Journal of the Senate

Number 21—Regular Session **Thursday, April 29, 2021**

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CALL TO ORDER

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

PRAYER

The following prayer was offered by Luke Brueggemeyer, staff member of the Senate Majority Office, Tallahassee:

Dear God, we ask you today to remind us of the great power, and even greater responsibility, that comes with our appointed roles as civil servants. Let these words not just be fillers of our egos or of our speeches, but words that permeate to the depths of our souls. Help us to embody our positions as servants long before we boast our positions as lawmakers, staffers, writers, and analysts.

In our political power, no matter how major or minor it may be, remind us that we are first and foremost servants to our brothers and sisters across the state. Let every action that takes place in this chamber reflect this truth.

Finally, remind us that our servitude holds far greater power than any amount of money or influence could ever afford us. In doing so, help us to boldly embrace any opportunity for servitude as it presents itself to us this day. We ask all of this in your name. Amen.

PLEDGE

Senator Diaz 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. Dennis F. Saver of Vero Beach, sponsored by Senator Mayfield, as the doctor of the day. Dr. Saver specializes in family medicine.

ADOPTION OF RESOLUTIONS

At the request of Senator Farmer—

By Senator Farmer—

SR 1842—A resolution recognizing the extraordinary leadership of Pio Ieraci in representing the interests of the Galt Mile Community Association before local and state government officials and remembering his role as a community activist and as a loyal friend and loving son, husband, and father.

WHEREAS, born in Canada, Pio Ieraci moved to Florida more than 30 years ago, becoming a successful businessman and family man and effectively serving as a diplomat and village shaman for the Galt Mile community in Ft. Lauderdale, and

WHEREAS, in 1993, Pio Ieraci founded International Property Investments Corporation, which, due to his drive and perseverance, became a highly successful enterprise, leading to his appointment to the City of Fort Lauderdale Education Advisory Board and stints as chairman of South Florida Business Advisors, Inc., and the Broward Beach Coalition, and

WHEREAS, at only 58 years of age, Pio Ieraci had served for more than 20 years as president of the Galt Mile Community Association, representing the interests of 16,000 residents in 30 ocean-front condominiums, and

WHEREAS, Pio Ieraci is remembered as a force of nature in advocating for the safety and well-being of those residents and as a strong proponent of beach renourishment, and

WHEREAS, Pio Ieraci was health conscious and fit, known for exercising and eating right, and seemed an unlikely candidate for serious health issues, and

WHEREAS, COVID-19 is a relentless killer virus that can overwhelm even the healthiest among us, and on December 20, 2020, it claimed the life of Pio Ieraci, who had spent 14 days on a ventilator, and

WHEREAS, Pio Ieraci would have turned 59 years of age on January 10, 2021, and

WHEREAS, Pio Ieraci leaves behind his wife of 35 years, Lisa; his mother, Marcy; and two children, Daniel and Alessia, NOW, THEREFORE,

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

That the Florida Senate remembers the extraordinary life of Pio Ieraci and extends its deepest sympathies to all who loved him.

—was introduced, read, and adopted by publication.

At the request of Senator Wright—

By Senator Wright—

SR 2056—A resolution recognizing April 2021 as "Month of the Military Child" in Florida.

WHEREAS, thousands of courageous men and women in uniform have demonstrated courage and commitment to freedom by serving our country in times of war and peace at bases in Afghanistan and Iraq and throughout the world, and

WHEREAS, more than 15,000 children of Floridians serving in the United States Armed Forces have been directly impacted by the deployment of at least one parent and, with their parents, continually stand as shining beacons of sacrifice, dedication, commitment, and honor to all of us, and

WHEREAS, we celebrate the spirit of our military children and their sacrifices, courage, and resiliency, and recognize that while our men and women in uniform are taking care of our country, we must make ourselves available to support the well-being of their children, and

WHEREAS, this recognition will encourage all Floridians to pay tribute to military children in recognition of their struggles and sacrifice, recognizing that when parents serve in the military, their kids are heroes, too, NOW, THEREFORE,

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

That April 2021 is recognized as "Month of the Military Child" in Florida.

—was introduced, read, and adopted by publication.

At the request of Senator Albritton—

By Senator Albritton—

SR 2068—A resolution commemorating the 100th anniversary of the creation of Hardee County.

