granted for the preceding reporting period; requiring such persons to remit eligible contributions to the Department of Revenue during a certain timeframe; requiring the Department of Revenue to adopt rules; conforming provisions to changes made by the act; amending s. 213.053, F.S.; deleting authorization for the Department of Revenue to provide specified information to certain entities; deleting definitions; amending ss. 220.1105, 220.13, 220.186, 220.1875, 561.1211, 624.51055, and 1002.20, F.S.; conforming provisions to changes made by the act; amending s. 1002.23, F.S.; correcting a reference to the Florida Virtual School; conforming a provision to changes made by the act; amending s. 1002.31, F.S.; adding certain students to those to whom district school boards must provide preferential treatment in the controlled open enrollment process; creating s. 1002.381, F.S.; establishing the McKay-Gardiner Scholarship Program; providing the purpose of the program; defining terms; specifying eligibility requirements; providing criteria for authorized uses of program funds; providing the terms of a program scholarship; requiring certain scholarship accounts to be closed and for specified funds to revert to the state under specified circumstances; providing school district obligations under the program; specifying obligations for eligible private schools; providing Department of Education obligations relating to the program; specifying Commissioner of Education authority and obligations; providing parent and student responsibilities for program participation; providing an application approval and renewal process for charitable organizations seeking to participate or remain in the program; establishing a procedure for when an organization is disapproved; providing that an organization is a renewing organization if it was approved by the State Board of Education for a certain fiscal year or after and maintains continuous approval and participation in the program; requiring the state board to adopt specified rules; exempting specified entities from the initial or renewal application process; providing obligations for organizations relating to establishing program scholarships; providing eligibility and obligations for transition-to-work programs; specifying requirements for scholarship funding and payment; specifying the initial maximum number of student FTE; providing for the annual increase of the maximum number of student FTE; requiring the department to transfer certain funds to organizations in a specified manner; clarifying that accrued interest in student accounts is in addition to, and not part of, awarded funds; authorizing organizations to develop systems for payment of benefits by funds transfer; prohibiting organizations that develop such systems from reducing scholarship awards through certain fees; clarifying that scholarship funds do not constitute taxable income to the qualified student or to his or her parent; requiring the Auditor General to conduct certain audits at least once every 3 years; specifying obligations related to approved providers; providing that the state is not liable for the award or use of program funds; providing construction; requiring the State Board of Education to adopt rules; repealing ss. 1002.385 and 1002.39, F.S., relating to the Gardiner Scholarship and the John M. McKay Scholarships for Students with Disabilities Program, respectively; amending s. 1002.394, F.S.; revising the Family Empowerment Scholarship Program; providing and revising definitions; specifying and revising eligibility requirements; revising the priority order for awarding scholarships; providing and revising terms for scholarship payments to organizations; providing circumstances under which a student's account must be closed and remaining funds revert to the state; specifying the purposes for which such funds may be used; providing and revising school district obligations; providing and revising department obligations relating to participating students; requiring the department to verify eligible expenditures before distributing funds; requiring the department to issue a project grant award to a state university for a certain purpose; specifying the duration of the grant and the maximum

dollar amount; requiring the university to annually report data on student performance to the department; requiring the department to publish the report on its website; specifying other department requirements pertaining to approved providers, verification of certain expenditures, reports from eligible nonprofit scholarship-funding organizations, and contracting with an independent entity to evaluate the program annually; requiring the department to investigate certain complaints; requiring the department to establish and coordinate an FTE reporting process; providing and revising obligations for eligible private schools; providing and revising parent and student obligations for initial and continued participation in the program; providing and revising nonprofit scholarship-funding organization obligations relating to participating in the program; specifying Auditor General obligations; expanding eligibility to specified students who received certain scholarships in a specified school year; clarifying that certain scholarships do not count toward the maximum number of eligible students; providing the manner in which funds will be allocated; requiring the department to verify that a student is not prohibited from receiving a scholarship upon notification from an organization that an application has been approved; requiring the organization to provide the department with the documentation necessary to verify the student's participation; requiring the department to release the student's scholarship funds to the organization to be deposited into the student's account upon verification; clarifying that accrued interest is in addition to, and not part of, awarded funds; authorizing organizations to develop a system for payment of benefits by funds transfer; prohibiting scholarship awards from being reduced by certain fees; clarifying that scholarship funds do not constitute taxable income to the qualified student or to his or her parent; requiring the Auditor General to conduct certain audits at least once every 3 years; providing an application approval and renewal process for charitable organizations seeking to participate or remain in the program; establishing a procedure for when an organization is disapproved; providing that an organization is a renewing organization if it was approved by the state board for a certain fiscal year or after and maintains continuous approval and participation in the program; requiring the state board to adopt rules; exempting specified entities from the initial or renewal application process; providing certain authority and obligations of the Commissioner of Education; deleting an obsolete implementation schedule; amending s. 1002.395, F.S.; repealing the Florida Tax Credit Scholarship Program; revising legislative findings; revising and deleting terms; deleting provisions made obsolete by the act; retaining the tax credits available under the former scholarship program; specifying the manner in which a taxpayer may elect to make eligible contributions; requiring all eligible contributions received by the department and the division to be deposited into a specified fund; requiring the Department of Revenue to adopt rules; authorizing the Division of Alcoholic Beverages and Tobacco to adopt rules; repealing s. 1002.40, F.S., relating to the Hope Scholarship Program; amending s. 1002.411, F.S.; conforming a provision to changes made by the act; amending s. 1002.421, F.S.; providing that private virtual schools meet the requirement to maintain a physical location in this state if such virtual schools maintain at least one administrative office in a specified manner; requiring certain private schools to provide reports from a specified public accountant; providing requirements for such reports; requiring the schools to provide parents and students with specified information; amending ss. 1009.971, 1009.98, 1009.981, and 1011.61, F.S.; conforming provisions to changes made by the act; amending s. 1011.62, F.S.; deleting a provision requiring that certain funds not be included in the calculated amount for certain scholarship awards; creating s. 1011.687, F.S.; establishing an allocation within the Florida Education Finance Program for certain scholarship programs; providing requirements for certain allocations of tax credits; clarifying that certain requirements apply to allocations of credit received before a certain date; authorizing the Department of Revenue to contract with a qualified vendor without using a competitive solicitation process; providing an appropriation; providing the department with emergency rulemaking authority; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 48**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7045** was withdrawn from the Committee on Appropriations.

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

**CS for HB 7045**—A bill to be entitled An act relating to school choice; amending s. 11.45, F.S.; revising the frequency with which the Auditor

General must conduct certain operational audits; repealing s. 1002.385, F.S., relating to the Gardiner Scholarship; amending s. 1002.39, F.S.; revising provisions relating to the calculation of the maximum amount of scholarship funds granted to an eligible student with a disability under the John M. McKay Scholarships for Students with Disabilities Program; providing for future repeal of the program; amending s. 1002.394, F.S.; providing definitions; revising student eligibility requirements under the Family Empowerment Scholarship Program; providing requirements for the use of funds under the program; revising provisions relating to the term of scholarships under the program; providing that certain students are not eligible for a scholarship under the program under certain circumstances; providing exceptions; revising the obligations of school districts, the Department of Education, private schools, and eligible scholarship-funding organizations under the program; revising the responsibilities of parents and students relating to program participation; revising provisions relating to the funding and payment of scholarships awarded under the program; requiring specified state agencies to work with an organization to provide access to lists of approved licensed service providers; providing that certain students with disabilities are eligible for enrollment in transition-to-work programs at certain participating private schools; providing requirements for such students, private schools, and businesses under transition-to-work programs; revising provisions relating to the State Board of Education's rulemaking authority; removing obsolete provisions; amending s. 1002.395, F.S.; revising student eligibility criteria based on household income level for the Florida Tax Credit Scholarship Program; amending ss. 1002.40, 1009.971, 1009.98, 1009.981, 1011.61, and 1011.62, F.S.; conforming provisions to changes made by the act; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 48** and read the second time by title.

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

Senator Taddeo moved the following amendment which failed:

**Amendment 1 (758664)**—Between lines 765 and 766 insert:

*(d) By October 1 of each year, report to the department, in a format developed by the department, the following information for the preceding school year:*

1. *The total number of students enrolled in the school;*
2. *The number of students enrolled in the school who participated in a state school choice scholarship program under this chapter, indicating student participation in each scholarship program; and*
3. *The number of students enrolled in the school who participated in a state school choice scholarship program under this chapter and also took courses through dual enrollment under chapter 1007 or a virtual school under this chapter, indicating student enrollment in such courses, either through dual enrollment or enrollment in a virtual school, or both.*

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

Senator Thurston moved the following amendments which failed:

**Amendment 2 (234616) (with title amendment)**—Delete lines 1514-1531.

And the title is amended as follows:

Delete line 40 and insert: 1009.971, 1009.98, 1009.981, and 1011.61,

## THE PRESIDENT PRESIDING

**Amendment 3 (507624) (with title amendment)**—Between lines 1402 and 1403 insert:

Section 6. Paragraph (h) of subsection (1) of section 1002.421, Florida Statutes, is amended to read:

1002.421 State school choice scholarship program accountability and oversight.—

(1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private school participating in an educational scholarship program established pursuant to this chapter must be a private school as defined in s. 1002.01(2) in this state, be registered, and be in compliance with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools, and must:

(h) Employ or contract with teachers who hold baccalaureate or higher degrees *or*; have at least 3 years of teaching experience in public or private schools; ~~or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.~~

The department shall suspend the payment of funds to a private school that knowingly fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies. If a private school fails to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (q), the commissioner may determine that the private school is ineligible to participate in a scholarship program.

And the title is amended as follows:

Delete line 39 and insert: Credit Scholarship Program; amending s. 1002.421, F.S.; deleting a provision requiring private schools participating in an educational scholarship program to employ or contract with teachers based on them having special skills, knowledge, or expertise that qualifies them to provide instruction; amending ss. 1002.40,

**Amendment 4 (146430)**—Delete lines 264-269 and insert: 275 ~~300~~ percent of the federal poverty level or an adjusted maximum percent of the federal poverty level;

**Amendment 5 (214218) (with title amendment)**—Delete lines 46-69.

And the title is amended as follows:

Delete lines 2-4 and insert: An act relating to school choice;

Pursuant to Rule 4.19, **CS for HB 7045** was placed on the calendar of Bills on Third Reading.

On motion by Senator Brodeur, the Senate resumed consideration of—

**CS for CS for SB 896**—A bill to be entitled An act relating to renewable energy; creating s. 163.3205, F.S.; providing legislative intent; defining the term “solar facility”; providing that solar facilities are a permitted use in local government comprehensive plan agricultural land use categories and certain agricultural zoning districts; requiring solar facilities to comply with specified criteria; authorizing counties to adopt ordinances that meet certain requirements; amending s. 366.91, F.S.; defining and redefining terms; authorizing the Florida Public Service Commission to approve cost recovery by a gas public utility for certain contracts for the purchase of renewable natural gas; amending ss. 366.92, 373.236, and 403.973, F.S.; conforming cross-references; reenacting s. 288.9606(7), F.S., relating to the issuance of revenue bonds, to incorporate the amendment made to s. 366.91, F.S., in a reference thereto; providing an effective date.

—which was previously considered and amended this day.

Pursuant to Rule 4.19, **CS for CS for SB 896**, as amended, was ordered engrossed and then 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 CS for SB 1146**—A bill to be entitled An act relating to the Florida Building Code; amending s. 163.3202, F.S.; prohibiting certain regulations relating to building design elements from being applied to certain dwellings; providing exceptions; defining terms; providing construction; amending s. 381.0065, F.S.; authorizing fee owners or fee owners' contractors to select private providers to provide inspection services for onsite sewage treatment and disposal systems if certain requirements are met; providing legislative intent; requiring the Department of Health to reduce certain permit fees; prohibiting the department from charging inspection fees if the fee owner or contractor hires a private provider to perform an inspection; providing requirements for private providers or duly authorized representatives of private providers performing such inspections; requiring fee owners or contractors to provide specified notice to the department when using a private provider for such inspections; providing requirements for the contents of such notice; prohibiting the department from charging a fee for changing the duly authorized representative named in a permit application; authorizing the department to audit the performance of private providers; providing requirements relating to work on a building, a structure, or an onsite sewage treatment and disposal system relating to such audits; amending s. 514.0115, F.S.; prohibiting the Department of Health from requiring that pools serving assisted living facilities be compliant with rules relating to swimming pool lifeguards; amending s. 553.73, F.S.; authorizing a substantially affected person to file a petition with the Florida Building Commission to review certain local government regulations, laws, ordinances, policies, amendments, or land use or zoning provisions; defining the term "local government"; providing requirements for the petition and commission; requiring the commission to issue a nonbinding advisory opinion within a specified timeframe; prohibiting a municipality, county, or special district from using preliminary maps issued by the Federal Emergency Management Agency for certain purposes relating to land use changes; authorizing the commission to issue errata to the code; defining the term "errata to the code"; making technical changes; amending s. 553.77, F.S.; conforming a cross-reference; amending s. 553.79, F.S.; prohibiting a local government from requiring certain contracts for the application for or issuance of a building permit; prohibiting local governments from taking certain actions relating to building permits to demolish and replace single-family residential dwellings located in certain flood zones; providing requirements for such permits; amending s. 553.791, F.S.; revising and defining terms; providing requirements for qualified private providers; requiring local jurisdictions to reduce permit fees under certain circumstances; deleting legislative intent; specifying that contractors using private providers to provide building code inspections services must notify local building officials in writing; revising notice requirements; deleting a provision requiring fee owners or fee owners' contractors to post certain information at a project site before commencing construction; authorizing certain affidavits to be signed with electronic signatures and be submitted to local building officials electronically; authorizing certain inspections to be performed in-person or virtually; authorizing certain reports to be signed with electronic signatures; authorizing certain notices to be electronically posted; authorizing private providers to perform certain replacements and repairs without first notifying local building officials under certain circumstances; authorizing certain forms to be signed with electronic signatures; authorizing certain inspection records to be electronically posted and electronically submitted to local building officials; authorizing certificates of compliance to be electronically transmitted to local building officials; specifying that a certain registry must be distinct from the registry of qualified private providers; conforming provisions to changes made by the act; authorizing a county, a municipality, a school district, or an independent special district to use a private provider to provide building code inspection services for certain purposes; amending s. 553.842, F.S.; requiring evaluation entities that meet certain criteria to comply with certain standards; revising rulemaking requirements relating to suspensions and revocations by the commission; specifying that suspensions are governed by specified provisions; amending s. 553.80, F.S.; revising requirements for the expenditure of certain unexpended revenue relating to enforcing the Florida Building Code; amending ss. 125.01 and 125.56, F.S.; conforming cross-references; making technical changes; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 1146**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 401** was withdrawn from the Committee on Rules.

On motion by Senator Brodeur, the rules were waived and by two-thirds vote—

**CS for CS for HB 401**—A bill to be entitled An act relating to the Florida Building Code; amending s. 553.73, F.S.; authorizing a substantially affected person to file a petition with the Florida Building Commission to review certain local government regulations, laws, ordinances, policies, amendments, or land use or zoning provisions; defining the term "local government"; providing requirements for the petition and commission; requiring the commission to issue a nonbinding advisory opinion within a specified timeframe; authorizing the commission to issue errata to the code; providing a definition for the term "errata to the code"; making technical changes; amending s. 553.79, F.S.; prohibiting a local government from requiring certain contracts for the issuance of a building permit; amending s. 553.791, F.S.; authorizing certain local entities to use a private provider for code inspection services under certain circumstances; amending s. 553.80, F.S.; revising how certain excess funds may be used by a local government; amending s. 553.842, F.S.; requiring evaluation entities that meet certain criteria to comply with certain standards; authorizing the commission to suspend or revoke certain approvals under certain circumstances; amending ss. 125.01 and 125.56, F.S.; conforming cross-references to changes made by the act; making technical changes; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1146** and, by two-thirds vote, read the second time by title.

Senator Perry moved the following amendment which was adopted:

**Amendment 1 (728214) (with title amendment)**—Before line 32 insert:

Section 1. Present subsection (5) of section 163.3202, Florida Statutes, is redesignated as subsection (6), and a new subsection (5) is added to that section, to read:

163.3202 Land development regulations.—

(5)(a) *Land development regulations relating to building design elements may not be applied to a single-family or two-family dwelling unless:*

1. *The dwelling is listed in the National Register of Historic Places, as defined in s. 267.021(5); is located in a National Register Historic District; or is designated as a historic property or located in a historic district, under the terms of a local preservation ordinance;*
2. *The regulations are adopted in order to implement the National Flood Insurance Program;*
3. *The regulations are adopted pursuant to and in compliance with chapter 553;*
4. *The dwelling is located in a community redevelopment area, as defined in s. 163.340(10);*
5. *The regulations are required to ensure protection of coastal wildlife in compliance with s. 161.052, s. 161.053, s. 161.0531, s. 161.085, s. 161.163, or chapter 373;*
6. *The dwelling is located in a planned unit development or master planned community created pursuant to a local ordinance; or*
7. *The dwelling is located within the jurisdiction of a local government that has a design review board or architectural review board.*

(b) *For purposes of this subsection, the term:*

1. *"Building design elements" means the external building color; the type or style of exterior cladding material; the style or material of roof structures or porches; the exterior nonstructural architectural ornamentation; the location or architectural styling of windows or doors; the location or orientation of the garage; the number and type of rooms; and the interior layout of rooms. The term does not include the height, bulk, orientation, or location of a dwelling on a zoning lot; or the use of buffering or screening to minimize potential adverse physical or visual impacts or to protect the privacy of neighbors.*



2. “Planned unit development” or “master planned community” means an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots.

(c) This subsection does not affect the validity or enforceability of private covenants or other contractual agreements relating to building design elements.

And the title is amended as follows:

Between lines 2 and 3 insert: s. 163.3202, F.S.; prohibiting certain regulations relating to building design elements from being applied to certain dwellings; providing exceptions; defining terms; providing construction; amending

Senator Brodeur moved the following amendment:

**Amendment 2 (693118) (with directory and title amendments)**—Delete lines 251-456 and insert:

(5) Notwithstanding subsection (4), counties and municipalities may adopt by ordinance an administrative or technical amendment to the Florida Building Code relating to flood resistance in order to implement the National Flood Insurance Program or incentives. Specifically, an administrative amendment may assign the duty to enforce all or portions of flood-related code provisions to the appropriate agencies of the local government and adopt procedures for variances and exceptions from flood-related code provisions other than provisions for structures seaward of the coastal construction control line consistent with the requirements in 44 C.F.R. s. 60.6. A technical amendment is authorized to the extent it is more stringent than the code. A technical amendment is not subject to the requirements of subsection (4) and may not be rendered void when the code is updated if the amendment is adopted for the purpose of participating in the Community Rating System promulgated pursuant to 42 U.S.C. s. 4022, the amendment had already been adopted by local ordinance prior to July 1, 2010, or the amendment requires a design flood elevation above the base flood elevation. Any amendment adopted ~~under pursuant to~~ this subsection shall be transmitted to the commission within 30 days after being adopted. A *municipality, county, or special district may not use preliminary maps issued by the Federal Emergency Management Agency for any law, ordinance, rule, or other measure that has the effect of imposing land use changes or permits.*

(8) Notwithstanding subsection (3) or subsection (7), the commission may address issues identified in this subsection by amending the code ~~under pursuant to~~ the rule adoption procedures in chapter 120. Updates to the Florida Building Code, including provisions contained in referenced standards and criteria which relate to wind resistance or the prevention of water intrusion, may not be amended ~~under pursuant to~~ this subsection to diminish those standards; however, the commission may amend the Florida Building Code to enhance such standards. Following the approval of any amendments to the Florida Building Code by the commission and publication of the amendments on the commission’s website, authorities having jurisdiction to enforce the Florida Building Code may enforce the amendments.

(a) The commission may approve amendments that are needed to address:

- 1.~~(a)~~ Conflicts within the updated code;
- 2.~~(b)~~ Conflicts between the updated code and the Florida Fire Prevention Code adopted ~~under pursuant to~~ chapter 633;
- 3.~~(c)~~ Unintended results from the integration of previously adopted amendments with the model code;
- 4.~~(d)~~ Equivalency of standards;
- 5.~~(e)~~ Changes to or inconsistencies with federal or state law; or
- 6.~~(f)~~ Adoption of an updated edition of the National Electrical Code if the commission finds that delay of implementing the updated edition causes undue hardship to stakeholders or otherwise threatens the public health, safety, and welfare.

(b) The commission may issue errata to the code pursuant to the rule adoption procedures in chapter 120 to list demonstrated errors in provisions contained within the Florida Building Code. The determination of such errors and the issuance of errata to the code must be approved by a 75 percent supermajority vote of the commission. For purposes of this paragraph, “errata to the code” means a list of errors on current and previous editions of the Florida Building Code.

Section 2. Present subsections (3) through (8) of section 514.0115, Florida Statutes, are redesignated as subsections (4) through (9), respectively, and a new subsection (3) is added to that section, to read:

514.0115 Exemptions from supervision or regulation; variances.—

(3) *The department may not require compliance with rules relating to swimming pool lifeguard standards for pools serving assisted living facilities.*

Section 3. Subsection (7) of section 553.77, Florida Statutes, is amended to read:

553.77 Specific powers of the commission.—

(7) Building officials shall recognize and enforce variance orders issued by the Department of Health ~~under s. 514.0115(9) pursuant to s. 514.0115(8)~~, including any conditions attached to the granting of the variance.

Section 4. Paragraph (d) is added to subsection (1) of section 553.79, Florida Statutes, to read:

553.79 Permits; applications; issuance; inspections.—

(1)

*(d) A local government may not require a contract between a builder and an owner for the issuance of a building permit or as a requirement for the submission of a building permit application.*

Section 5. Present subsections (10) through (19) of section 553.791, Florida Statutes, are redesignated as subsections (11) through (20), respectively, a new subsection (10) and subsection (21) are added to that section, and subsection (1), paragraph (b) of subsection (2), subsections (3), (4), and (6), paragraphs (b) and (d) of subsection (7), subsections (8) and (9), and present subsections (10), (11), (12), (14), and (15) are amended, to read:

553.791 Alternative plans review and inspection.—

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

(a) “Applicable codes” means the Florida Building Code and any local technical amendments to the Florida Building Code but does not include the applicable minimum fire prevention and firesafety codes adopted pursuant to chapter 633.

(b) “Audit” means the process to confirm that the building code inspection services have been performed by the private provider, including ensuring that the required affidavit for the plan review has been properly completed and ~~submitted with affixed to~~ the permit documents and that the minimum mandatory inspections required under the building code have been performed and properly recorded. The local building official may not replicate the plan review or inspection being performed by the private provider, unless expressly authorized by this section.

(c) “Building” means any construction, erection, alteration, demolition, or improvement of, or addition to, any structure or site work for which permitting by a local enforcement agency is required.

(d) “Building code inspection services” means those services described in s. 468.603(5) and (8) involving the review of building plans as well as those services involving the review of site plans and site work engineering plans or their functional equivalent, to determine compliance with applicable codes and those inspections required by law, *conducted either in person or virtually*, of each phase of construction for which permitting by a local enforcement agency is required to determine compliance with applicable codes.

(e) *“Deliver” or “delivery” means any method of delivery used in conventional business or commercial practice, including delivery by electronic transmissions.*

(f) *“Duly authorized representative” means an agent of the private provider identified in the permit application who reviews plans or performs inspections as provided by this section and who is licensed as an engineer under chapter 471 or as an architect under chapter 481 or who holds a standard certificate under part XII of chapter 468.*

(g) *“Electronically posted” means providing notices of decisions, results, or records, including inspection records, through the use of a website or other form of electronic communication used to transmit or display information.*

(h) *“Electronic signature” means any letters, characters, or symbols manifested by electronic or similar means which are executed or adopted by a party with an intent to authenticate a writing or record.*

(i) *“Electronic transmission” or “submitted electronically” means any form or process of communication not directly involving the physical transfer of paper or another tangible medium which is suitable for the retention, retrieval, and reproduction of information by the recipient and is retrievable in paper form by the receipt through an automated process. All notices provided for in this section may be transmitted electronically and shall have the same legal effect as if physically posted or mailed.*

(j)(4) *“Immediate threat to public safety and welfare” means a building code violation that, if allowed to persist, constitutes an immediate hazard that could result in death, serious bodily injury, or significant property damage. This paragraph does not limit the authority of the local building official to issue a Notice of Corrective Action at any time during the construction of a building project or any portion of such project if the official determines that a condition of the building or portion thereof may constitute a hazard when the building is put into use following completion as long as the condition cited is shown to be in violation of the building code or approved plans.*

(k)(g) *“Local building official” means the individual within the governing jurisdiction responsible for direct regulatory administration or supervision of plans review, enforcement, and inspection of any construction, erection, alteration, demolition, or substantial improvement of, or addition to, any structure for which permitting is required to indicate compliance with applicable codes and includes any duly authorized designee of such person.*

(l)(4) *“Permit application” means a properly completed and submitted application for the requested building or construction permit, including:*

1. The plans reviewed by the private provider.
2. The affidavit from the private provider required under subsection (6).
3. Any applicable fees.
4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(m)(4) *“Plans” means building plans, site engineering plans, or site plans, or their functional equivalent, submitted by a fee owner or fee owner’s contractor to a private provider or duly authorized representative for review.*

(n)(4) *“Private provider” means a person licensed as a building code administrator under part XII of chapter 468, as an engineer under chapter 471, or as an architect under chapter 481. For purposes of performing inspections under this section for additions and alterations that are limited to 1,000 square feet or less to residential buildings, the term “private provider” also includes a person who holds a standard certificate under part XII of chapter 468.*

(o)(4) *“Request for certificate of occupancy or certificate of completion” means a properly completed and executed application for:*

1. A certificate of occupancy or certificate of completion.

2. A certificate of compliance from the private provider required under subsection (12) ~~(11)~~.

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(p) *“Single-trade inspection” means any inspection focused on a single construction trade, such as plumbing, mechanical, or electrical. The term includes, but is not limited to, inspections of door or window replacements; fences and block walls more than 6 feet high from the top of the wall to the bottom of the footing; stucco or plastering; reroofing with no structural alteration; HVAC replacements; ductwork or fan replacements; alteration or installation of wiring, lighting, and service panels; water heater changeouts; sink replacements; and repiping.*

(q)(4) *“Site work” means the portion of a construction project that is not part of the building structure, including, but not limited to, grading, excavation, landscape irrigation, and installation of driveways.*

(r)(4) *“Stop-work order” means the issuance of any written statement, written directive, or written order which states the reason for the order and the conditions under which the cited work will be permitted to resume.*

(2)

(b) *If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. It is the intent of the Legislature that owners and contractors pay reduced fees related to building permitting requirements when hiring a private provider for plans review and building inspections. A local jurisdiction must calculate the cost savings to the local enforcement agency, based on a fee owner or contractor hiring a private provider to perform plans reviews and building inspections in lieu of the local building official, and reduce the permit fees accordingly. The local jurisdiction may not charge fees for building inspections if the fee owner or contractor hires a private provider to perform such services; however, the local jurisdiction may charge a reasonable administrative fee.*

(3) A private provider and any duly authorized representative may only perform building code inspection services that are within the disciplines covered by that person’s licensure or certification under chapter 468, chapter 471, or chapter 481, *including single-trade inspections*. A private provider may not provide building code inspection services pursuant to this section upon any building designed or constructed by the private provider or the private provider’s firm.

(4) A fee owner or the fee owner’s contractor using a private provider to provide building code inspection services shall notify the local building official *in writing* at the time of permit application, or by 2 p.m. local time, 2 business days before the first scheduled inspection by the local building official or building code enforcement agency *that for a private provider has been contracted to perform the performing* required inspections of construction under this section, *including single-trade inspections*, on a form to be adopted by the commission. This notice shall include the following information:

(a) The services to be performed by the private provider.

(b) The name, firm, address, telephone number, and ~~facsimile number~~ *e-mail address* of each private provider who is performing or will perform such services, his or her professional license or certification number, qualification statements or resumes, and, if required by the local building official, a certificate of insurance demonstrating that professional liability insurance coverage is in place for the private provider’s firm, the private provider, and any duly authorized representative in the amounts required by this section.

*However, the notice is not required to include such information for private providers who are qualified private providers within the local jurisdiction and have renewed such designation pursuant to this section.*

(c) An acknowledgment from the fee owner in substantially the following form:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

If the fee owner or the fee owner's contractor makes any changes to the listed private providers or the services to be provided by those private providers, the fee owner or the fee owner's contractor shall, within 1 business day after any change or *within 2 business days before the next scheduled inspection*, update the notice to reflect such changes. A change of a duly authorized representative named in the permit application does not require a revision of the permit, and the building code enforcement agency shall not charge a fee for making the change. ~~In addition, the fee owner or the fee owner's contractor shall post at the project site, before the commencement of construction and updated within 1 business day after any change, on a form to be adopted by the commission, the name, firm, address, telephone number, and facsimile number of each private provider who is performing or will perform building code inspection services, the type of service being performed, and similar information for the primary contact of the private provider on the project.~~

(6) A private provider performing plans review under this section shall review the plans to determine compliance with the applicable codes. Upon determining that the plans reviewed comply with the applicable codes, the private provider shall prepare an affidavit or affidavits ~~on a form reasonably acceptable to the commission~~ certifying, under oath, that the following is true and correct to the best of the private provider's knowledge and belief:

(a) The plans were reviewed by the affiant, who is duly authorized to perform plans review pursuant to this section and holds the appropriate license or certificate.

(b) The plans comply with the applicable codes.

*Such affidavit may bear a written or electronic signature and may be submitted electronically to the local building official.*

(7)

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 20-day period, the 20-day period shall be tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection (14) ~~(13)~~ or to submit revisions to correct the deficiencies.

(d) If the local building official provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to subsection (14) ~~(13)~~ or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the local building official has an additional 5 business days from the date of resubmittal to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections.

(8) A private provider performing required inspections under this section shall inspect each phase of construction as required by the applicable codes. *Such inspection may be performed in-person or virtually.* The private provider may have ~~shall be permitted to send~~ a duly authorized representative ~~to the building site to perform the required inspections~~, provided all required reports are prepared by and bear the *written or electronic* signature of the private provider or the private provider's duly authorized representative. The duly authorized representative must be an employee of the private provider entitled to receive reemployment assistance benefits under chapter 443. The contractor's contractual or legal obligations are not relieved by any action of the private provider.

(9) A private provider performing required inspections under this section shall provide notice to the local building official of the date and approximate time of any such inspection no later than the prior business day by 2 p.m. local time or by any later time permitted by the local building official in that jurisdiction. The local building official may not prohibit the private provider from performing any inspection outside the local building official's normal operating hours, including after hours, weekends, or holidays. The local building official may visit the building site as often as necessary to verify that the private provider is performing all required inspections. A deficiency notice must be posted ~~at the job site~~ by the private provider, the duly authorized representative of the private provider, or the building department whenever a noncomplying item related to the building code or the permitted documents is found. *Such notice may be physically posted at the job site or electronically posted.* After corrections are made, the item must be re-inspected by the private provider or representative before being concealed. Reinspection or reaudit fees shall not be charged by the local jurisdiction as a result of the local jurisdiction's audit inspection occurring before the performance of the private provider's inspection or for any other administrative matter not involving the detection of a violation of the building code or a permit requirement.

(10) *If equipment replacements and repairs must be performed in an emergency situation, subject to the emergency permitting provisions of the Florida Building Code, a private provider may perform emergency inspection services without first notifying the local building official pursuant to subsection (9). A private provider must conduct the inspection within 3 business days after being contacted to conduct an emergency inspection and must submit the inspection report to the local building official within 1 day after the inspection is completed.*

~~(11)~~(10) Upon completing the required inspections at each applicable phase of construction, the private provider shall record such inspections on a form acceptable to the local building official. The form must bear the *written or electronic signature of* ~~be signed by~~ the provider or the provider's duly authorized representative. These inspection records shall reflect those inspections required by the applicable codes of each phase of construction for which permitting by a local enforcement agency is required. The private provider, *upon completion of the required inspection before leaving the project site*, shall post each completed inspection record, indicating pass or fail, ~~at the site~~ and provide the record to the local building official within 2 business days. *Such inspection record may be electronically posted by the private provider or the private provider may post such inspection record physically at the project site. The private provider may electronically transmit the record to the local building official.* The local building official may waive the requirement to provide a record of each inspection within 2 business days if the record is *electronically posted* or posted at the project site and all such inspection records are submitted with the certificate of compliance. *Unless the records have been electronically posted*, records of all required and completed inspections shall be maintained at the building site at all times and made available for review by the local building official. The private provider shall report to the local enforcement agency any condition that poses an immediate threat to public safety and welfare.

~~(12)~~(11) Upon completion of all required inspections, the private provider shall prepare a certificate of compliance, on a form acceptable to the local building official, summarizing the inspections performed and including a written representation, under oath, that the stated inspections have been performed and that, to the best of the private provider's knowledge and belief, the building construction inspected complies with the approved plans and applicable codes. The statement required of the private provider shall be substantially in the following form and shall be signed and sealed by a private provider as established

in subsection (1) or may be electronically transmitted to the local building official:

To the best of my knowledge and belief, the building components and site improvements outlined herein and inspected under my authority have been completed in conformance with the approved plans and the applicable codes.

(13)(12) No more than 2 business days after receipt of a request for a certificate of occupancy or certificate of completion and the applicant's presentation of a certificate of compliance and approval of all other government approvals required by law, the local building official shall issue the certificate of occupancy or certificate of completion or provide a notice to the applicant identifying the specific deficiencies, as well as the specific code chapters and sections. If the local building official does not provide notice of the deficiencies within the prescribed 2-day period, the request for a certificate of occupancy or certificate of completion shall be deemed granted and the certificate of occupancy or certificate of completion shall be issued by the local building official on the next business day. To resolve any identified deficiencies, the applicant may elect to dispute the deficiencies pursuant to subsection (14) (13) or to submit a corrected request for a certificate of occupancy or certificate of completion.

(15)(14) For the purposes of this section, any notice to be provided by the local building official shall be deemed to be provided to the person or entity when successfully transmitted to the e-mail address ~~facsimile number~~ listed for that person or entity in the permit application or revised permit application, or, if no e-mail address ~~facsimile number~~ is stated, when actually received by that person or entity.

(16)(a)(15)(a) A local enforcement agency, local building official, or local government may not adopt or enforce any laws, rules, procedures, policies, qualifications, or standards more stringent than those prescribed by this section.

(b) A local enforcement agency, local building official, or local government may establish, for private providers and duly authorized representatives working within that jurisdiction, a system of registration to verify compliance with the licensure requirements of paragraph (1)(n) (1)(j) and the insurance requirements of subsection (17) (16).

(c) This section does not limit the authority of the local building official to issue a stop-work order for a building project or any portion of the project, as provided by law, if the official determines that a condition on the building site constitutes an immediate threat to public safety and welfare.

(21) Notwithstanding any other law, a county, a municipality, a school district, or an independent special district may use a private provider to provide building code inspection services for a public works project, an improvement, a building, or any other structure that is owned by the county, municipality, school district, or independent special district.

Section 6. Paragraph (a) of subsection (7) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(7)(a) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances shall be carried forward to future years for allowable activities or shall be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years. For purposes of this subsection, the term "operating budget" does not include reserve amounts. Any amount exceeding this limit must be used as authorized in subparagraph 2. However, a local government which established, as of January 1, 2019, a Building Inspections Fund Advisory Board consisting of five members from the construction

stakeholder community and carries an unexpended balance in excess of the average of its operating budget for the previous 4 fiscal years may continue to carry such excess funds forward upon the recommendation of the advisory board. The basis for a fee structure for allowable activities shall relate to the level of service provided by the local government and shall include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged shall be consistently applied.

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

2. A local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce fees, or to pay for the construction of a building or structure that houses a local government's building code enforcement agency or the training programs for building officials, inspectors, or plans examiners associated with the enforcement of the Florida Building Code. Excess funds used to construct such a building or structure must be designated for such purpose by the local government and may not be carried forward for more than 4 consecutive years.

3. The following activities may not be funded with fees adopted for enforcing the Florida Building Code:

- Planning and zoning or other general government activities.
- Inspections of public buildings for a reduced fee or no fee.
- Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.
- Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly related to enforcing the Florida Building Code as defined in subparagraph 1.

4. A local government shall use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated under this subsection are maintained and allocated or used solely for the purposes described in subparagraph 1.

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

- Providing proof of licensure pursuant to chapter 489;
- Recording or filing a license issued pursuant to this chapter;
- Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440; or
- Charging surcharges or other similar fees not directly related to enforcing the Florida Building Code.

Section 7. Paragraph (a) of subsection (8) and subsection (14) of section 553.842, Florida Statutes, are amended to read:

553.842 Product evaluation and approval.—

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

(a) Evaluation entities approved under ~~pursuant to~~ this paragraph or that meet the criteria for approval adopted by the commission by rule. The commission shall specifically approve the National Evaluation

Service, the International Association of Plumbing and Mechanical Officials Evaluation Service, the International Code Council Evaluation Services, Underwriters Laboratories, LLC, Intertek Testing Services NA, Inc., and the Miami-Dade County Building Code Compliance Office Product Control Division. Architects and engineers licensed in this state are also approved to conduct product evaluations as provided in subsection (5).

(14) The commission shall by rule establish criteria for revocation of product approvals as well as ~~suspension~~ ~~revocation~~ of approvals of product evaluation entities, including those approved in accordance with paragraph (8)(a), and suspension or revocation of approvals of testing laboratories, quality assurance entities, certification agencies, and validation entities. *Suspension and revocation is governed by s. 120.60 and the uniform rules of procedure.*

Section 8. Paragraph (bb) of subsection (1) of section 125.01, Florida Statutes, is amended to read:

**125.01 Powers and duties.—**

(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(bb) Enforce the Florida Building Code, as provided in s. 553.80; and adopt and enforce local technical amendments to the Florida Building Code as provided in s. 553.73(4), ~~pursuant to s. 553.73(4)(b) and (c).~~

Section 9. Subsection (1) of section 125.56, Florida Statutes, is amended to read:

**125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.—**

(1) The board of county commissioners of each of the several counties of the state may enforce the Florida Building Code and the Florida Fire Prevention Code, as provided in ss. 553.80, 633.206, and 633.208; and, at its discretion, adopt local technical amendments to the Florida Building Code as provided in s. 553.73(4), ~~pursuant to s. 553.73(4)(b) and (c)~~ and local technical amendments to the Florida Fire Prevention Code as provided in, ~~pursuant to~~ s. 633.202; to provide for the safe construction, erection, alteration, repair, securing, and demolition of any building within its territory outside the corporate limits of any municipality. Upon a determination to consider amending the Florida Building Code or the Florida Fire Prevention Code by a majority of the members of the board of county commissioners of such county, the board shall call a public hearing and comply with the public notice requirements of s. 125.66(2). The board shall hear all interested parties at the public hearing and may then amend the building code or the fire code consistent with the terms and purposes of this act. Upon adoption, an amendment to the code shall be in full force and effect throughout the unincorporated area of such county until otherwise notified by the Florida Building Commission under ~~pursuant to~~ s. 553.73 or the State Fire Marshal under ~~pursuant to~~ s. 633.202. ~~This subsection does not~~ ~~Nothing herein contained shall be construed to~~ prevent the board of county commissioners from repealing such amendment to the building code or the fire code at any regular meeting of such board.