WHEREAS, in 1921, during the 18th Regular Session of the Legislature, a bill was introduced to divide DeSoto County into Charlotte, DeSoto, Glades, Hardee, and Highlands Counties, and

WHEREAS, on April 23, 1921, Governor Cary Hardee, who was in his first year of office, signed that bill into law, making Hardee County this state's 55th county, and

WHEREAS, Wauchula was designated by the legislation as the temporary county seat of Hardee County, and it remains the county seat today, NOW, THEREFORE,

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

That the 100th anniversary of the creation of Hardee County is commemorated.

—was introduced, read, and adopted by publication.

At the request of Senator Albritton—

By Senator Albritton—

SR 2070—A resolution commemorating the 100th anniversary of the creation of Highlands County.

WHEREAS, in 1921, during the 18th Regular Session of the Legislature, a bill was introduced to divide DeSoto County into Charlotte, DeSoto, Glades, Hardee, and Highlands Counties, and

WHEREAS, on April 23, 1921, Governor Cary Hardee, who was in his first year of office, signed that bill into law, making Highlands County this state's 56th county, and

WHEREAS, *The Florida Handbook* notes that the county's name suggests the pleasant hilliness of the area, NOW, THEREFORE,

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

That the 100th anniversary of the creation of Highlands County is commemorated.

—was introduced, read, and adopted by publication.

At the request of Senator Albritton—

By Senator Albritton—

SR 2072—A resolution commemorating the 100th anniversary of the creation of Glades County.

WHEREAS, in 1921, during the 18th Regular Session of the Legislature, a bill was introduced to divide DeSoto County into Charlotte, DeSoto, Glades, Hardee, and Highlands Counties, and

WHEREAS, on April 23, 1921, Governor Cary Hardee, who was in his first year of office, signed that bill into law, making Glades County this state's 58th county, and

WHEREAS, the town of Moore Haven was designated by the legislation as the temporary county seat of Glades County, and it remains the county seat today, and

WHEREAS, *The Florida Handbook* notes that Glades County was named for the Florida Everglades, NOW, THEREFORE,

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

That the 100th anniversary of the creation of Glades County is commemorated.

—was introduced, read, and adopted by publication.

At the request of Senator Broxson—

By Senator Broxson—

SR 2074—A resolution recognizing the bicentennial of Escambia County on July 17, 2021.

WHEREAS, Escambia County is the site of the first Spanish settlement within the United States, dating back to 1559, and

WHEREAS, when Spain ceded Florida to the United States in 1821, the entire territory was divided into just two counties, Escambia and St. Johns, and

WHEREAS, on July 17, 1821, the Spanish flag was lowered and the American flag was raised in the new territory, and

WHEREAS, the boundary of the territory known as West Florida, which became Escambia County, extended east to west for more than 200 miles, from the Suwanee River to the Perdido River, and

WHEREAS, Escambia County has the longest-standing county commission, office of mayor, and fire and health departments in this state, with each of those entities celebrating its 200th anniversary in 2021, and

WHEREAS, today, Escambia County has grown to more than 318,000 residents, many of whom live in the county seat, Pensacola, and

WHEREAS, Escambia County is home to the University of West Florida, Pensacola State College, and Pensacola Christian College, and its beautiful beaches draw visitors from around the globe, and

WHEREAS, Naval Air Station (NAS) Pensacola, located next to Warrington, a community southwest of the Pensacola city limits, is known as "The Cradle of Naval Aviation" and serves as the primary training base for all United States Navy, Marine Corps, and Coast Guard officers pursuing designation as naval aviators, and

WHEREAS, NAS Pensacola is the advanced training base for most naval flight officers and is the home base for the United States Navy Flight Demonstration Squadron, the precision-flying team known as the Blue Angels, and

WHEREAS, Escambia County is known as "The Western Gate to the Sunshine State" and as "First Place City," and

WHEREAS, steeped in history, but forward thinking, Escambia County is a wonderful place to visit, but a better place to call home, NOW, THEREFORE,

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

That July 17, 2021, is recognized as the bicentennial of Escambia County.

—was introduced, read, and adopted by publication.

SPECIAL RECOGNITION

Senator Baxley recognized Lygia Tisdale, Legislative Analyst in the Committee on Ethics and Elections, who will retire on April 30, 2021, after 32 years of service to the people of Florida.