Section 10. Effective December 1, 2021, subsection (8) is added to section 381.0065, Florida Statutes, to read:

**381.0065 Onsite sewage treatment and disposal systems; regulation.—**

**(8) PRIVATE PROVIDER INSPECTION SERVICES.—**

(a) *Notwithstanding any other law, ordinance, or policy, the fee owner of an onsite sewage treatment and disposal system, or the fee owner's contractor upon written authorization from the fee owner, may select a private provider to provide inspection services for onsite sewage treatment and disposal systems and may pay the private provider directly for such services if such services are the subject of a written contract between the private provider, or the private provider's firm, and the fee owner or the fee owner's contractor, upon written authorization of the fee owner.*

(b) *The department may not charge inspection fees for any inspection performed by a private provider hired by the fee owner or fee owner's contractor.*

(c) *In addition to authorized and certified inspectors, onsite sewage treatment and disposal system inspection services may be performed by a private provider or a duly authorized representative of a private provider within the disciplines covered under such person's licensure or if the person is certified under s. 381.0101, is a master septic contractor licensed under chapter 489, is a professional engineer who has passed all three parts of the OSTDS Accelerated Certification Training, or is a person working as staff under the supervision of a master septic tank contractor or a licensed professional engineer and has passed all three parts of the OSTDS Accelerated Certification Training.*

(d)1. *A fee owner or the fee owner's contractor using a private provider for onsite sewage treatment and disposal system inspection services must provide notice to the department at the time of permit application, or by 2 p.m. local time, 2 business days before the first scheduled inspection by the department. The notice must include the following information:*

a. *The name, firm, address, telephone number, and e-mail address of each private provider who is performing or will perform such services, the private provider's professional license or certification number, and qualification statements or resumes for each private provider; and*

b. *An acknowledgment from the fee owner in substantially the following form:*

*I have elected to use one or more private providers to provide onsite sewage treatment and disposal system inspection services that are the subject of the enclosed permit application. I understand that the department may not perform the required onsite sewage treatment and disposal system inspections to determine compliance with the applicable codes, except to the extent authorized by law. Instead, inspections will be performed by the licensed or certified personnel identified in the application. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the department from any and all claims arising from my use of these licensed or certified personnel to perform onsite sewage treatment and disposal system inspections with respect to the onsite sewage treatment and disposal system that are the subject of the enclosed permit application. Additionally, I understand that in the event that the onsite sewage treatment and disposal system does not comply with the applicable rules and laws, I will be responsible for remediating the system in accordance with existing law.*

2. *If the fee owner or the fee owner's contractor makes any changes to the listed private providers or the services to be provided by the private providers, the fee owner or the fee owner's contractor must update the notice in writing to reflect the change within 1 business day after the change. A change of a duly authorized representative named in the permit application does not require a revision of the permit, and the department may not charge a fee for making such change.*

(e) *The department may audit the performance of onsite sewage treatment and disposal system inspection services by private providers. However, the same private provider may not be audited more than four times in a month unless the department determines that an onsite sewage treatment and disposal system inspected by the private provider should not have passed inspection. Work on a building, a structure, or an onsite sewage treatment and disposal system may proceed after inspection and approval by a private provider if the fee owner or fee owner's contractor has given notice of the inspection pursuant to subsection (4) and, subsequent to such inspection and approval, may not be delayed for completion of an inspection audit by the department unless the department immediately notifies the fee owner or fee owner's contractor that the department is proceeding with enforcement activity against the private provider.*

Section 11. *The Department of Health shall initiate rulemaking to implement the amendments made by this act to s. 381.0065, Florida Statutes, by August 1, 2021.*

Section 12. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2021.

And the directory clause is amended as follows:

Delete line 32 and insert:

Section 1. Subsections (4), (5), and (8) of section 553.73,

And the title is amended as follows:

Delete lines 11-28 and insert: timeframe; prohibiting the use of preliminary maps issued by the Federal Emergency Management Agency under certain circumstances; authorizing the commission to issue errata to the code; providing a definition for the term “errata to the code”; making technical changes; amending s. 514.0115, F.S.; prohibiting the Department of Health from requiring that pools serving assisted living facilities be compliant with rules relating to swimming pool lifeguards; amending s. 553.77, F.S.; conforming a cross-reference; amending s. 553.79, F.S.; prohibiting a local government from requiring certain contracts for the issuance of a building permit; amending s. 553.791, F.S.; revising and defining terms; providing requirements for qualified private providers; requiring local jurisdictions to reduce permit fees under certain circumstances; deleting legislative intent; specifying that contractors using private providers to provide building code inspections services must notify local building officials in writing; revising notice requirements; deleting a provision requiring fee owners or fee owners’ contractors to post certain information at a project site before commencing construction; authorizing certain affidavits to be signed with electronic signatures and be submitted to local building officials electronically; authorizing certain inspections to be performed in-person or virtually; authorizing certain reports to be signed with electronic signatures; authorizing certain notices to be electronically posted; authorizing private providers to perform certain replacements and repairs without first notifying local building officials under certain circumstances; authorizing certain forms to be signed with electronic signatures; authorizing certain inspection records to be electronically posted and electronically submitted to local building officials; authorizing certificates of compliance to be electronically transmitted to local building officials; authorizing certain local entities to use a private provider for code inspection services under certain circumstances; conforming provisions to changes made by the act; amending s. 553.80, F.S.; revising how certain excess funds may be used by a local government; amending s. 553.842, F.S.; requiring evaluation entities that meet certain criteria to comply with certain standards; authorizing the commission to suspend or revoke certain approvals under certain circumstances; amending ss. 125.01 and 125.56, F.S.; conforming cross-references to changes made by the act; making technical changes; amending s. 381.0065, F.S.; authorizing fee owners or fee owners’ contractors to select private providers to provide inspection services for onsite sewage treatment and disposal systems if certain requirements are met; prohibiting the department from charging inspection fees for inspections performed by private providers; providing requirements for private providers or duly authorized representatives of private providers performing such inspections; requiring fee owners or contractors to provide specified notice to the department when using a private provider for such inspections; providing requirements for the contents of such notice; prohibiting the department from charging a fee for changing the duly authorized representative named in a permit application; authorizing the department to audit the performance of private providers; providing requirements relating to work on a building, a structure, or an onsite sewage treatment and disposal system relating to such audits; requiring the department to initiate rulemaking by a specified date; providing effective dates.

Senator Brodeur moved the following amendment to **Amendment 2 (693118)** which was adopted:

**Amendment 2A (939884) (with title amendment)**—Delete line 747 and insert:

Section 11. *The Department of Environmental Protection shall initiate*

And the title is amended as follows:

Delete line 834 and insert: requiring the Department of Environmental Protection to initiate rulemaking by a

**Amendment 2 (693118)**, as amended, was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 401**, as amended, was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1876** was deferred.

**CS for CS for SB 1966**—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 210.09, F.S.; requiring that certain reports relating to the transportation or possession of cigarettes be filed with the Division of Alcoholic Beverages and Tobacco through the division’s electronic data submission system; providing that specified records relating to cigarettes received, sold, or delivered within the state may be kept in an electronic or paper format; amending s. 210.55, F.S.; requiring that certain entities file reports, rather than returns, relating to tobacco products with the division; providing requirements for such reports; amending s. 210.60, F.S.; providing that specified records relating to tobacco products may be kept in an electronic or paper format; amending s. 489.109, F.S.; removing provisions relating to an additional fee for application and renewal, transfer of funds, recommendations by the Construction Industry Licensing Board for use of such funds, distribution of such funds by the department, and required reports of the department; amending s. 489.118, F.S.; removing an obsolete date; amending s. 489.509, F.S.; deleting requirements relating to certain fees collected by the department for electrical and alarm system contracting; amending s. 499.01, F.S.; exempting certain persons from specified permit requirements under certain circumstances; requiring an exempt cosmetics manufacturer to provide, upon request, to the department specified documentation verifying his or her annual gross sales; authorizing an exempt cosmetics manufacturer to only manufacture and sell specified products; requiring specified labeling for each unit of cosmetics manufactured by an exempt cosmetics manufacturer; authorizing the department to investigate complaints and to enter and inspect the premises of an exempt cosmetics manufacturer; providing disciplinary actions; providing construction; amending s. 499.012, F.S.; authorizing specified establishments to submit a request for a temporary permit; requiring such establishments to submit the request to the department on specified forms; providing that upon authorization by the department for a temporary permit for a certain location, the existing permit for such location is immediately null and void; prohibiting a temporary permit from being extended; providing for expiration of a temporary permit; prohibiting an establishment from operating under an expired temporary permit; amending s. 499.066, F.S.; requiring the department to adopt rules to permit the issuance of remedial, nondisciplinary citations; providing requirements for such citations; providing for contest of and the rescinding of a citation; authorizing the department to recover specified costs relating to a citation; providing a timeframe for when a citation may be issued; providing requirements for the service of a citation; authorizing the department to adopt and amend rules, designate violations and monetary assessments, and order remedial measures that must be taken for such violations; amending s. 548.003, F.S.; renaming the Florida State Boxing Commission as the Florida Athletic Commission; amending s. 548.043, F.S.; revising rulemaking requirements for the commission relating to gloves; amending s. 553.841, F.S.; conforming a provision to changes made by the act; amending s. 561.01, F.S.; deleting the definition of the term “permit carrier”; amending s. 561.17, F.S.; revising a requirement related to the filing of fingerprints with the division; requiring that applications be accompanied by certain information relating to right of occupancy; providing requirements relating to contact information for licensees and permittees; amending s. 561.19, F.S.; revising provisions relating to the availability of beverage licenses to include by reason of the cancellation of a quota beverage license; amending s. 561.20, F.S.; conforming cross-references; revising requirements for issuing special licenses to certain food service establishments; amending s. 561.42, F.S.; requiring the division, and authorizing vendors, to use electronic mail to give certain notice; amending s. 561.55, F.S.; revising requirements for reports relating to alcoholic beverages; amending s. 562.455, F.S.; removing grains of paradise as a form of adulteration of liquor used or intended for drink; amending s. 718.112, F.S.; providing the circumstances under which a person is delinquent in the payment of an assessment in the context of eligibility for membership on certain condominium boards; requiring boards to adopt annual budgets within a specified timeframe; specifying that the failure to adopt a timely budget a second time is a minor vio-

lation and that the previous year's budget continues in effect until a new budget is adopted; amending s. 718.501, F.S.; authorizing the Division of Florida Condominiums, Timeshares, and Mobile Homes to adopt rules regarding the submission of complaints against a condominium association; amending s. 718.5014, F.S.; revising the location requirements for the principal office of the condominium ombudsman; amending s. 719.106, F.S.; requiring boards of administration to adopt annual budgets within a specified timeframe; specifying that the failure to adopt a timely budget a second time is a minor violation and that the previous year's budget continues in effect until a new budget is adopted; amending ss. 455.219, 548.002, 548.05, 548.071, and 548.077, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Diaz moved the following amendment which was adopted:

**Amendment 1 (417476) (with title amendment)**—Between lines 1025 and 1026 insert:

Section 19. Section 562.03, Florida Statutes, is amended to read:

562.03 Storage on licensed premises.—

(1) It is unlawful for any vendor to store or keep any alcoholic beverages in any building or room other than:

(a) The building or room shown in the diagram accompanying the vendor's license application;

(b) A building or room approved by the division and located in a county where the vendor has a license; or

(c) A building or room approved by the division and used only in conjunction with a catered event operated by an entity with a license issued pursuant to s. 565.02(1)(a)-(f).

(2) This section does not apply to any alcoholic beverages that are intended only ~~except~~ for the personal consumption of the vendor, the vendor's family, or the vendor's personal guests ~~and guest in any building or room other than the building or room shown in the diagram accompanying his or her license application or in another building or room approved by the division.~~

And the title is amended as follows:

Delete line 84 and insert: relating to alcoholic beverages; amending s. 562.03, F.S.; revising requirements for the storage of alcoholic beverages on a vendor's licensed premises; providing applicability; amending s. 562.455,

On motion by Senator Diaz, by two-thirds vote, **CS for CS for SB 1966**, 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	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 Rodrigues—

**SB 1884**—A bill to be entitled An act relating to the preemption of firearms and ammunition regulation; amending s. 790.33, F.S.; providing that written or unwritten policies are subject to provisions allowing for recovery of damages if such policies violate specified provisions; providing that a plaintiff challenging a local government regulation concerning firearms is considered a prevailing plaintiff for certain purposes in specified circumstances; providing an effective date.

—was read the second time by title.

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

Senator Farmer moved the following amendments which failed:

**Amendment 1 (139146) (with title amendment)**—Between lines 43 and 44 insert:

Section 2. *The amendments made by this act shall not apply until 365 consecutive days have passed without an incident in this state in which three or more persons were killed or injured by the use of a firearm.*

And the title is amended as follows:

Delete line 10 and insert: in specified circumstances; providing applicability; providing an effective

**Amendment 2 (777678) (with title amendment)**—Delete lines 15-18 and insert:

Section 1. Subsection (1) and paragraph (f) of subsection (3) of section 790.33, Florida Statutes, are amended to read:

790.33 Field of regulation of firearms and ammunition preempted.—

(1) PREEMPTION.—Except as expressly provided by the State Constitution or general law, the Legislature hereby declares that it is occupying the whole field of regulation of firearms and ammunition in rural counties as defined in s. 365.172(3), including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future county, city, town, or municipal ordinances or any administrative regulations or rules adopted by local or state government relating thereto. Any such existing ordinances, rules, or regulations are hereby declared null and void.

And the title is amended as follows:

Between lines 3 and 4 insert: limiting the application of preemption provisions to rural counties;

Pursuant to Rule 4.19, **SB 1884** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 1568**—A bill to be entitled An act relating to the Department of Health; amending s. 381.0045, F.S.; revising the purpose of the department's targeted outreach program for certain pregnant women; requiring the department to encourage high-risk pregnant women of unknown status to be tested for sexually transmissible diseases; requiring the department to provide specified information to pregnant women who have human immunodeficiency virus (HIV); requiring the department to link women with mental health services when available; requiring the department to educate pregnant women who have HIV on certain information; requiring the department to provide, for a specified purpose, continued oversight of newborns exposed to HIV; amending s. 381.0061, F.S., as amended by s. 41 of chapter 2020-150, Laws of Florida; revising provisions related to administrative fines for violations relating to onsite sewage treatment and disposal systems and septic tank contracting; creating s. 381.00635, F.S.; transferring provisions from s. 381.0067, F.S., relating to corrective orders for private and certain public water systems; amending s.



381.0067, F.S.; conforming provisions to changes made by the act; amending s. 381.0101, F.S.; revising certification requirements for persons performing evaluations of onsite sewage treatment and disposal systems; making technical changes; creating s. 395.3042, F.S.; requiring the department to send a list of certain providers of adult cardiovascular services to the medical directors of licensed emergency medical services providers by a specified date each year; requiring the department to develop a sample heart attack-triage assessment tool; requiring the department to post the sample assessment tool on its website and provide a copy of it to all licensed emergency medical services providers; requiring such providers to use an assessment tool substantially similar to the one developed by the department; requiring the medical director of each licensed emergency medical services provider to develop and implement certain protocols for heart attack patients; providing requirements for such protocols; requiring licensed emergency medical services providers to comply with certain provisions; amending s. 401.465, F.S.; defining the term “telecommunicator cardiopulmonary resuscitation training”; requiring certain 911 public safety telecommunicators to receive biannual telecommunicator cardiopulmonary resuscitation training; amending s. 408.033, F.S.; authorizing local health councils to collect utilization data from licensed hospitals within their respective local health council districts for a specified purpose; amending s. 456.47, F.S.; authorizing telehealth providers to prescribe specified controlled substances through telehealth under certain circumstances; amending s. 460.406, F.S.; revising provisions related to chiropractic physician licensing; amending s. 464.008, F.S.; deleting a requirement that certain nursing program graduates complete a specified preparatory course; amending s. 464.018, F.S.; revising grounds for disciplinary action against licensed nurses; amending s. 465.1893, F.S.; providing additional long-acting medications that pharmacists may administer under certain circumstances; revising requirements for a continuing education course such pharmacists must complete; amending s. 466.028, F.S.; revising grounds for disciplinary action by the Board of Dentistry; amending s. 466.0285, F.S.; exempting certain specialty hospitals from prohibitions relating to the employment of dentists and dental hygienists and the control of dental equipment and materials by nondentists; exempting such hospitals from a prohibition on nondentists entering into certain agreements with dentists or dental hygienists; making technical changes; amending s. 467.003, F.S.; revising and defining terms; amending s. 467.009, F.S.; revising provisions related to approved midwifery programs; amending s. 467.011, F.S.; revising provisions relating to licensure of midwives; amending s. 467.0125, F.S.; revising provisions relating to licensure by endorsement of midwives; revising requirements for temporary certificates to practice midwifery in this state; amending s. 467.205, F.S.; revising provisions relating to approval, continued monitoring, probationary status, provisional approval, and approval rescission of midwifery programs; amending s. 468.803, F.S.; revising provisions related to orthotist and prosthetist registration, examination, and licensing; amending s. 483.801, F.S.; exempting certain persons from clinical laboratory personnel regulations; amending s. 483.824, F.S.; revising educational requirements for clinical laboratory directors; amending s. 490.003, F.S.; defining the terms “doctoral degree from an American Psychological Association accredited program” and “doctoral degree in psychology”; amending ss. 490.005 and 490.0051, F.S.; revising education requirements for psychologist licensing and provisional licensing, respectively; amending s. 491.005, F.S.; revising licensing requirements for clinical social workers, marriage and family therapists, and mental health counselors; providing an effective date.

—was read the second time by title.

Senator Brandes moved the following amendment:

**Amendment 1 (554468) (with title amendment)**—Between lines 267 and 268 insert:

Section 6. Paragraph (b) of subsection (8) of section 381.986, Florida Statutes, is amended to read:

381.986 Medical use of marijuana.—

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the costs of administering ss. 381.989 and 1004.4351. The department shall identify applicants with strong diversity plans reflecting this state's commitment to diversity and implement training programs and other educational programs to enable minority persons and minority business enterprises, as defined in s. 288.703, and veteran business enterprises, as defined in s. 295.187, to compete for medical marijuana treatment center licensure and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. *However, the department may not renew the license of a medical marijuana treatment center that has not begun to cultivate, process, and dispense marijuana by the date that the medical marijuana treatment center is required to renew its license.* An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must demonstrate:

1. That, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in the state.
2. Possession of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131.
3. The technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.
4. The ability to secure the premises, resources, and personnel necessary to operate as a medical marijuana treatment center.
5. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.
6. An infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.
7. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the department.
  - a. Upon approval, the applicant must post a \$5 million performance bond issued by an authorized surety insurance company rated in one of the three highest rating categories by a nationally recognized rating service. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a \$2 million performance bond.
  - b. In lieu of the performance bond required under sub-subparagraph a., the applicant may provide an irrevocable letter of credit payable to the department or provide cash to the department. If provided with cash under this sub-subparagraph, the department shall deposit the cash in the Grants and Donations Trust Fund within the Department of Health, subject to the same conditions as the bond regarding requirements for the applicant to forfeit ownership of the funds. If the funds deposited under this sub-subparagraph generate interest, the amount of that interest shall be used by the department for the administration of this section.
8. That all owners, officers, board members, and managers have passed a background screening pursuant to subsection (9).



9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.

10. A diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in s. 288.703, or veteran business enterprises, as defined in s. 295.187, in ownership, management, and employment. An applicant for licensure renewal must show the effectiveness of the diversity plan by including the following with his or her application for renewal:

- a. Representation of minority persons and veterans in the medical marijuana treatment center's workforce;
- b. Efforts to recruit minority persons and veterans for employment; and
- c. A record of contracts for services with minority business enterprises and veteran business enterprises.

And the title is amended as follows:

Delete line 28 and insert: changes; amending s. 381.986, F.S.; prohibiting the department from renewing a medical marijuana treatment center's license under certain circumstances; creating s. 395.3042, F.S.; requiring the

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

Senator Brandes moved the following substitute amendment which was adopted:

**Substitute Amendment 2 (259958) (with title amendment)**—Delete line 1459 and insert:

Section 28. Effective July 1, 2022, paragraph (b) of subsection (8) of section 381.986, Florida Statutes, is amended to read:

381.986 Medical use of marijuana.—

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the costs of administering ss. 381.989 and 1004.4351. The department shall identify applicants with strong diversity plans reflecting this state's commitment to diversity and implement training programs and other educational programs to enable minority persons and minority business enterprises, as defined in s. 288.703, and veteran business enterprises, as defined in s. 295.187, to compete for medical marijuana treatment center licensure and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. *However, the department may not renew the license of a medical marijuana treatment center that has not begun to cultivate, process, and dispense marijuana by the date that the medical marijuana treatment center is required to renew its license.* An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must demonstrate:

1. That, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in the state.
2. Possession of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131.

3. The technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.

4. The ability to secure the premises, resources, and personnel necessary to operate as a medical marijuana treatment center.

5. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.

6. An infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.

7. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the department.

a. Upon approval, the applicant must post a \$5 million performance bond issued by an authorized surety insurance company rated in one of the three highest rating categories by a nationally recognized rating service. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a \$2 million performance bond.

b. In lieu of the performance bond required under sub-subparagraph a., the applicant may provide an irrevocable letter of credit payable to the department or provide cash to the department. If provided with cash under this sub-subparagraph, the department shall deposit the cash in the Grants and Donations Trust Fund within the Department of Health, subject to the same conditions as the bond regarding requirements for the applicant to forfeit ownership of the funds. If the funds deposited under this sub-subparagraph generate interest, the amount of that interest shall be used by the department for the administration of this section.

8. That all owners, officers, board members, and managers have passed a background screening pursuant to subsection (9).

9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.

10. A diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in s. 288.703, or veteran business enterprises, as defined in s. 295.187, in ownership, management, and employment. An applicant for licensure renewal must show the effectiveness of the diversity plan by including the following with his or her application for renewal:

- a. Representation of minority persons and veterans in the medical marijuana treatment center's workforce;
- b. Efforts to recruit minority persons and veterans for employment; and
- c. A record of contracts for services with minority business enterprises and veteran business enterprises.

Section 29. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2021.

And the title is amended as follows:

Delete line 103 and insert: counselors; amending s. 381.986, F.S.; prohibiting the department from renewing a medical marijuana treatment center's license under certain circumstances; providing effective dates.

Senator Rodriguez moved the following amendment which was adopted:

**Amendment 3 (264830)**—Delete lines 380-386 and insert: defined in s. 400.601; or

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

Senator Brodeur moved the following amendment which was adopted:

**Amendment 4 (838922) (with directory and title amendments)**—Between lines 386 and 387 insert:

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

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

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

And the directory clause is amended as follows:

Delete lines 365-366 and insert:

Section 9. Paragraph (c) of subsection (2) and subsection (6) of section 456.47, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete line 56 and insert: under certain circumstances; revising an exemption from telehealth registration requirements; amending s. 460.406,

On motion by Senator Rodriguez, by two-thirds vote, **CS for CS for SB 1568**, 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

---

Consideration of **CS for CS for SB 654** was deferred.

---

**CS for CS for CS for SB 844**—A bill to be entitled An act relating to public records; amending s. 28.222, F.S.; deleting obsolete language; amending s. 28.2221, F.S.; deleting obsolete language; prohibiting a county recorder from removing a grantor name, grantee name, or party name from the register of the Official Records and the index on the publicly available website unless the information is subject to a specified public records exemption; requiring that certain information be included in the Official Records; prescribing requirements for a person claiming a public records exemption to request removal of information from a publicly available website, subject to penalty of perjury; prescribing the release of restricted information to the individual whose information was removed, subject to penalty of perjury; authorizing specified parties to access information recorded in the Official Records of a county which is otherwise exempt pursuant to a specified public records exemption, for a specific purpose, if specified conditions are met; requiring a sworn affidavit, subject to penalty of perjury; providing criminal penalties for the unlawful use of any official record; amending s. 119.071, F.S.; requiring that a request for maintenance of an ex-

emption be notarized and confirm the individual's status; prescribing procedures for the removal of exempt information for a county property appraiser or county tax collector; requiring the release of information restricted from public display to the individual whose information was removed; authorizing the disclosure of exempt information under specified circumstances to specified entities; providing that the exempt status of a home address contained in the Official Records is maintained only during a certain period; requiring the protected party to submit a written request to release removed information upon the conveyance of his or her dwelling location; prescribing procedures to release certain information for a decedent under specified conditions; specifying that such release is not subject to a fee; amending s. 695.22, F.S.; deleting obsolete language; requiring the daily schedule of deeds and conveyances to include notification of any information therein which is subject to a request for removal; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 844**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 781** was withdrawn from the Committee on Rules.

On motion by Senator Hooper—

**CS for CS for HB 781**—A bill to be entitled An act relating to public records; amending s. 28.222, F.S.; deleting obsolete language; amending s. 28.2221, F.S.; deleting obsolete language; prohibiting a county recorder from removing a grantor name, grantee name, or party name from the register of the Official Records and the index on the publicly available website unless the information is subject to a specified public records exemption; prohibiting a county recorder from placing certain information on the publicly available website; prescribing requirements for a person claiming a public records exemption to request removal of information from a publicly available website, subject to penalty of perjury; prescribing the release of restricted information to the individual whose information was removed, subject to penalty of perjury; authorizing specified parties to access information recorded in the Official Records of a county which is otherwise exempt pursuant to a specified public records exemption, for a specific purpose, if specified conditions are met; requiring a sworn affidavit, subject to penalty of perjury; providing criminal penalties for the unlawful use of any official record; amending s. 119.071, F.S.; requiring that a request for maintenance of an exemption be notarized and confirm the individual's status; prescribing procedures for the removal of exempt information for a county property appraiser and county tax collector; requiring the release of information restricted from public display to the individual whose information was removed; providing disclosure of exempt information under specified circumstances to specified entities; providing that the exempt status of a home address contained in the Official Records is maintained only during a certain period; requiring the employee to submit a written request to release removed information upon the conveyance of his or her dwelling location; prescribing procedures to release certain information for a decedent under specified conditions; specifying that such release is not subject to a fee; amending s. 695.22, F.S.; deleting obsolete language; requiring the daily schedule of deeds and conveyances to include notification of any information therein which is subject to a request for removal; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 844** and read the second time by title.

On motion by Senator Hooper, by two-thirds vote, **CS for CS for HB 781** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Brandes	Gruters
Albritton	Brodeur	Harrell
Ausley	Broxson	Hooper
Baxley	Burgess	Hutson
Bean	Cruz	Jones
Berman	Diaz	Mayfield
Book	Farmer	Passidomo
Boyd	Gainer	Perry
Bracy	Garcia	Pizzo
Bradley	Gibson	Polsky

Powell	Stargel	Torres
Rodrigues	Stewart	Wright
Rodriguez	Taddeo	
Rouson	Thurston	

Nays—None

**SENATOR BEAN PRESIDING**

**CS for SB 1704**—A bill to be entitled An act relating to public records; amending s. 98.015, F.S.; creating a public records exemption for portions of records containing network schematics, hardware and software configurations, or encryption or which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents, including suspected or confirmed breaches held by a county supervisor of elections; providing that such confidential and exempt information must be available to the Auditor General and may be made available to governmental entities for specified purposes; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1704**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1639** was withdrawn from the Committee on Rules.

On motion by Senator Broxson—

**CS for HB 1639**—A bill to be entitled An act relating to public records; amending s. 98.015, F.S.; creating a public records exemption for portions of records containing network schematics, hardware and software configurations, or encryption held by a county supervisor of elections; providing for release of the confidential and exempt information in certain instances to governmental entities; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1704** and read the second time by title.

On motion by Senator Broxson, by two-thirds vote, **CS for HB 1639** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and voting, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Mr. President, Hutson

**SB 7002**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 381.83, F.S., which

provides an exemption from public records requirements for certain trade secrets contained in records, reports, or information submitted to the Department of Health; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title. On motion by Senator Diaz, by two-thirds vote, **SB 7002** 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
Baxley	Gainer	Powell
Bean	Garcia	Rodrigues
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—1

Berman

**SB 7006**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 403.73, F.S., relating to an exemption from public records requirements for trade secrets contained in information obtained by the Department of Environmental Protection; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title. On motion by Senator Brodeur, by two-thirds vote, **SB 7006** 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
Baxley	Gainer	Powell
Bean	Garcia	Rodrigues
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—1

Berman

Vote after roll call:

Yea to Nay—Farmer

**CS for SB 7008**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 403.7046, F.S., which provides exemptions from public records requirements for trade secrets contained in information obtained by the Department of Environmental Protection; removing the scheduled repeal of an exemption; deleting an exemption; providing an effective date.

—was read the second time by title. On motion by Senator Brodeur, by two-thirds vote, **CS for SB 7008** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Farmer

Vote after roll call:

Yea—Stewart

**SB 7010**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 331.326, F.S., which provides an exemption from public records requirements for records of Space Florida regarding information relating to trade secrets; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title. On motion by Senator Wright, by two-thirds vote, **SB 7010** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

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

Nays—2

Berman Farmer

Vote after roll call:

Yea—Stewart

Yea to Nay—Gibson

**SB 7020**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 125.0104, F.S., which provides an exemption from public records requirements for trade secrets held by county tourism promotion agencies; removing the scheduled repeal of the exemption; amending s. 288.1226, F.S., which provides an exemption from public records requirements for the identity of a person who responds to a marketing or advertising research project conducted by the Florida Tourism Industry Marketing Corporation and

for certain trade secrets; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title. On motion by Senator Hooper, by two-thirds vote, **SB 7020** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—2

Berman Farmer

**SB 7022**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 365.174, F.S., which provides an exemption from public records requirements for proprietary confidential business information submitted by a voice communications services provider to the E911 Board, the Division of Telecommunications within the Department of Management Services, or the Department of Revenue; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title. On motion by Senator Hutson, by two-thirds vote, **SB 7022** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Cruz	Pizzo
Albritton	Diaz	Polsky
Ausley	Gainer	Rodrigues
Baxley	Garcia	Rodriguez
Bean	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—2

Berman Farmer

Vote after roll call:

Yea—Powell

**SB 7024**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 815.04, F.S.; abrogating the scheduled repeal of a public records exemption for data, programs, or supporting documentation that is a trade secret held by an agency and which resides or exists internal or external to a computer, a computer system, a computer network, or an electronic device; providing an effective date.

—was read the second time by title. On motion by Senator Hutson, by two-thirds vote, **SB 7024** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

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

Nays—2

Berman	Farmer
--------	--------

Vote after roll call:

Yea—Mayfield

**SB 7028**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., relating to an exemption from public records requirements for certain data processing software obtained by an agency under a licensing agreement that prohibits its disclosure and which software is a trade secret and agency-produced data processing software that is sensitive; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title. On motion by Senator Hutson, by two-thirds vote, **SB 7028** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—2

Berman	Farmer
--------	--------

**SB 7030**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 499.931, F.S., which relates to an exemption from public records requirements for trade secrets contained in certain information submitted to the Department of Business and Professional Regulation as required by specified provisions relating to medical gas; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title. On motion by Senator Hutson, by two-thirds vote, **SB 7030** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—2

Berman	Farmer
--------	--------

**SB 7032**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 499.0121, F.S., which provides an exemption from public records requirements for trade secrets contained in certain prescription drug purchase lists submitted to the Department of Business and Professional Regulation; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title. On motion by Senator Hutson, by two-thirds vote, **SB 7032** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—35

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

Nays—4

Berman	Farmer	Gruters
Rodrigues		

Vote after roll call:

Yea—Cruz

**SB 7034**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 499.051, F.S., which relates to an exemption from public records requirements for trade secrets contained within complaints or pursuant to an investigation of such complaints obtained by the Department of Business and Professional Regulation, which are submitted by permittees relating to the manufacture, repackaging, or distribution of a drug or for a permit or product registration or for the renewal of such permit or product registration; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title. On motion by Senator Hutson, by two-thirds vote, **SB 7034** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—2

Berman	Farmer
--------	--------

**SB 7038**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 570.48, F.S., which provides an exemption from public records requirements for information related to trade secrets held by the Division of Fruit and Vegetables of the Department of Agriculture and Consumer Services; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title. On motion by Senator Rouson, by two-thirds vote, **SB 7038** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Berman

Vote after roll call:

Yea—Albritton, Powell

Nay—Farmer

**SB 7040**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 573.123, F.S., which provides an exemption from public records requirements for trade secret information of a person subject to a marketing order held by the Department of Agriculture and Consumer Services; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title. On motion by Senator Rouson, by two-thirds vote, **SB 7040** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

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

Nays—2

Berman	Farmer
--------	--------

Vote after roll call:

Yea—Rouson

**SB 7042**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 601.10, F.S., which provides a public records exemption for trade secret information provided to the Department of Citrus; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title. On motion by Senator Rouson, by two-thirds vote, **SB 7042** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—2

Berman	Farmer
--------	--------

**SB 7044**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 601.15, F.S., which provides an exemption from public records requirements for the trade secret information of noncommodity advertising and promotional program participants held by the Department of Citrus; deleting the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title. On motion by Senator Rouson, by two-thirds vote, **SB 7044** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—35

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

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

Nays—4

Berman	Farmer	Rodriguez
Rouson		

Vote after roll call:

Nay to Yea—Rouson

**SB 7046**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 601.152, F.S., which provides an exemption from public records requirements for the trade secret information of a person subject to a marketing order held by the Department of Citrus; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title. On motion by Senator Rouson, by two-thirds vote, **SB 7046** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

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

Nays—2

Berman	Farmer
--------	--------

Vote after roll call:

Yea—Cruz

**SB 7048**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 601.76, F.S., which provides an exemption from public records requirements for a manufacturer's formula filed with the Department of Agriculture and Consumer Services; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title. On motion by Senator Rouson, by two-thirds vote, **SB 7048** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Boyd	Diaz
Albritton	Bradley	Gainer
Ausley	Brandes	Garcia
Baxley	Brodeur	Gibson
Bean	Broxson	Gruters
Book	Burgess	Harrell

Hooper	Pizzo	Stewart
Hutson	Polsky	Taddeo
Jones	Powell	Thurston
Mayfield	Rodriguez	Torres
Passidomo	Rouson	Wright
Perry	Stargel	

Nays—2

Berman	Farmer
--------	--------

Vote after roll call:

Yea—Cruz, Rodriguez

**SB 7058**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 502.222, F.S., which provides an exemption from public records requirements for a dairy industry business' trade secrets held by the Department of Agriculture and Consumer Services; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title. On motion by Senator Rouson, by two-thirds vote, **SB 7058** 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	Gainer	Powell
Bean	Garcia	Rodriguez
Berman	Gibson	Rodriguez
Book	Gruters	Rouson
Boyd	Harrell	Stargel
Bracy	Hooper	Stewart
Bradley	Hutson	Taddeo
Brandes	Jones	Thurston
Brodeur	Mayfield	Torres
Broxson	Passidomo	Wright

Nays—1

Farmer

Consideration of **CS for SB 7076**, **CS for SB 7078**, and **CS for SB 7080** was deferred.

**SB 1456**—A bill to be entitled An act relating to public records; amending s. 1008.23, F.S.; expanding an exemption from public records requirements for examination and assessment instruments used for statewide standardized assessments and student progression to include those instruments used for statewide kindergarten screening, youth enrolled in Department of Juvenile Justice programs, limited English proficient students, civic literacy assessments, measuring minority and underrepresented student achievement, and certification of educators and those administered by a Florida College System institution, a state university, or the Department of Education; providing that provisions governing access, maintenance, and destruction of certain instruments and related materials shall be prescribed by rules of the State Board of Education and regulations of the Board of Governors, respectively; providing for future legislative review and repeal of the exemption; providing legislative findings; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1456**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 311** was withdrawn from the Committee on Rules.

On motion by Senator Rodrigues—

**CS for HB 311**—A bill to be entitled An act relating to public records; amending s. 1008.23, F.S.; expanding the examination and assessment instruments which are confidential and exempt from public record requirements; providing that provisions governing access, maintenance, and destruction of certain instruments and related materials shall be prescribed by rules of the State Board of Education and regulations of the Board of Governors, respectively; providing for future legislative review and repeal of the exemption; providing legislative findings; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 1456** and read the second time by title.

On motion by Senator Rodrigues, by two-thirds vote, **CS for HB 311** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and voting, and certified to the House. The vote on passage was:

Yeas—40

Mr. President	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 **CS for SB 7082** was deferred.

---

## THE PRESIDENT PRESIDING

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

confidential and exempt information in unencrypted electronic mail communications with parents, caregivers, or other authorized persons under certain circumstances, with exceptions; amending s. 409.2576, F.S.; requiring service recipients to report certain information to the State Directory of New Hires; defining the term "service recipient"; providing reporting requirements for service recipients; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title. On motion by Senator Book, by two-thirds vote, **CS for CS for SB 1532** 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
Baxley	Gainer	Powell
Bean	Garcia	Rodrigues
Berman	Gibson	Rodriguez
Book	Gruters	Rouson
Boyd	Harrell	Stargel
Bracy	Hooper	Stewart
Brandes	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Bradley

---

**SB 900**—A bill to be entitled An act relating to child welfare; amending s. 39.01, F.S.; defining the term "voluntary services"; amending s. 39.202, F.S.; expanding the list of entities that have access to child abuse records; amending s. 39.302, F.S.; revising the authority of the Department of Children and Families to review reports for the purpose of employment screening; amending s. 39.6251, F.S.; providing that licensed foster homes are the preferred supervised living arrangements for young adults; prohibiting supervised living arrangements from including specified facilities; prohibiting young adults from being involuntarily placed in any setting unless such placement is through a court-appointed guardian; amending s. 409.1415, F.S.; revising requirements for certain employees of residential group homes; amending s. 409.1678, F.S.; revising certification requirements for safe foster homes; amending s. 409.175, F.S.; requiring assessments to be completed if the total number of children in a family foster home will exceed six, excluding the family's own children, before placement of a child in a family foster home; requiring the department to adopt rules to establish eligibility criteria for requesting a waiver for such assessments and criteria to approve such waivers; providing an effective date.