REPORTS OF COMMITTEE RELATING TO EXECUTIVE BUSINESS

The Honorable Wilton Simpson
President, The Florida Senate
Suite 409, The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

April 29, 2021

Dear President Simpson:

The following executive appointments were referred to the Senate Appropriations Subcommittee on Agriculture, Environment, and General Government, the Senate Committee on Regulated Industries, and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Secretary of Business and Professional Regulation		
Appointee:	Brown, Julie I.	Pleasure of Governor
Secretary of the Department of the Lottery		
Appointee:	Davis, John F.	Pleasure of Governor

The following executive appointment was referred to the Senate Appropriations Subcommittee on Health and Human Services, the Senate Committee on Health Policy, and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Secretary of Health Care Administration		
Appointee:	Marstiller, Simone	Pleasure of Governor

The following executive appointment was referred to the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development, the Senate Committee on Commerce and Tourism, and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Executive Director, Department of Economic Opportunity		
Appointee:	Eagle, Dane	Pleasure of Governor

The following executive appointment was referred to the Senate Committee on Children, Families, and Elder Affairs, and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Secretary of Children and Families		
Appointee:	Harris, Shevaun	Pleasure of Governor

The following executive appointment was referred to the Senate Committee on Governmental Oversight and Accountability and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Director and Chief Judge, Division of Administrative Hearings		
Appointee:	Antonacci, Peter	Pleasure of Admin Commission

As required by Rule 12.7, the committees caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the office indicated. In aid of such inquiry, the committees held public hearings at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees. After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 2021 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Dennis Baxley, Chair

The vote 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

The Honorable Wilton Simpson
President, The Florida Senate
Suite 409, The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

April 29, 2021

Dear President Simpson:

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Accountancy		
Appointees:	Benson, William G.	10/31/2023
	Blend, William	10/31/2022
	Lafser, Jason	10/31/2023
	Sackreiter, Shireen S.	10/31/2022
	Sparkman, Brent D.	10/31/2022
Greater Orlando Aviation Authority		
Appointee:	Mateer, Craig C.	04/16/2024
Barbers' Board		
Appointee:	Henry, John	10/31/2024
Florida State Boxing Commission		
Appointees:	Mallare-Pike, Christina Marie	09/30/2023
	Roche, Tobias	09/30/2023
Florida Building Commission		
Appointees:	Hershberger, Rodney	07/27/2023
	John, David A.	02/03/2023
	Schock, James R.	01/12/2023
Board of Chiropractic Medicine		
Appointees:	Ostman, Ellen D.	10/31/2021
	Saunders, Gretchen Y.	10/31/2023
Board of Clinical Laboratory Personnel		
Appointee:	Powell, Sandra	10/31/2022
Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling		
Appointees:	Kraus, Tanya	10/31/2022
	Vicencio, Claudia Paola	10/31/2024
Florida Commission on Community Service		
Appointees:	Allen, Thomas	09/14/2023
	Ancora-Brown, Tajiana	09/14/2021
	Brodeur, Christina	09/14/2022
	Cardoch, Lynette	09/14/2022
	Cerio, Lorena Jayne	09/14/2021
	Faurot, Adam	09/14/2021
	Karlinsky, Autumn	09/14/2021
	Killinger, Lori	09/14/2022
	Kratzert, Rebecca B.	09/14/2022
	Morrow, Amanda	09/14/2023
	Roberts, Wilson D.	09/14/2022
	Schultz, Kerry Anne	09/14/2021
	Sullivan, Maria E.	09/14/2023
	Villamil, Christina Bonarrigo	09/14/2021
	Walker, Kelli L.	09/14/2021
	Wheelock, Sherry	09/14/2023
Board of Trustees of Eastern Florida State College		
Appointees:	Deardoff, Robert "Bruce"	05/31/2022
	Figueroa, Edgar Allan	05/31/2022
	Howse, Ronald S.	05/31/2023
Board of Trustees of Broward College		
Appointee:	Zachariah, Zachariah "Reggie" P., Jr.	05/31/2022
Board of Trustees of College of Central Florida		
Appointee:	Bullaro, II, Gabriel	05/31/2023
Board of Trustees of Gulf Coast State College		
Appointees:	Bulger, Boyd	05/31/2023
	Hall, Frank	05/31/2022
	Powell, Charles David	05/31/2022
	Skinner, Floyd	05/31/2024
	Tannehill, Joe K., Jr.	05/31/2022
Board of Trustees of Hillsborough Community College		
Appointees:	Celestan, Gregory	05/31/2022
	Lametto, Brian	05/31/2022
	Watkins, Nancy Hemmingway	05/31/2023
Board of Trustees of Lake-Sumter State College		
Appointee:	Hidalgo, David	05/31/2022
Board of Trustees of State College of Florida, Manatee-Sarasota		
Appointee:	Horne, John C.	05/31/2021
Board of Trustees of Miami-Dade College		
Appointee:	Alonso, Roberto Jose	05/31/2022
Board of Trustees of Northwest Florida State College		
Appointees:	Flynt, Charlotte Ann	05/31/2022
	Fountain, Graham	05/31/2023
	Henderson, Fox Reynolds	05/31/2022
	Kelley, Lori K.	05/31/2022
	Litke, Donald P.	05/31/2023
	Wright, Thomas B.	05/31/2021
Board of Trustees of Palm Beach State College		
Appointees:	Bishop, Patrice	05/31/2021
	Friedman-Levine, Melissa	05/31/2023
	Soto-Jimenez, Omar	05/31/2022
Board of Trustees of Pasco-Hernando State College		
Appointees:	Maggard, Lee	05/31/2022
	Mitten, John Richard	05/31/2023
	Schneider, Robin L.	05/31/2022
Board of Trustees of Pensacola State College		
Appointees:	MacQueen, Julian	05/31/2022
	Moore, Marjorie T.	05/31/2023
	Tippett, Troy	05/31/2021
Board of Trustees of Polk State College		
Appointees:	Barnett, Ashley B.	05/31/2023
	Littleton, Gregory A.	05/31/2023
	Martinez, Teresa	05/31/2021
	Turner, Mark G.	05/31/2021
Board of Trustees of St. Johns River State College		
Appointees:	Davis, Wendell D.	05/31/2021
	Sapp, W.J., Jr.	05/31/2022
Board of Trustees of Seminole State College		
Appointee:	O'Keefe, Daniel James	05/31/2023
Board of Trustees of South Florida State College		
Appointees:	Atchley, Terry	05/31/2022
	Cullens, Tamela "Tami" C.	05/31/2022
	Puckorius, Lana C.	05/31/2023
	Rider, Kris Y.	05/31/2022
	Wright, Patrick Joseph "Joe"	05/31/2023
Board of Trustees of Valencia College		
Appointees:	de la Portilla, Angel	05/31/2023
	Smith, Beth Anne	05/31/2022
Board of Trustees for the Florida School for the Deaf and the Blind		
Appointee:	LeFors, June Ann	11/19/2024