—was read the second time by title.

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

Senator Rodriguez moved the following amendment which was adopted:

**Amendment 1 (633404) (with title amendment)**—Delete lines 106-151.

And the title is amended as follows:

Delete lines 8-15 and insert: purpose of employment screening; amending s. 409.1415, F.S.; revising

On motion by Senator Rodriguez, by two-thirds vote, **SB 900**, 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	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

**CS for CS for SB 954**—A bill to be entitled An act relating to attorney compensation; amending s. 733.6171, F.S.; requiring an attorney representing a personal representative in an estate administration who intends to charge a certain fee to make specified written disclosures; requiring the attorney to obtain a certain signature; prohibiting an attorney who does not make such disclosures from being paid for legal services except in certain circumstances; providing that the complexity of an estate may be considered when determining what is an extraordinary service; requiring a court to consider certain agreements and written disclosures when determining reasonable compensation of an attorney upon petition of an interested person; amending s. 736.1007, F.S.; requiring an attorney representing a trustee in the initial administration of a trust who intends to charge a certain fee to make specified written disclosures; requiring the attorney to obtain a certain signature; prohibiting an attorney who does not make such disclosures from being paid for legal services except in certain circumstances; providing that the complexity of a trust may be considered when determining what is an extraordinary service; requiring a court to consider certain agreements and written disclosures when determining reasonable compensation of an attorney upon petition of an interested person; providing applicability; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 954**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 625** was withdrawn from the Committee on Rules.

On motion by Senator Bean—

**CS for HB 625**—A bill to be entitled An act relating to attorney compensation; amending s. 733.6171, F.S.; requiring an attorney representing a personal representative in an estate administration who intends to charge a certain fee to make specified written disclosures; requiring the attorney to obtain a certain signature; prohibiting an attorney who does not make such disclosures from being paid for legal services except in certain circumstances; providing that the complexity of an estate may be considered when determining what is an extraordinary service; requiring a court to consider certain agreements and written disclosures when determining reasonable compensation of an attorney upon petition of an interested person; amending s. 736.1007, F.S.; requiring an attorney representing a trustee in the initial administration of a trust who intends to charge a certain fee to make specified written disclosures; requiring the attorney to obtain a certain signature; prohibiting an attorney who does not make such disclosures from being paid for legal services except in certain circumstances; providing that the complexity of a trust may be considered when determining what is an extraordinary service; requiring a court to consider certain agreements and written disclosures when determining reasonable compensation of an attorney upon petition of an interested person; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 954** and read the second time by title.

Senator Bean moved the following amendment which was adopted:

**Amendment 1 (767926)**—Delete lines 62-219 and insert:

5. *The personal representative shall be entitled to a summary of ordinary and extraordinary services rendered for the fees agreed upon at the conclusion of the representation. The summary shall be provided by counsel and shall consist of the total hours devoted to the representation or a detailed summary of the services performed during the representation.*

(c) *The attorney shall obtain the personal representative's timely signature acknowledging the disclosures.*

(d) *If the attorney does not make the disclosures required by this section, the attorney may not be paid for legal services without prior court approval of the fees or the written consent of all interested parties.*

(3) *Subject to subsection (2), compensation for ordinary services of attorneys in a formal estate administration is presumed to be reasonable if based on the compensable value of the estate, which is the inventory value of the probate estate assets and the income earned by the estate during the administration as provided in the following schedule:*

(a) *One thousand five hundred dollars for estates having a value of \$40,000 or less.*

(b) *An additional \$750 for estates having a value of more than \$40,000 and not exceeding \$70,000.*

(c) *An additional \$750 for estates having a value of more than \$70,000 and not exceeding \$100,000.*

(d) *For estates having a value in excess of \$100,000, at the rate of 3 percent on the next \$900,000.*

(e) *At the rate of 2.5 percent for all above \$1 million and not exceeding \$3 million.*

(f) *At the rate of 2 percent for all above \$3 million and not exceeding \$5 million.*

(g) *At the rate of 1.5 percent for all above \$5 million and not exceeding \$10 million.*

(h) *At the rate of 1 percent for all above \$10 million.*

(4) *Subject to subsection (2), in addition to fees for ordinary services, the attorney for the personal representative shall be allowed further reasonable compensation for any extraordinary service. What is an extraordinary service may vary depending on many factors, including the size and complexity of the estate. Extraordinary services may include, but are not limited to:*

(a) *Involvement in a will contest, will construction, a proceeding for determination of beneficiaries, a contested claim, elective share proceeding, apportionment of estate taxes, or any adversarial proceeding or litigation by or against the estate.*

(b) *Representation of the personal representative in audit or any proceeding for adjustment, determination, or collection of any taxes.*

(c) *Tax advice on postmortem tax planning, including, but not limited to, disclaimer, renunciation of fiduciary commission, alternate valuation date, allocation of administrative expenses between tax returns, the QTIP or reverse QTIP election, allocation of GST exemption, qualification for Internal Revenue Code ss. 6166 and 303 privileges, deduction of last illness expenses, fiscal year planning, distribution planning, asset basis considerations, handling income or deductions in respect of a decedent, valuation discounts, special use and other valuation, handling employee benefit or retirement proceeds, prompt assessment request, or request for release of personal liability for payment of tax.*

(d) *Review of estate tax return and preparation or review of other tax returns required to be filed by the personal representative.*

(e) *Preparation of the estate's federal estate tax return. If this return is prepared by the attorney, a fee of one-half of 1 percent up to a value of \$10 million and one-fourth of 1 percent on the value in excess of \$10 million of the gross estate as finally determined for federal estate*

tax purposes, is presumed to be reasonable compensation for the attorney for this service. These fees shall include services for routine audit of the return, not beyond the examining agent level, if required.

(f) Purchase, sale, lease, or encumbrance of real property by the personal representative or involvement in zoning, land use, environmental, or other similar matters.

(g) Legal advice regarding carrying on of the decedent's business or conducting other commercial activity by the personal representative.

(h) Legal advice regarding claims for damage to the environment or related procedures.

(i) Legal advice regarding homestead status of real property or proceedings involving that status and services related to protected homestead.

(j) Involvement in fiduciary, employee, or attorney compensation disputes.

(k) Proceedings involving ancillary administration of assets not subject to administration in this state.

(5) Upon petition of any interested person, the court may increase or decrease the compensation for ordinary services of the attorney or award compensation for extraordinary services if the facts and circumstances of the particular administration warrant. In determining reasonable compensation, the court shall consider all of the following factors, giving weight to each as it determines to be appropriate:

(a) The promptness, efficiency, and skill with which the administration was handled by the attorney.

(b) The responsibilities assumed by and the potential liabilities of the attorney.

(c) The nature and value of the assets that are affected by the decedent's death.

(d) The benefits or detriments resulting to the estate or interested persons from the attorney's services.

(e) The complexity or simplicity of the administration and the novelty of issues presented.

(f) The attorney's participation in tax planning for the estate and the estate's beneficiaries and tax return preparation, review, or approval.

(g) The nature of the probate, nonprobate, and exempt assets, the expenses of administration, the liabilities of the decedent, and the compensation paid to other professionals and fiduciaries.

(h) Any delay in payment of the compensation after the services were furnished.

(i) *Any agreement relating to the attorney's compensation and whether written disclosures were made to the personal representative in a timely manner under the circumstances pursuant to subsection (2).*

(j) Any other relevant factors.

(6) If a separate written agreement regarding compensation exists between the attorney and the decedent, the attorney shall furnish a copy to the personal representative prior to commencement of employment, and, if employed, shall promptly file and serve a copy on all interested persons. ~~Neither~~ A separate agreement or ~~nor~~ a provision in the will suggesting or directing that the personal representative retain a specific attorney ~~does not will~~ obligate the personal representative to employ the attorney or obligate the attorney to accept the representation, but if the attorney who is a party to the agreement or who drafted the will is employed, the compensation paid shall not exceed the compensation provided in the agreement or in the will.

Section 2. Present paragraph (i) of subsection (6) of section 736.1007, Florida Statutes, is redesignated as paragraph (j), a new paragraph (i) is added to that subsection, and subsections (1), (2), (3), and (5) of that section are amended, to read:

736.1007 Trustee's attorney fees.—

(1)(a) *Except as provided in paragraph (d), if the trustee of a revocable trust retains an attorney to render legal services in connection with the initial administration of the trust, the attorney is entitled to reasonable compensation for those legal services, payable from the assets of the trust, subject to s. 736.0802(10), without court order. The trustee and the attorney may agree to compensation that is determined in a manner or amount other than the manner or amount provided in this section. The agreement is not binding on a person who bears the impact of the compensation unless that person is a party to or otherwise consents to be bound by the agreement. The agreement may provide that the trustee is not individually liable for the attorney fees and costs.*

(b) *An attorney representing a trustee in the initial administration of the trust who intends to charge a fee based upon the schedule set forth in subsection (2) shall make the following disclosures in writing to the trustee:*

1. *There is not a mandatory statutory attorney fee for trust administration.*

2. *The attorney fee is not required to be based on the size of the trust, and the presumed reasonable fee provided in subsection (2) may not be appropriate in all trust administrations.*

3. *The fee is subject to negotiation between the trustee and the attorney.*

4. *The selection of the attorney is made at the discretion of the trustee, who is not required to select the attorney who prepared the trust.*

5. *The trustee shall be entitled to a summary of ordinary and extraordinary services rendered for the fees agreed upon at the conclusion of the representation. The summary shall be provided by counsel and shall consist of the total hours devoted to the representation or a detailed summary of the services performed during the representation.*

On motion by Senator Bean, by two-thirds vote, **CS for HB 625**, as amended, 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
Baxley	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—Bean

**CS for CS for SB 1132**—A bill to be entitled An act relating to personal care attendants; amending s. 400.141, F.S.; authorizing nursing home facilities to employ personal care attendants if they are participating in a certain training program developed by the Agency for Health Care Administration in consultation with the Board of Nursing; providing minimum requirements for such program; providing limitations on such personal care attendants' practice; requiring the agency to adopt rules; requiring the agency to authorize the continuation of certain personal care attendant programs under certain circumstances; amending s. 400.211, F.S.; authorizing certain persons to be employed by a nursing home facility as personal care attendants for a specified

period if a certain training requirement is met; defining the term “personal care attendants”; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1132**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 485** was withdrawn from the Committee on Appropriations.

On motion by Senator Bean, by two-thirds vote—

**CS for CS for HB 485**—A bill to be entitled An act relating to personal care attendants; amending s. 400.141, F.S.; authorizing nursing home facilities to employ personal care attendants if a certain training requirement is met; requiring that the Agency for Health Care Administration, in consultation with the Board of Nursing, develop a certain training program; providing minimum requirements for such program; requiring a personal care attendant to complete the required education before having direct contact with a resident; prohibiting a personal care attendant from performing certain tasks; requiring an individual employed as a personal care attendant to work exclusively for one nursing facility before becoming a certified nursing assistant; requiring the agency to adopt rules necessary to implement the personal care attendant program; requiring the agency to authorize the continuation of the personal care attendant program under certain circumstances; amending s. 400.211, F.S.; authorizing certain persons to be employed by a nursing home facility as personal care attendants for a specified period if a certain training requirement is met; providing a definition for the term “personal care attendants”; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1132** and, by two-thirds vote, read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 485** was placed on the calendar of Bills on Third Reading.

## MOTIONS

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.

## MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Passidomo, by two-thirds vote, **CS for SB 1770** was withdrawn from the Committees on Appropriations; and Rules.

## BILLS ON SPECIAL ORDERS

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Thursday, April 22, 2021: CS for CS for SB 1948, CS for SB 936, CS for CS for SB 976, CS for CS for SB 1132, CS for SB 1436, CS for CS for SB 1166, CS for CS for SB 726, CS for CS for SB 676, CS for SB 404, CS for SB 754, CS for SB 262, CS for SB 7070, CS for SB 590, CS for CS for SB 1108, CS for CS for SB 1080, SB 900, SB 918, CS for CS for SB 1532, CS for CS for SB 1786, CS for CS for SB 566, CS for CS for SB 748, CS for SB 1944, CS for SB 410, CS for CS for SB 856, CS for CS for SB 954, CS for SB 1120, CS for CS for CS for SB 1194, SB 1512, CS for SB 1408, SB 7072, SB 7074, CS for CS for SB 1028, CS for CS for SB 896, CS for CS for CS for SB 1076, CS for SB 1324, CS for SB 1326, CS for CS for CS for SB 1128, CS for CS for CS for SB 1146, CS for CS for SB 1876, CS for CS for SB 1966, SB 1884, CS for CS for SB 654, CS for CS for CS for SB 844, CS for SB 1704, SB 7002, SB 7006, CS for SB 7008, SB 7010, SB 7020, SB 7022, SB 7024, SB 7028, SB 7030, SB 7032, SB 7034, SB 7038, SB 7040, SB 7042, SB 7044, SB 7046, SB 7048, SB 7058, CS for SB 7082.

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

## REPORTS OF COMMITTEES

The Committee on Appropriations recommends the following pass: SB 280; CS for SB 390; SB 586; SB 996; CS for SB 1084; SJR 1182; CS for SB 1256; HB 1359

**The bills were placed on the Calendar.**

The Committee on Appropriations recommends a committee substitute for the following: CS for SB 1082

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

The Committee on Appropriations recommends committee substitutes for the following: SB 92; SB 122; CS for SB 200; CS for SB 368; CS for SB 402; CS for SB 414; CS for SB 894; CS for SB 934; CS for SB 938; CS for CS for SB 1186; SB 1282; CS for SB 1344; SB 1372; SB 1482; CS for SB 1530; CS for SB 1560; CS for SB 1592; CS for SB 1616; SB 1976; SB 7068

The Committee on Rules recommends a committee substitute for the following: CS for SB 1620

**The bills with committee substitute attached were placed on the Calendar.**

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Appropriations; and Senator Bean—

**CS for SB 92**—A bill to be entitled An act relating to the Department of Children and Families; amending s. 20.19, F.S.; requiring the department to establish community alliances in each community-based care lead agency service area; requiring community alliances to adopt certain bylaws; revising the membership of community alliances; amending s. 39.4015, F.S.; requiring, rather than authorizing, the department to develop a family-finding program; removing the limitation that the development of family-finding programs is subject to available resources; requiring that family finding begin as soon as a child is taken into custody of the department; making technical changes; amending s. 39.4087, F.S.; requiring the department to treat caregivers in a specified manner; requiring the department to provide certain information to and training for caregivers of children in foster care; removing the requirement that such information be provided subject to available resources; expanding certain information that is required to be fully disclosed to the caregivers to include the child's issues related to behavioral health; making technical changes; amending s. 39.5086, F.S.; removing the limitation that the development of kinship navigator programs is subject to available resources; requiring, rather than authorizing, each community-based care lead agency to establish a kinship navigator program; amending s. 394.9082, F.S.; requiring the department to collect and post specified information on its website for each managing entity under contract with the department; creating s. 394.90825, F.S.; defining terms; requiring a board member or an officer of a managing entity to disclose specified activity that may reasonably be construed as a conflict of interest; creating a rebuttable presumption of a conflict of interest if the activity was acted upon by the board without prior notice; establishing a process for the managing entity's board of directors to address the activity under certain timelines; providing for certain consequences for failure to obtain a board's approval or failure to properly disclose a contract as a conflict of interest; amending s. 402.40, F.S.; providing that the department is authorized to review any decision to take specified actions against certified individuals; amending s. 409.987, F.S.; requiring the department to develop an alternative plan to contracting with a lead agency in a community under certain circumstances; providing requirements for the alternative plan; defining terms; requiring a board member or an officer of a lead agency to disclose activity that may reasonably be construed as a conflict of interest; creating a rebuttable presumption of a conflict of interest if the activity was acted upon by the board without prior notice; establishing a process for the lead agency's board of directors to address the activity under certain timelines; providing for certain consequences

for failure to obtain a board's approval or failure to properly disclose a contract as a conflict of interest; amending s. 409.988, F.S.; deleting a requirement that lead agencies post their current budgets on their websites; requiring a lead agency to demonstrate the ability to adhere to all best child welfare practices; requiring lead agencies to publish on their websites certain information related to case managers' caseloads within a specified timeframe; amending s. 409.990, F.S.; requiring lead agencies to fund the cost of increased care in certain circumstances; amending s. 409.996, F.S.; requiring that contracts between the department and lead agencies provide information to the department which specifies how the lead agency will adhere to all best child welfare practices; requiring the department to collect and post on its website specified information relating to contracts between lead agencies and the department; creating s. 409.998, F.S.; providing legislative findings and intent; requiring the department to establish a program that consists of a child and family well-being system; requiring the designated lead agency to carry out programmatic functions; defining the term "child and family well-being system"; specifying program requirements; requiring the department, in collaboration with specified entities, to design, implement, and evaluate the program requirements; requiring the Florida Institute for Child Welfare, by a specified date, to annually submit a report to the Governor and the Legislature; amending s. 916.13, F.S.; authorizing certain forensic clients to receive treatment at any facility deemed appropriate by the secretary of the department; providing an effective date.

---

By the Committee on Appropriations; and Senators Baxley, Garcia, Albritton, and Harrell—

**CS for SB 122**—A bill to be entitled An act relating to surrendered newborn infants; amending s. 383.50, F.S.; revising the definition of the term "newborn infant"; amending s. 63.0423, F.S.; making conforming and technical changes; providing an effective date.

---

By the Committees on Appropriations; and Education; and Senators Berman, Stewart, Book, and Cruz—

**CS for CS for SB 200**—A bill to be entitled An act relating to student retention; authorizing a parent or guardian to request that his or her K-5 student be retained in a grade level for academic reasons for a specified school year; requiring that such a request be submitted in a specified manner; requiring school principals to consider such requests if they are timely received; authorizing school principals to consider requests that are not timely received; requiring a school principal who considers a request for retention to inform the student's teachers of the request and collaboratively discuss with the parent or guardian any basis for agreement or disagreement with the request; requiring such discussion to disclose that retention may impact the student's eligibility to participate in high school interscholastic or intrascholastic sports; authorizing the principal, teachers, and parent or guardian to collaborate to develop a customized 1-year education plan for the student in lieu of retaining the student; requiring a parent's or guardian's decision regarding retention to control; requiring a parent or guardian to sign a form provided by the principal indicating the parent or guardian's decision and acknowledging the academic and athletic ramifications of their decision; requiring such form to be retained in the student's record; requiring the individual education plan (IEP) team for a retained student to review and revise the student's IEP, as appropriate; requiring school districts to report certain data to the Department of Education by a specified date; providing an effective date.

---

By the Committees on Appropriations; and Judiciary; and Senator Baxley—

**CS for CS for SB 368**—A bill to be entitled An act relating to an elder-focused dispute resolution process; creating s. 44.407, F.S.; providing legislative findings; defining terms; authorizing the courts to appoint an eldercaring coordinator and refer certain parties and elders to eldercaring coordination; prohibiting the courts from referring certain parties to eldercaring coordination without the consent of the elder and other parties to the action; specifying the duration of eldercaring coordinator appointments; requiring the courts to conduct intermittent review hearings regarding the conclusion or extension of such appointments; providing qualifications and disqualifications for eldercaring coordinators; requiring eldercaring coordinators to document com-

pleted training that meets certain requirements until the Florida Supreme Court certifies a training program; requiring the applicant to meet certain qualifications for background screening, unless otherwise exempt; requiring prospective eldercaring coordinators to submit fingerprints for purposes of criminal history background screening; providing for the payment and cost of fingerprint processing; providing for the removal and suspension of authority of certain eldercaring coordinators; requiring that notice of hearing on removal of a coordinator be timely served; authorizing the courts to award certain fees and costs under certain circumstances; requiring the court to appoint successor eldercaring coordinators under certain circumstances; requiring the parties to eldercaring coordination to pay an equal share of the eldercaring coordinator's fees and costs under certain circumstances; authorizing the courts to make certain determinations based on the fees and costs of eldercaring coordination; providing that all eldercaring communications are confidential; providing exceptions to confidentiality; providing remedies for breaches of such confidentiality; providing requirements for emergency reporting to courts under certain circumstances; providing immunity from liability for eldercaring coordinators under specified circumstances; requiring the Florida Supreme Court to establish certain minimum standards and procedures for eldercaring coordinators; authorizing the court's order of referral to address procedures governing complaints until the minimum standards and procedures are established; providing an effective date.

---

By the Committees on Appropriations; and Judiciary; and Senator Rodrigues—

**CS for CS for SB 402**—A bill to be entitled An act relating to legal notices; amending s. 50.011, F.S.; revising construction as to the satisfaction of publication requirements for legal notices; revising requirements for newspapers that are qualified to publish legal notices; defining the term "fiscally constrained county"; authorizing the Internet publication of specified governmental agency notices on newspaper websites in lieu of print publication if certain requirements are met; amending s. 50.021, F.S.; conforming provisions to changes made by the act; amending s. 50.0211, F.S.; defining terms; requiring the Florida Press Association to seek to ensure equitable access for minority populations to legal notices posted on the statewide legal notice website; requiring the association to publish and maintain certain reports on the statewide legal notice website; authorizing a governmental agency to choose between print publication or Internet-only publication of specified governmental agency notices with specified newspapers if certain conditions are met; specifying requirements for the placement, format, and accessibility of any such notices; requiring the newspaper to display a specified disclaimer regarding the posting of legal notices; authorizing a newspaper to charge for Internet-only publication of governmental agency notices, subject to specified limitations; specifying applicable penalties for unauthorized rebates, commissions, or refunds in connection with publication charges; requiring a governmental agency that publishes governmental agency notices by Internet-only publication to publish a specified notice in the print edition of a local newspaper and on their website; providing for construction; amending s. 50.031, F.S.; conforming provisions to changes made by the act; amending ss. 50.041 and 50.051, F.S.; revising provisions governing the uniform affidavit establishing proof of publication to conform to changes made by the act; amending s. 50.061, F.S.; conforming a cross-reference; amending s. 90.902, F.S.; providing for the self-authentication of legal notices under the Florida Evidence Code; amending ss. 11.02, 120.81, 121.0511, 121.055, 125.66, 162.12, 166.041, 189.015, 190.005, 190.046, 194.037, 197.402, 200.065, 338.223, 348.0308, 348.635, 348.7605, 373.0397, 373.146, 403.722, 849.38, and 932.704, F.S.; conforming provisions to changes made by the act; providing an effective date.

---

By the Committees on Appropriations; and Children, Families, and Elder Affairs; and Senators Perry, Boyd, and Rouson—

**CS for CS for SB 414**—A bill to be entitled An act relating to economic self-sufficiency; amending s. 1002.81, F.S.; deleting obsolete language; amending s. 1002.87, F.S.; requiring an early learning coalition to give priority for participation in a school readiness program to certain children; requiring the Office of Early Learning within the Department of Education to coordinate with the University of Florida Anita Zucker Center for Excellence in Early Childhood Studies to conduct an analysis of certain assistance programs; providing require-

ments for the analysis; requiring certain agencies to enter into a data-sharing agreement with certain entities and annually provide certain data by a specified date; requiring the Department of Children and Families to provide certain assistance; requiring the University of Florida Anita Zucker Center for Excellence in Early Childhood Studies to provide an annual report on the analysis to the Office of Early Learning by a specified date; requiring the Office of Early Learning to provide an annual report to the Governor and the Legislature within a certain timeframe; providing for the scheduled expiration of the assistance program analysis project; providing an effective date.

---

By the Committees on Appropriations; and Health Policy; and Senator Diaz—

**CS for CS for SB 894**—A bill to be entitled An act relating to physician assistants; amending ss. 458.347 and 459.022, F.S.; revising legislative intent; defining and redefining terms; revising a limitation on the number of physician assistants a physician may supervise at one time; deleting a requirement that a physician assistant inform his or her patients that they have the right to see a physician before the physician assistant prescribes or dispenses a prescription; authorizing physician assistants to procure drugs and medical devices; providing an exception; conforming provisions to changes made by the act; revising requirements for a certain formulary; authorizing physician assistants to authenticate documents that may be authenticated by a physician; providing exceptions; authorizing physician assistants to supervise medical assistants; authorizing third-party payors to reimburse employers of physician assistants for services rendered; providing requirements for such payment for services; authorizing physician assistants to bill for and receive direct payment for services they deliver; revising provisions relating to approved programs for physician assistants; revising provisions relating to physician assistant licensure requirements; amending ss. 382.008, 394.463, and 401.45, F.S.; conforming provisions relating to certificates of death, certificates for involuntary examinations, and orders not to resuscitate, respectively, to changes made by the act; providing an effective date.

---

By the Committees on Appropriations; and Education; and Senator Wright—

**CS for CS for SB 934**—A bill to be entitled An act relating to education; amending s. 1001.43, F.S.; authorizing members of certain committees of a district school board to attend meetings and establish quorums in person or through the use of telecommunications networks; prohibiting any official action of a district school board from being taken at any meeting of such committees; amending s. 1003.621, F.S.; authorizing academically high-performing school districts to provide up to 2 days of virtual instruction; specifying requirements for such virtual instruction for such virtual instruction to comply with a specified provision; amending s. 1004.04, F.S.; requiring additional specified strategies to be included in rules establishing uniform core curricula for each state-approved teacher preparation program; requiring that certain teacher preparation programs require students to demonstrate mastery of general knowledge by passing the General Knowledge Test of the Florida Teacher Certification Examination by the time of graduation; deleting a provision authorizing a teacher preparation program to waive certain admissions requirements for up to 10 percent of admitted students; amending s. 1004.85, F.S.; expanding the instruction that an educator preparation institute may provide to include instruction and professional development for part-time and full-time nondegreed teachers of career programs; requiring the Department of Education to approve a certification program if an institute provides evidence of its capacity to implement a competency-based program that includes specified strategies; amending s. 1012.39, F.S.; revising the minimum qualifications for part-time and full-time nondegreed teachers of career programs; amending s. 1012.56, F.S.; revising the acceptable means of demonstrating mastery of general knowledge to include documentation of receipt of a master's or higher degree from certain postsecondary institutions; revising the criteria for the Department of Education to issue a professional certificate; amending s. 1012.575, F.S.; authorizing an organization of private schools or a consortium of charter schools with an approved professional development system to design alternative teacher preparation programs; amending s. 1012.986, F.S.; defining the term "educational leader"; providing that the William Cecil Golden Professional Development Program for School Leaders must

consist of a network of specified entities; revising the goals of the program; requiring the department to offer program components through university or educational leadership academies and through educational leadership coaching and mentoring; making technical changes; providing an effective date.

---

By the Committees on Appropriations; and Education; and Senator Wright—

**CS for CS for SB 938**—A bill to be entitled An act relating to Purple Star Campuses; creating s. 1003.051, F.S.; defining the term "military student"; requiring the Department of Education to establish the Purple Star Campus program; specifying program criteria for participating schools; authorizing schools to partner with school districts to meet such criteria; requiring the State Board of Education to adopt rules; providing an effective date.

---

By the Committees on Appropriations; and Transportation; and Senator Albritton—

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

---

By the Committees on Appropriations; Finance and Tax; and Community Affairs; and Senator Brandes—

**CS for 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; requiring property owners to provide certification for such property; defining the term "voluntary elevation" or "voluntarily elevated"; prohibiting certain areas from being included in square footage calculation; providing an exception; providing applicability; making clarifying revisions; providing an effective date.

---

By the Committee on Appropriations; and Senator Harrell—

**CS for SB 1282**—A bill to be entitled An act relating to early learning and early grade success; amending s. 39.604, F.S.; revising approved child care or early education settings for the placement of certain children; conforming a cross-reference; amending ss. 212.08 and 402.26, F.S.; conforming provisions and cross-references to changes made by the act; providing for a type two transfer of the Gold Seal Quality Care program in the Department of Children and Families to the Office of Early Learning; providing for the continuation of certain contracts and interagency agreements; amending ss. 402.315 and 1001.213, F.S.; conforming cross-references; amending ss. 1001.215 and 1001.23, F.S.; conforming provisions to changes made by the act; amending s. 1002.32, F.S.; conforming cross-references; amending s. 1002.53, F.S.; revising the requirements for certain program provider profiles; requiring each parent who enrolls his or her child in the Voluntary Prekindergarten Education Program to allow his or her child to participate in a specified screening and progress monitoring program; amending s. 1002.55, F.S.; authorizing certain child development programs operating on a military installation to be private prekindergarten providers within the Voluntary Prekindergarten Education Program; providing that a private prekindergarten provider is ineligible for participation in the program under certain circumstances; revising requirements for prekindergarten instructors; revising requirements for specified courses for prekindergarten instructors; providing that a private school administrator who holds a specified certificate meets certain credential requirements; providing liability insurance requirements for child development programs operating on a military installation participating in the program; requiring early learning coalitions to verify private pre-

kindergarten provider compliance with specified provisions; requiring such coalitions to remove a provider's eligibility under specified circumstances; conforming provisions to changes made by the act; amending s. 1002.57, F.S.; revising the minimum standards for a credential for certain prekindergarten directors; amending s. 1002.59, F.S.; revising requirements for emergent literacy and performance standards training courses for prekindergarten instructors; requiring the department to make certain courses available online; amending s. 1002.61, F.S.; authorizing certain child development programs operating on a military installation to be private prekindergarten providers within the summer Voluntary Prekindergarten Education Program; conforming a provision to changes made by the act; revising the criteria for a teacher to receive priority for the summer program in a school district; requiring a child development program operating on a military installation to comply with specified criteria; requiring early learning coalitions to verify specified information; providing for the removal of a program provider or public school from eligibility under certain circumstances; amending s. 1002.63, F.S.; conforming a provision to changes made by the act; requiring early learning coalitions to verify specified information; providing for the removal of public schools from the program under certain circumstances; amending s. 1002.67, F.S.; revising the performance standards for the Voluntary Prekindergarten Education Program; requiring the department to review and revise performance standards on a specified schedule; revising curriculum requirements for the program; conforming a provision to changes made by the act; requiring the office to adopt procedures for the review and approval of curricula for the program; deleting a required preassessment and postassessment for the program; creating s. 1002.68, F.S.; requiring providers of the Voluntary Prekindergarten Education Program to participate in a specified screening and progress monitoring program; providing specified uses for the results of such program; requiring certain portions of the screening and progress monitoring program to be administered by individuals who meet specified criteria; requiring the results of the screening and monitoring to be reported to the parents of participating students; requiring providers to participate in a program assessment; providing requirements for such assessments; providing office duties and responsibilities relating to such assessments; requiring the office to calculate a kindergarten readiness rate for private and public providers during a certain program year; providing the criteria for the calculation; requiring the department to require that each school district administer certain screens for a specified school year; authorizing private schools to administer the screening; specifying the means for determining learning gains; prohibiting a provider from being placed on probationary status; providing an exception; authorizing a provider to be removed from probationary status under certain circumstances; prohibiting kindergarten screening results from being used in the calculation of readiness rates; requiring the office to adopt a methodology for calculating certain performance metrics; providing criteria for the methodology; requiring the office to provide for a differential payment to a private prekindergarten provider and public school based on the provider's designation, subject to appropriation; requiring the office to adopt procedures; providing criteria for the procedures; requiring designations to be displayed in certain profiles; providing procedures for a provider whose score or designation falls below the minimum requirement; providing for the revocation of program eligibility for a provider; authorizing the department to grant good cause exemptions to providers under certain circumstances; providing office and provider requirements for such exemptions; requiring an annual meeting of representatives from specified entities to develop certain strategies; repealing s. 1002.69, F.S., relating to statewide kindergarten screening and readiness rates; amending s. 1002.73, F.S.; requiring the office to adopt a statewide provider contract; requiring such contract to be published on the office's website; providing requirements for such contract; prohibiting providers from offering services during an appeal of termination from the program; providing applicability; requiring the office to adopt specified procedures relating to the Voluntary Prekindergarten Education Program; providing duties of the office relating to such program; repealing s. 1002.75, F.S., relating to the powers and duties of the Office of Early Learning; amending 1002.81, F.S.; conforming provisions and cross-references to changes made by the act; amending s. 1002.82, F.S.; providing duties of the office relating to early learning; authorizing an alternative model for the calculation of prevailing market rate; exempting certain child development programs operating on a military installation from specified inspection requirements; requiring the office to monitor specified standards and benchmarks for certain purposes; revising the age range used for specified standards; requiring the office to provide specified techni-

cal support; revising requirements for a specified assessment program; requiring the office to adopt requirements to make certain contracted slots available to serve specified populations; requiring the office to adopt certain standards and outcome measures including specified surveys; requiring the office to adopt procedures for the merging of early learning coalitions; revising the requirements for a specified report; amending s. 1002.83, F.S.; revising the number of authorized early learning coalitions; revising the number of and requirements for members of an early learning coalition; revising and adding requirements for such coalitions; amending s. 1002.84, F.S.; revising early learning coalition responsibilities and duties; conforming a cross-reference; revising requirements for the waiver of specified copayments; amending s. 1002.85, F.S.; conforming a cross-reference; revising the requirements for school readiness program plans; amending s. 1002.88, F.S.; authorizing certain child development programs operating on military installations to participate in the school readiness program; revising requirements to deliver such program; providing that a specified annual inspection for a child development program participating in the school readiness program meets certain provider requirements; providing requirements for a child development program to meet certain liability requirements; amending s. 1002.895, F.S.; requiring the office to adopt certain procedures until a specified event; conforming provisions to changes made by the act; amending s. 1002.92, F.S.; conforming a cross-reference; revising the requirements for specified services that child care resource and referral agencies must provide; transferring, renumbering, and amending s. 402.281, F.S.; revising the requirements of the Gold Seal Quality Care program; requiring the Office of Early Learning to adopt specified rules; revising accrediting association requirements; providing requirements for accrediting associations; requiring the department to establish a specified process; providing requirements for such process; deleting a requirement for the department to consult certain entities for specified purposes; providing requirements for certain providers to maintain Gold Seal Quality Care status; providing exemptions to certain ad valorem taxes; providing rate differentials to certain providers; creating s. 1008.2125, F.S.; creating the coordinated screening and progress monitoring program within the department for specified purposes; requiring the Commissioner of Education to design such program; providing requirements for the administration of such program and the use of results from the program; providing requirements for the commissioner; creating the Council for Early Grade Success within the department; providing duties of the council; providing membership of the council; requiring the council to elect a chair and a vice chair; providing requirements for such appointments; providing for per diem for members of the council; providing meeting requirements for the council; providing for a quorum of the council; amending s. 1008.25, F.S.; authorizing certain students enrolled in the Voluntary Prekindergarten Education Program to receive intensive reading interventions using specified funds; amending s. 1011.62, F.S.; revising the research-based reading instruction allocation to authorize the use of such funds for certain intensive reading interventions for certain students; revising the requirements for specified reading instruction and interventions; defining the term "evidence-based"; providing an effective date.

---

By the Committees on Appropriations; and Criminal Justice; and Senator Burgess—

**CS for CS for SB 1344**—A bill to be entitled An act relating to protection of elderly persons and disabled adults; amending s. 16.56, F.S.; adding offenses concerning elderly persons and disabled adults to the authority of the Office of Statewide Prosecution; amending s. 733.303, F.S.; providing that a person who has been convicted of abuse, neglect, or exploitation of an elderly person or a disabled adult is not qualified to act as a personal representative; creating s. 732.8031, F.S.; providing for forfeiture of specified benefits of persons who have been convicted of certain offenses involving elderly persons or disabled adults; providing that certain persons who have been convicted of certain offenses involving elderly persons or disabled adults may still retain an inheritance, survivorship rights, or any other rights if the victim executes a specified instrument; amending s. 736.1104, F.S.; providing that a beneficiary of a trust may not benefit under the trust if the person was convicted of certain offenses involving elderly persons or disabled adults; amending s. 825.101, F.S.; defining terms; amending s. 825.102, F.S.; specifying additional conduct that constitutes abuse of an elderly person or a disabled adult; providing a defense to certain violations; providing criminal penalties; amending s. 825.103, F.S.; specifying ad-

ditional conduct that constitutes exploitation of an elderly person or a disabled adult; providing criminal penalties; amending s. 825.1035, F.S.; revising provisions concerning injunctions for protection against exploitation of a vulnerable adult; providing for extension of ex parte temporary injunctions; providing an effective date.

---

By the Committee on Appropriations; and Senator Burgess—

**CS for SB 1372**—A bill to be entitled An act relating to home book delivery for elementary students; providing legislative findings; creating ss. 211.0252 and 212.1833, F.S.; providing credits against oil and gas production taxes and sales taxes payable by direct pay permit holders, respectively, under the New Worlds Reading Initiative Tax Credit; specifying requirements and procedures for, and limitations on, the credits; amending s. 220.02, F.S.; revising the order in which tax credits against the corporate income tax credit or the franchise tax are applied; amending s. 220.13, F.S.; revising the definition of the term “adjusted federal income”; amending s. 220.186, F.S.; revising the calculation of the corporate income tax credit for the Florida alternative minimum tax; creating s. 220.1876, F.S.; providing a credit against the corporate income tax under the New Worlds Reading Initiative Tax Credit; specifying requirements and procedures for, and limitations on, the credit; creating ss. 561.1212 and 624.51056, F.S.; providing credits against excise taxes on certain alcoholic beverages and the insurance premium tax, respectively, under the New Worlds Initiative Tax Credit; specifying requirements and procedures for, and limitations on, the credits; creating s. 1003.485 F.S.; defining terms; establishing the New Worlds Reading Initiative under the Department of Education; requiring the department to contract with a state university to administer the initiative; providing duties of the department and administrator; requiring the administrator, in consultation with a specified entity, to develop a selection of books; requiring the administrator to facilitate distribution of books; requiring the administrator to assist with local implementation of the initiative; requiring the administrator to maintain a clearinghouse of specified information; requiring the administrator to develop and disseminate certain training materials by specified means; requiring the administrator to annually submit an audit report; requiring the administrator to maintain specified accounts for program funds; providing spending requirements; requiring the administrator to provide a certificate of contribution in certain circumstances; establishing reporting requirements; establishing a tax credit cap amount; authorizing a taxpayer to apply for a tax credit; providing requirements for the application; specifying a limitation on, and application procedures for, the tax credit; specifying requirements and procedures for, and restrictions on, the carryforward, conveyance, transfer, assignment, and rescindment of credits; specifying requirements and procedures for the Department of Revenue; establishing student eligibility requirements; requiring school districts to identify eligible students and notify parents; requiring school districts to coordinate with the administrator to initiate book delivery; providing requirements for book delivery; requiring that students be offered certain options relating to books; specifying when student eligibility ends; requiring school districts raise awareness of the initiative; authorizing the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, and the Department of Education to develop a cooperative agreement and adopt rules; amending s. 1008.25, F.S.; requiring that a certain notification include information about the initiative; authorizing the Department of Revenue to adopt emergency rules; providing an effective date.

---

By the Committee on Appropriations; and Senators Garcia and Pizzo—

**CS for SB 1482**—A bill to be entitled An act relating to Biscayne Bay; creating s. 163.11, F.S.; establishing the Biscayne Bay Commission; providing for commission purpose, membership, duties, and authority; amending s. 403.086, F.S.; prohibiting sewage disposal facilities from disposing of any wastes into Biscayne Bay without providing advanced waste treatment; providing an effective date.

---

By the Committees on Appropriations; and Criminal Justice; and Senator Book—

**CS for CS for SB 1530**—A bill to be entitled An act relating to victims of sexual offenses; creating s. 154.012, F.S.; requiring counties

to establish sexual assault response teams; providing for duties, membership, and technical assistance; requiring teams to promote the use of sexual assault forensic examiners meeting certain requirements; amending s. 943.17, F.S.; requiring the Criminal Justice Standards and Training Commission, in consultation with the Florida Council Against Sexual Violence, to establish minimum standards for basic and advanced career development training programs for law enforcement officers that include a culturally responsive trauma-informed response to sexual assault; requiring every basic skills course for law enforcement officers to include certain training by a specified date; creating s. 943.1724, F.S.; requiring the Criminal Justice Standards and Training Commission to incorporate a culturally responsive trauma-informed response to sexual assault into a certain course curriculum; requiring each certified law enforcement officer to successfully complete a specified number of hours of training on sexual violence and interviewing of sexual assault victims and investigations of alleged sexual assault within a specified timeframe; providing requirements for current law enforcement officers; providing an effective date.

---

By the Committees on Appropriations; and Commerce and Tourism; and Senator Ausley—

**CS for CS for SB 1560**—A bill to be entitled An act relating to broadband Internet service; amending s. 364.0135, F.S.; revising legislative findings; redefining and defining terms; revising the duties of the Florida Office of Broadband within the Department of Economic Opportunity; requiring the office’s strategic plan to include short-term and long-term goals and strategies for increasing the availability of and access to broadband Internet service in this state; providing requirements for the development of the plan; requiring the updated plan to be submitted to the Governor, the Chief Justice of the Supreme Court, and the Legislature by a specified date; requiring the plan to be updated biennially; requiring local technology planning teams or partnerships to work with rural communities for specified purposes; requiring the office to provide technical and planning assistance related to broadband infrastructure to rural communities; requiring the office to develop geographic information system maps in collaboration with specified entities and consistent with certain federal reporting standards by a specified date; specifying required contents of the maps; requiring the department to annually update such maps and establish a mechanism to receive and verify governmental and public input related to broadband Internet service; authorizing the department to work collaboratively with specified entities in developing the mechanism; requiring the office to develop a broadband infrastructure asset map by a specified date; specifying required contents of the map; providing that certain information provided to the department from broadband service providers retains its exemption from public disclosure; providing rulemaking authority; creating s. 364.0136, F.S.; creating the Broadband Opportunity Program within the office; providing for administration of the program; providing requirements for grant awards; providing eligibility requirements; providing application requirements; requiring the office to publish certain information related to grant applications and grant awards on its website; authorizing grant applications to be challenged under certain circumstances; specifying contents of a challenge; providing procedures to be used by the office in evaluating challenges; providing direction for prioritizing grant funding; specifying conditions for the award of grants; requiring the office to enter into an agreement containing specified information with each grant recipient; requiring the office to publish specified information annually on its website and include the information in the department’s annual report; authorizing the department to adopt rules; providing an effective date.

---

By the Committees on Appropriations; and Finance and Tax; and Senators Burgess, Diaz, and Albritton—

**CS for CS for SB 1592**—A bill to be entitled An act relating to broadband Internet infrastructure; providing a short title; creating s. 364.0137, F.S.; providing legislative findings; defining terms; requiring municipal electric utilities to provide a specified promotional rate to broadband providers for wireline attachments made in unserved or underserved areas within the utility’s service area; requiring the broadband provider to submit an application that meets certain requirements to receive the promotional rate; requiring municipal electric utilities to provide certain information regarding connections made available to broadband providers to the Office of Broadband within the



Department of Economic Opportunity; providing requirements for the promotional rate; requiring the local technology planning teams within the office to provide support to rural communities regarding broadband service availability; requiring wireline attachments to comply with certain safety and engineering standards; authorizing a municipal electric utility to require a broadband provider to reimburse the electric utility for the replacement of utility poles under certain circumstances; defining the term “useful life”; prohibiting a municipal electric utility from increasing pole attachment fees during a specified timeframe; providing an effective date.

By the Committees on Appropriations; and Governmental Oversight and Accountability; and Senator Brodeur—

**CS for CS for SB 1616**—A bill to be entitled An act relating to agency contracts for commodities and contractual services; reenacting and amending s. 216.1366, F.S.; abrogating the scheduled expiration of provisions relating to certain public agency contracts for services; amending s. 287.042, F.S.; providing that the Department of Management Services may enter into an agreement authorizing an agency to make purchases under certain contracts if the Secretary of Management Services makes a certain determination; amending s. 287.056, F.S.; providing that an agency must issue a request for quote to certain approved vendors when it issues certain requests for quote for contractual services; providing for the disqualification of certain firms or individuals from state term contract eligibility; amending s. 287.057, F.S.; revising the period of time during which an agency must electronically post a description of certain commodities or services in certain circumstances; requiring an agency to periodically report certain actions to the department in a specified manner and form; requiring the department to annually report certain information to the Governor and the Legislature by a specified date; prohibiting an agency from initiating a competitive solicitation in certain circumstances; providing applicability; revising the maximum value of certain contracts that may not be renewed or amended by a state agency before submitting a written report to the Governor and the Legislature; requiring the agency to designate a contract manager to serve as a liaison between the contractor and the agency; prohibiting certain individuals from serving as a contract manager; providing the responsibilities of a contract manager; requiring the Chief Financial Officer to evaluate certain training at certain intervals; requiring that certain contract managers complete training and certification within a specified timeframe; requiring the department to establish and disseminate certain training and certification requirements; requiring the department to evaluate certain training at certain intervals; requiring certain contract managers to possess certain experience in managing contracts; authorizing a contract administrator to also serve as a contract manager in certain circumstances; providing that evaluations of proposals and replies must be conducted independently; providing for specified teams to conduct certain negotiations; requiring a Project Management Professional to provide guidance based on certain qualifications; providing qualification requirements for contract negotiator certification; requiring supervisors of contract administrators or contract and grant managers meeting certain criteria to complete training within a specified period; providing that the department is responsible for establishing and disseminating supervisor training by a certain date; providing for a continuing oversight team in certain circumstances; providing requirements for continuing oversight team members and meetings; requiring a continuing oversight team to provide notice of certain deficiencies and changes in contract scope to certain entities; amending s. 287.058, F.S.; prohibiting a contract document for certain contractual services from containing a certain nondisclosure clause; creating s. 287.1351, F.S.; defining the term “vendor”; prohibiting certain vendors from submitting bids, proposals, or replies to, or entering into or renewing any contract with, an agency; prohibiting an agency from accepting a bid, proposal, or reply from, or entering into a contract with, a suspended vendor until certain conditions are met; requiring an agency to notify the department of, and provide certain information regarding, any such vendors; requiring the department to review any vendor reported by an agency; requiring the department to notify a vendor of any intended removal from the vendor list; specifying administrative remedies and applicable procedures for an affected vendor; requiring the department to place certain vendors on the suspended vendor list; authorizing the removal of a suspended vendor from the suspended vendor list in accordance with specified procedures; specifying requirements and limitations; amending s. 287.136, F.S.; requiring each agency inspector general to

complete certain audits of executed contracts at certain intervals; amending ss. 43.16, 215.971, 287.0571, 295.187, 394.47865, 402.7305, 408.045, 570.07, and 627.351, F.S.; conforming cross-references; requiring the Department of Management Services to conduct a study evaluating fleet management options to identify any potential savings; requiring the department to submit a report to the Legislature by a specified date; providing an effective date.

By the Committees on Rules; and Transportation; and Senator Brandes—

**CS for CS for SB 1620**—A bill to be entitled An act relating to autonomous vehicles; amending s. 316.003, F.S.; revising the definition of the term “autocycle”; defining the term “low-speed autonomous delivery vehicle”; amending s. 316.2122, F.S.; authorizing the operation of a low-speed autonomous delivery vehicle on certain streets and roads; providing construction; authorizing the operation of a low-speed autonomous delivery vehicle on streets or roads with a posted speed limit of up to 45 miles per hour under specified conditions; providing requirements for low-speed autonomous delivery vehicles; amending s. 316.215, F.S.; providing that certain fully autonomous vehicles are not subject to certain provisions of law or regulations; amending ss. 316.306 and 655.960, F.S.; conforming cross-references; providing an effective date.

By the Committee on Appropriations; and Senator Brodeur—

**CS for SB 1976**—A bill to be entitled An act relating to freestanding emergency departments; amending s. 395.002, F.S.; defining and revising terms; amending s. 395.003, F.S.; deleting an obsolete provision relating to a prohibition on new emergency departments located off the premises of licensed hospitals; amending s. 395.1041, F.S.; prohibiting a freestanding emergency department from holding itself out to the public as an urgent care center; providing an exception; requiring a freestanding emergency department to clearly identify itself as a hospital emergency department using certain signage; requiring a freestanding emergency department to post signs in certain locations which contain specified statements; providing requirements for such signs; providing requirements for the advertisement of freestanding emergency departments; requiring the Agency for Health Care Administration to post information on its website describing the differences between a freestanding emergency department and an urgent care center; requiring the agency to update such information on its website at least annually; requiring hospitals to post a link to such information on their websites; requiring certain freestanding emergency departments to provide an emergency room billing acknowledgement form to patients under certain circumstances; requiring that the form contain a specified heading and statement; amending s. 627.6405, F.S.; deleting legislative findings and intent; requiring health insurers to post certain information regarding appropriate use of emergency care services on their websites and update such information at least annually; revising the definition of the term “emergency care”; amending ss. 385.211, 390.011, 394.4787, 395.701, 400.9935, 409.905, 409.975, 468.505, 627.64194, and 765.101, F.S.; conforming cross-references; providing an effective date.

By the Committees on Appropriations; and Finance and Tax—

**CS for SB 7068**—A bill to be entitled An act relating to taxation; repealing s. 193.019, F.S., relating to hospitals and community benefit reporting; amending s. 193.155, F.S.; adding exceptions to the definition of the term “change of ownership” for purposes of a certain homestead assessment limitation; providing that changes, additions, or improvements, including ancillary improvements, to homestead property damaged or destroyed by misfortune or calamity must be assessed upon substantial completion; specifying that the assessed value of the replaced homestead property must be calculated using the assessed value of the homestead property on a certain date before the date on which the damage or destruction was sustained; providing that certain changes, additions, or improvements must be reassessed at just value in subsequent years; amending s. 193.1554, F.S.; providing that changes, additions, or improvements, including ancillary improvements, to non-homestead residential property damaged or destroyed by misfortune or calamity must be assessed upon substantial completion; specifying that the assessed value of the replaced nonhomestead residential property must be calculated using the assessed value of the nonhomestead re-



sidential property on a certain date before the date on which the damage or destruction was sustained; providing that certain changes, additions, or improvements must be reassessed at just value in subsequent years; amending s. 193.1555, F.S.; providing that changes, additions, or improvements, including ancillary improvements, to certain nonresidential real property damaged or destroyed by misfortune or calamity must be assessed upon substantial completion; specifying that the assessed value of the replaced nonresidential real property shall be calculated using the assessed value of the residential and nonresidential real property on a certain date before the date on which the damage or destruction was sustained; providing that certain changes, additions, or improvements must be reassessed at just value in subsequent years; providing construction and applicability; amending s. 196.196, F.S.; specifying that portions of property not used for certain purposes are not exempt from ad valorem taxation; specifying that exemptions for certain portions of property from ad valorem taxation are not affected so long as such portions of property are used for specified purposes; providing applicability and construction; amending s. 196.1978, F.S.; exempting certain multifamily projects from ad valorem taxation; making technical changes; amending s. 196.198, F.S.; providing that improvements to real property are deemed owned by certain educational institutions for purposes of the educational exemption from ad valorem taxation if certain criteria are met; providing that such educational institutions shall receive the full benefit of the exemption; requiring the property owner to make certain disclosures to the educational institution; exempting certain property owned by a house of public worship from ad valorem taxation; providing construction; amending s. 196.199, F.S.; exempting municipal property used for a motorsports entertainment complex from ad valorem taxation if certain criteria are met; providing applicability; providing for expiration; amending s. 197.222, F.S.; requiring, rather than authorizing, tax collectors to accept late payments of prepaid property taxes within a certain timeframe; deleting a late payment penalty; amending s. 201.08, F.S.; providing that modifications of certain original documents for certain purposes on which documentary stamp taxes were previously paid are not renewals and are not subject to the documentary stamp tax; creating s. 211.0252, F.S.; providing credits against oil and gas production taxes under the Strong Families Tax Credit; amending s. 211.3106, F.S.; specifying the severance tax rate for a certain heavy mineral under certain circumstances; amending s. 212.06, F.S.; revising the definition of the term “dealer”; revising a condition for a sales tax exception for tangible personal property imported, produced, or manufactured in this state for export; defining terms; specifying application requirements and procedures for a forwarding agent to apply for a Florida Certificate of Forwarding Agent Address from the Department of Revenue; requiring forwarding agents receiving such certificate to register as dealers for purposes of the sales and use tax; specifying requirements for sales tax remittance and for recordkeeping; specifying the timeframe for expiration of certificates and procedures for renewal; requiring forwarding agents to update information; requiring the department to verify certain information; authorizing the department to suspend or revoke certificates under certain circumstances; requiring the department to provide a list on its website of forwarding agents who have received certificates; providing circumstances and requirements for and construction related to dealers accepting certificates or relying on the department's website list in lieu of collecting certain taxes; providing criminal penalties for certain violations; authorizing the department to adopt rules; amending s. 212.08, F.S.; extending the expiration date of the sales tax exemption for data center property; exempting specified items that assist in independent living from the sales tax; amending s. 212.13, F.S.; revising recordkeeping requirements for dealers collecting the sales and use tax; amending s. 212.15, F.S.; providing that stolen sales tax revenue may be aggregated for the purposes of determining the grade of certain criminal offenses; creating s. 212.1833, F.S.; providing a credit against sales taxes payable by direct pay permitholders under the Strong Families Tax Credit; amending s. 213.053, F.S.; authorizing the department to publish a list of forwarding agents who have received Florida Certificates of Forwarding Agent Address on its website; amending s. 220.02, F.S.; specifying the order in which corporate income tax credits under the Strong Families Tax Credit and the internship tax credit are applied; amending s. 220.13, F.S.; requiring corporate income taxpayers to add back to their taxable income claimed credit amounts under the Strong Families Tax Credit and the internship tax credit; providing an exception; amending s. 220.186, F.S.; providing that a corporate income tax credit claimed under the Strong Families Tax Credit is not applied in the calculation of the Florida alternative minimum tax credit; creating s. 220.1876, F.S.;

providing a credit against the corporate income tax under the Strong Families Tax Credit; specifying requirements and procedures for the credit; creating s. 220.198, F.S.; providing a short title; defining terms; providing a corporate income tax credit for qualified businesses employing student interns if certain criteria are met; specifying the amount of the credit a qualified business may claim per student intern; specifying a limit on the credit claimed per taxable year; specifying the combined total amount of tax credits which may be granted per state fiscal year in specified years; requiring that credits be allocated on a prorated basis if total approved credits exceed the limit; authorizing the department to adopt certain rules; authorizing a qualified business to carry forward unused credit for a certain time; s. 288.106, F.S.; reauthorizing the tax refund program for qualified target industry businesses; creating s. 402.62, F.S.; creating the Strong Families Tax Credit; defining terms; specifying requirements for the Department of Children and Families in designating eligible charitable organizations; specifying requirements for eligible charitable organizations receiving contributions; specifying duties of the Department of Children and Families; specifying a limitation on, and application procedures for, the tax credit; specifying requirements and procedures for, and restrictions on, the carryforward, conveyance, transfer, assignment, and rescindment of credits; specifying requirements and procedures for the department; providing construction; authorizing the department, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, and the Department of Children and Families to develop a cooperative agreement and adopt rules; authorizing certain interagency information sharing; creating ss. 561.1212 and 624.51056, F.S.; providing credits against excise taxes on certain alcoholic beverages and the insurance premium tax, respectively, under the Strong Families Tax Credit; specifying requirements and procedures for, and limitations on, the credits; amending s. 624.509, F.S.; revising the order in which credits are taken under that section; providing sales tax exemptions for certain clothing, wallets, bags, school supplies, personal computers, and personal computer-related accessories during a certain timeframe; defining terms; specifying locations where the exemptions do not apply; authorizing certain dealers to opt out of participating in the exemptions, subject to certain conditions; authorizing the department to adopt emergency rules; providing sales tax exemptions for certain disaster preparedness supplies during a certain timeframe; specifying locations where the exemptions do not apply; authorizing the department to adopt emergency rules; reenacting s. 192.0105(3)(a), F.S., relating to taxpayer rights, to incorporate the amendment made to s. 197.222, F.S., in a reference thereto; reenacting s. 193.1557, F.S., relating to assessment of property damaged or destroyed by Hurricane Michael, to incorporate the amendments made to ss. 193.155, 193.1554, and 193.1555, F.S., in references thereto; reenacting s. 212.07(1)(c), F.S., relating to the sales, storage, and use tax, to incorporate the amendment made to s. 212.06, F.S., in a reference thereto; reenacting s. 212.08(18)(f), F.S., relating to the sales, rental, use, consumption, distribution, and storage tax, to incorporate the amendment made to s. 212.13, F.S., in a reference thereto; authorizing the department to adopt emergency rules; providing for expiration of that authority; providing an appropriation; requiring the Florida Institute for Child Welfare to provide a certain report to the Governor and the Legislature by a specified date; providing for severability; providing effective dates.

## REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Appropriations; and Transportation; and Senator Albritton—

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

—was placed on the Calendar.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 247 and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Professions & Public Health Subcommittee and Representative(s) Fabricio, Giallombardo, Arrington, Benjamin, Bush, Hart, Hunschofsky, Massullo, Melo, Rizo, Robinson, F., Woodson—

**CS for HB 247**—A bill to be entitled An act relating to telehealth practice standards; amending s. 456.47, F.S.; revising the prohibition on prescribing controlled substances through the use of telehealth to include only specified controlled substances; providing an effective date.

—was referred to the Committee on Appropriations.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 401 and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Commerce Committee, Regulatory Reform Subcommittee and Representative(s) Fetterhoff, Overdorf, Fischer, McClain, Melo—

**CS for CS for HB 401**—A bill to be entitled An act relating to the Florida Building Code; amending s. 553.73, F.S.; authorizing a substantially affected person to file a petition with the Florida Building Commission to review certain local government regulations, laws, ordinances, policies, amendments, or land use or zoning provisions; defining the term "local government"; providing requirements for the petition and commission; requiring the commission to issue a nonbinding advisory opinion within a specified timeframe; authorizing the commission to issue errata to the code; providing a definition for the term "errata to the code"; making technical changes; amending s. 553.79, F.S.; prohibiting a local government from requiring certain contracts for the issuance of a building permit; amending s. 553.791, F.S.; authorizing certain local entities to use a private provider for code inspection services under certain circumstances; amending s. 553.80, F.S.; revising how certain excess funds may be used by a local government; amending s. 553.842, F.S.; requiring evaluation entities that meet certain criteria to comply with certain standards; authorizing the commission to suspend or revoke certain approvals under certain circumstances; amending ss. 125.01 and 125.56, F.S.; conforming cross-references to changes made by the act; making technical changes; providing an effective date.

—was referred to the Committee on Rules.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 419, as amended, and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Education & Employment Committee, PreK-12 Appropriations Subcommittee and Representative(s) Grall, Aloupis, Avila, Barnaby, Bartleman, Benjamin, Brown, Bush, Eskamani, Fetterhoff, Fischer, Hart, Learned, Massullo, McCurdy, Overdorf, Tant, Trabulsky, Woodson—

**CS for CS for HB 419**—A bill to be entitled An act relating to early learning and early grade success; amending s. 20.055, F.S.; conforming provisions to changes made by the act; amending s. 20.15, F.S.; deleting the Office of Early Learning from within the Office of Independent Education and Parental Choice of the Department of Education; es-

tablishing the Division of Early Learning within the department; amending s. 39.202, F.S.; conforming provisions to changes made by the act; amending s. 39.604, F.S.; revising approved child care or early education settings for the placement of certain children; conforming a cross-reference to changes made by the act; amending ss. 212.08, 216.136, 383.14, 391.308, and 402.26, F.S.; conforming provisions and cross-references to changes made by the act; transferring, renumbering, and amending s. 402.281, F.S.; revising the requirements of the Gold Seal Quality Care program; requiring the State Board of Education to adopt specified rules; revising accrediting association requirements; providing requirements for accrediting associations; requiring the department to adopt a specified process; providing requirements for such process; deleting a requirement for the department to consult certain entities for specified purposes; providing requirements for certain providers to maintain Gold Seal Quality Care status; providing exemptions to certain ad valorem taxes; providing rate differentials to certain providers; providing for a type two transfer of the Gold Seal Quality Care program in the Department of Children and Families to the Department of Education; providing for the continuation of certain contracts and interagency agreements; amending s. 402.315, F.S.; conforming a cross-reference to changes made by the act; amending s. 402.56, F.S.; revising the membership of the Children and Youth Cabinet; amending ss. 411.227, 414.295, 1000.01, 1000.02, 1000.03, 1000.04, 1000.21, 1001.02, 1001.03, 1001.10, and 1001.11, F.S.; conforming provisions and cross-references to changes made by the act; repealing s. 1001.213, F.S., relating to the Office of Early Learning; amending ss. 1001.215, 1001.23, 1001.70, 1001.706, 1002.22, 1002.32, 1002.34, and 1002.36 F.S.; conforming provisions and cross-references to changes made by the act; amending s. 1002.53, F.S.; revising the requirements for certain program provider profiles; requiring students enrolled in the Voluntary Prekindergarten Education Program to participate in a specified screening and progress monitoring program; amending s. 1002.55, F.S.; authorizing certain child development programs operating on a military installment to be private prekindergarten providers within the Voluntary Prekindergarten Education Program; providing that a private prekindergarten provider is ineligible for participation in the program under certain circumstances; revising requirements a prekindergarten instructor must meet; revising requirements for specified courses for prekindergarten instructors; providing that a private school administrator who holds a specified certificate meets certain credential requirements; providing liability insurance requirements for child development programs operating on a military installment participating in the program; requiring early learning coalitions to verify private prekindergarten provider compliance with specified provisions; requiring such coalitions to remove a providers eligibility under specified circumstances; amending s. 1002.57, F.S.; revising the minimum standards for a credential for certain prekindergarten directors; amending s. 1002.59, F.S.; revising requirements for emergent literacy and performance standards training courses for prekindergarten instructors; requiring the department to make certain courses available; amending s. 1002.61, F.S.; authorizing certain child development programs operating on a military installment to be private prekindergarten providers within the summer Voluntary Prekindergarten Education Program; revising the criteria for a teacher to receive priority for the summer program in school district; requiring a child development program operating on a military installment to comply with specified criteria; requiring early learning coalitions to verify specified information; providing for the removal of a program provider or school from eligibility under certain circumstances; amending s. 1002.63, F.S.; requiring early learning coalitions to verify specified information; providing for the removal of public school program providers from the program under certain circumstances; amending s. 1002.67, F.S.; revising the performance standards for the Voluntary Prekindergarten Education Program; requiring the department to review and revise performance standards on a specified schedule; revising curriculum requirements for the program; requiring the department to adopt procedures for the review and approval of curricula for the program; deleting a required preassessment and postassessment for the program; creating s. 1002.68, F.S.; requiring providers of the Voluntary Prekindergarten Education Program to participate in a specified screening and progress monitoring program; providing specified uses for the results of such program; requiring certain portions of the screening and progress monitoring program to be administered by individuals who meet specified criteria; requiring the results of specified assessments to be reported to the parents of participating students; providing requirements for such assessments; providing department duties and responsibilities relating to such assessments; providing requirements for a specified

methodology used to calculate the results of such assessments; providing that certain providers cannot be placed on probation during a certain program year; requiring a provider on probationary status to meet certain requirements before being removed from such status; requiring the department to establish a designation system for program providers; providing for the adoption of a minimum performance metric or designation for program participation; providing procedures for a provider whose score or designation falls below the minimum requirement; providing for the revocation of program eligibility for a provider; providing procedures for requalification; authorizing the department to grant good cause exemptions to providers under certain circumstances; providing department and provider requirements for such exemptions; requiring annual meeting of representatives from specified entities; repealing s. 1002.69, F.S., relating to Statewide kindergarten screening and readiness rates; amending ss. 1002.71 and 1002.72, F.S.; conforming provisions to changes made by the act; amending s. 1002.73, F.S.; requiring the department to adopt a statewide provider contract; requiring such contract to be published on the department's website; providing requirements for such contract; prohibiting providers from offering services during an appeal of termination from the program; providing applicability; requiring the department to adopt specified procedures relating to the Voluntary Prekindergarten Education Program; providing duties of the department relating to such program; repealing s. 1002.75, F.S., relating to the powers and duties of the Office of Early Learning; amending s. 1002.79, F.S.; conforming provisions and cross-references to changes made by the act; amending s. 1002.81, F.S.; revising definitions; amending s. 1002.82, F.S.; providing duties of the department relating to early learning; authorizing an alternative model for the calculation of prevailing market rate; exempting certain child development programs operating on a military installment from specified inspection requirements; requiring the department to monitor specified standards and benchmarks for certain purposes; revising the age range used for specified standards; requiring the department to provide specified technical support; revising requirements for a specified assessment program; requiring the department to adopt requirements to make certain contracted slots available to serve specified populations; requiring the department adopt certain standards and outcome measures including specified surveys; requiring the department to adopt procedures for the merging of early learning coalitions; revising the requirements for a specified report; amending s. 1002.83, F.S.; revising the number of authorized early learning coalitions; revising the number of and requirements for members of an early learning coalition; revising requirements for such coalitions; amending s. 1002.84, F.S.; revising early learning coalition responsibilities and duties; revising requirements for the waiver of specified copayments; authorizing the adoption of a certain alternative payment schedule; amending s. 1002.85, F.S.; revising the requirements for school readiness program plans; amending s. 1002.88, F.S.; authorizing certain child development programs operating on military installments to participate in the school readiness program; revising requirements to deliver such program; providing that a specified annual inspection for a child development program participating in the school readiness program meets certain provider requirements; providing requirements for a child development program to meet certain liability requirements; amending s. 1002.89, F.S.; conforming provisions to changes made by the act; amending s. 1002.895, F.S.; requiring the department to adopt certain procedures until a specified event; amending s. 1002.91, F.S.; conforming provisions to changes made by the act; amending s. 1002.92, F.S.; revising the requirements for specified services child care resources and referral agencies must provide; amending s. 1002.93, F.S.; conforming provisions to changes made by the act; repealing s. 1002.94, F.S., relating to the Child Care Executive Partnership Program; amending ss. 1002.95, 1002.96, 1002.97, 1002.995, and 1007.01, F.S.; conforming provisions and cross-references to changes made by the act; creating s. 1008.2125, F.S.; creating the coordinated screening and progress monitoring program within the department for specified purposes; requiring the Commissioner of Education to design such program; providing requirements for the administration of such program and the use of results from the program; providing requirements for the commissioner; creating the Council for Early Grade Success; providing duties of the council; providing membership of the council; requiring the council to elect a chair and a vice chair; providing requirements for such appointments; providing for per diem for members of the council; providing meeting requirements for the council; providing for a quorum of the council; amending s. 1008.25, F.S.; authorizing certain students who enrolled in the Voluntary Prekindergarten Education Program to receive intensive reading interventions using specified funds; amending

ss. 1008.31, 1008.32, and 1008.33, F.S.; conforming provisions to changes made by the act; amending s. 1011.62, F.S.; revising the research-based reading instruction allocation to authorize the use of such funds for certain intensive reading interventions for certain students; revising the requirements for specified reading instruction and interventions; defining the term "evidence-based"; providing an effective date.

—was referred to the Committee on Appropriations.

---

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 485, as amended, and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Health & Human Services Committee, Finance & Facilities Subcommittee and Representative(s) Garrison, Rayner, Caruso, Rizo, Tant—

**CS for CS for HB 485**—A bill to be entitled An act relating to personal care attendants; amending s. 400.141, F.S.; authorizing nursing home facilities to employ personal care attendants if a certain training requirement is met; requiring that the Agency for Health Care Administration, in consultation with the Board of Nursing, develop a certain training program; providing minimum requirements for such program; requiring a personal care attendant to complete the required education before having direct contact with a resident; prohibiting a personal care attendant from performing certain tasks; requiring an individual employed as a personal care attendant to work exclusively for one nursing facility before becoming a certified nursing assistant; requiring the agency to adopt rules necessary to implement the personal care attendant program; requiring the agency to authorize the continuation of the personal care attendant program under certain circumstances; amending s. 400.211, F.S.; authorizing certain persons to be employed by a nursing home facility as personal care attendants for a specified period if a certain training requirement is met; providing a definition for the term "personal care attendants"; providing an effective date.

—was referred to the Committee on Appropriations.

---

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 527 and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Judiciary Committee, Criminal Justice & Public Safety Subcommittee and Representative(s) Benjamin, Eskamani, Hart, Hunschofsky, Morales—

**CS for CS for HB 527**—A bill to be entitled An act relating to visiting county and municipal detention facilities; creating s. 951.225, F.S.; authorizing specified persons to visit at their pleasure county and municipal detention facilities; providing an effective date.

—was referred to the Committee on Rules.

---

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 919 and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Commerce Committee, Tourism, Infrastructure & Energy Subcommittee and Representative(s) Tomkow, Fischer, Giallombardo, Yarborough—

**CS for CS for HB 919**—A bill to be entitled An act relating to preemption over restriction of utility services; creating s. 366.032, F.S.; prohibiting municipalities, counties, special districts, or other political

subdivisions from restricting or prohibiting the types or fuel sources of energy production used, delivered, converted, or supplied by certain entities to serve customers; providing construction; voiding existing specified documents and policies that are preempted by this act; providing an effective date.

—was referred to the Committee on Rules.

---

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 1159 and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Education & Employment Committee and Representative(s) Bussatta Cabrera—

**CS for HB 1159**—A bill to be entitled An act relating to educator preparation and certification; amending s. 1004.04, F.S.; requiring additional specified strategies to be included in rules establishing uniform core curricula for each state-approved teacher preparation program; requiring that certain teacher preparation programs require students to demonstrate mastery of general knowledge by passing the General Knowledge Test of the Florida Teacher Certification Examination by the time of graduation; deleting a provision authorizing a teacher preparation program to waive certain admissions requirements for up to 10 percent of admitted students; amending s. 1004.85, F.S.; expanding the instruction that an educator preparation institute may provide to include instruction and professional development for part-time and full-time nondegreed teachers of career programs; requiring additional specified strategies be demonstrated before approval; amending s. 1012.39, F.S.; revising the minimum qualifications for part-time and full-time nondegreed teachers of career programs; amending s. 1012.56, F.S.; revising the acceptable means of demonstrating mastery of general knowledge to include documentation of receipt of a master's or higher degree from certain postsecondary institutions; revising the criteria for the Department of Education to issue a professional certificate; amending s. 1012.575, F.S.; expanding the entities authorized to design alternative teacher preparation programs; amending s. 1012.986, F.S.; defining the term "educational leader"; providing that the William Cecil Golden Professional Development Program for School Leaders must consist of a network of specified entities; revising the goals of the program; requiring the department to also offer program components through university or educational leadership academies and through educational leadership coaching and mentoring; making technical changes; providing an effective date.

—was referred to the Committee on Appropriations.

---

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 1349 and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Health & Human Services Committee, Children, Families & Seniors Subcommittee and Representative(s) Aloupis, Duran, Robinson, F., Robinson, W., Skidmore, Trabulsky—

**CS for CS for HB 1349**—A bill to be entitled An act relating to assistance programs; amending s. 1002.81, F.S.; deleting obsolete language; amending s. 1002.87, F.S.; requiring an early learning coalition to give priority for participation in a school readiness program to certain children; requiring the Office of Early Learning within the Department of Education to coordinate with the University of Florida Anita Zucker Center for Excellence in Early Childhood Studies to conduct an analysis of certain assistance programs; providing requirements for the analysis; requiring certain agencies to enter into a data sharing agreement with certain entities and annually provide certain data; requiring the University of Florida Anita Zucker Center for Excellence in Early Childhood Studies to provide an annual report to the Office of Early Learning; requiring the Office of Early Learning to provide an annual report to the Governor and Legislature; requiring the Department of Children

and Families to provide certain assistance; providing for the scheduled expiration of certain provisions; providing an effective date.

—was referred to the Committee on Appropriations.

---

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 1537 and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Judiciary Committee, State Affairs Committee and Representative(s) Gregory—

**CS for CS for HB 1537**—A bill to be entitled An act relating to the executive branch; amending s. 20.201, F.S.; requiring the executive director of the Department of Law Enforcement to be appointed subject to a majority vote of the Governor and Cabinet with the Governor and Attorney General on the prevailing side; amending s. 20.24, F.S.; requiring the executive director of the Department of Highway Safety and Motor Vehicles to be appointed by the Governor, subject to a majority vote of the Governor and Cabinet with the Governor on the prevailing side, and confirmed by the Senate; providing that the executive director serves at the pleasure of the Governor and Cabinet; amending s. 20.255, F.S.; requiring the appointment of the Secretary of Environmental Protection to be subject to a majority vote of the Governor and Cabinet with the Governor on the prevailing side; amending s. 20.37, F.S.; requiring the executive director of the Department of Veterans' Affairs to be appointed subject to a majority vote of the Governor and Cabinet with the Governor on the prevailing side; requiring the Office of Program Policy Analysis and Government Accountability to contract for a review of the Department of Law Enforcement; providing requirements for the selected contractor; providing requirements for the review; requiring the department to provide the contractor with access to certain information; retaining the exempt or confidential and exempt status of such information; requiring the contractor to submit a report to the Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, and the Legislature by a certain date; providing an effective date.

—was referred to the Committee on Rules.

---

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 7035, as amended, and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Education & Employment Committee, Early Learning & Elementary Education Subcommittee and Representative(s) LaMarca, Hunschofsky—

**CS for HB 7035**—A bill to be entitled An act relating to school safety; amending s. 394.463, F.S.; requiring the Department of Children and Families to analyze specified data relating to the initiation of involuntary examinations of certain students; amending s. 943.082, F.S.; requiring the FortifyFL reporting tool to notify reporting parties that submitting false information may subject them to criminal penalties; providing that certain reports shall remain anonymous; amending s. 943.687, F.S.; revising the membership of the Marjory Stoneman Douglas High School Public Safety Commission; amending s. 985.12, F.S.; requiring law enforcement officers to have access to specified information by a certain date for specified purposes; amending s. 1001.11, F.S.; requiring the Commissioner of Education to oversee compliance with requirements relating to school safety and security; requiring the commissioner to take specified actions under certain circumstances relating to noncompliance; amending s. 1001.212, F.S.; requiring the Office of Safe Schools to provide certain opportunities to charter school personnel and certain data to support the evaluation of mental health services; requiring such office to develop a model family reunification plan for certain purposes; amending s. 1002.20, F.S.; providing that parents of public school students have the right to timely notification of certain threats, unlawful acts, and significant emergencies and access

to certain incident reports; amending s. 1006.07, F.S.; requiring codes of student conduct to include provisions relating to civil citation or similar prearrest diversion programs for specified purposes; requiring codes of student conduct to include provisions relating to the assignment of students to school-based intervention programs; prohibiting participation in such programs from being entered into a specified system under certain circumstances; authorizing certain procedures to include accommodations for specified drills; requiring district school boards to establish certain emergency response and emergency preparedness policies and procedures and provide timely notification to parents following certain threats, unlawful acts, or significant emergencies; revising provisions relating to active shooter situation training for schools; requiring district school boards and charter school governing boards, in coordination with local law enforcement agencies and local governments, to adopt a family reunification plan for specified purposes; providing requirements for members of a threat assessment team; requiring the Department of Education to include certain data in a specified format; amending s. 1006.12, F.S.; revising provisions relating to the duties of school safety officers; requiring the district school superintendent or charter school administrator to provide certain notifications relating to safe-school officers; requiring safe-school officers to complete a specified training; providing requirements for such training; requiring individuals to meet certain criteria before participating in specified training; providing requirements for such training; requiring school districts to provide charter schools with specified safe-school officers under additional circumstances; amending s. 1006.1493, F.S.; requiring the Florida Safe Schools Assessment Tool to address policies and procedures relating to certain emergencies; amending s. 1008.32, F.S.; authorizing the state board to direct a school district to suspend the salaries of specified individuals under certain circumstances relating to school safety; amending s. 1008.386, F.S.; requiring that student identification cards issued to certain students by public schools include specified numbers; amending s. 1011.62, F.S.; revising the mental health assistance allocation plans to include certain policies and procedures relating to certain behavioral health services available to students; requiring the department to publish on its website, in consultation with the Louis de la Parte Florida Mental Health Institute, a report on the availability and effectiveness of mental health services by a specified date, annually; providing effective dates.

—was referred to the Committee on Appropriations.

## RETURNING MESSAGES — FINAL ACTION

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/SB 88.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

## ENROLLING REPORTS

CS for CS for CS for SB 88 has been enrolled, signed by the required constitutional officers, and presented to the Governor on April 22, 2021.

*Debbie Brown, Secretary*

## CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 21 was corrected and approved.

## CO-INTRODUCERS

Senator Stewart—SB 370

## ADJOURNMENT

On motion by Senator Passidomo, the Senate adjourned at 6:44 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Monday, April 26 or upon call of the President.