Office and Appointment		*For Term Ending*
Board of Dentistry		
Appointees:	Bojaxhi, Christine	10/31/2022
	Cherry, Bradley	10/31/2023
	Johnson, Angela	10/31/2024
	McCawley, Thomas K.	10/31/2022
	Mellado, Jose R.	10/31/2024
	Miro, Claudio L.	10/31/2023
Florida Development Finance Corporation		
Appointee:	Tanner, Paul C.	05/02/2021
Education Practices Commission		
Appointees:	Boyce, Teresa L.	09/30/2024
	Butcher, Michael F.	08/18/2024
	Plaza, Christine	09/30/2023
	Sloan, Orenthya	08/17/2024
	Tompkins, Jordan	02/17/2024
Environmental Regulation Commission		
Appointee:	Roth, Cari L.	07/01/2021
Commission on Ethics		
Appointee:	Gilzean, Glenton, Jr.	06/30/2022
Board of Governors of the State University System		
Appointee:	Haddock, Edward, Jr.	01/06/2027
Florida Housing Finance Corporation		
Appointees:	Lieberman, Ronald	11/13/2024
	Motwani, Dev	11/13/2022
Florida Commission on Human Relations		
Appointees:	Cepero, Monica M.	09/30/2023
	Farmer, Millicent W.	09/30/2021
	Hanson, Dawn B.	09/30/2022
	Hart, Larry D.	09/30/2021
	McGhee, Darrick D., Sr.	09/30/2022
	Moye, Kenyetta	09/30/2023
	Myrtetus, Vivian	09/30/2024
	Payne, Pamela	09/30/2023
	Primiano, Angela C.	09/30/2024
Board of Medicine		
Appointees:	Pages, Luz Marina	10/31/2023
	Pimentel, Eleonor	10/31/2023
Board of Nursing		
Appointee:	Hansen, Margaret L.	10/31/2022
Board of Nursing Home Administrators		
Appointees:	Biegasiewicz, Kimberly	10/31/2023
	DeBiasi, Philip	10/31/2021
	Hennemyre, Jon	10/31/2024
Board of Optometry		
Appointees:	Atkins, Mary Linville	10/31/2021
	Kepley, Stephen R.	10/31/2023
Board of Orthotists and Prosthetists		
Appointee:	DuBois, Anne-Louise	10/31/2022
Florida Commission on Offender Review		
Appointee:	Davison, Richard D.	06/30/2026
Board of Pharmacy		
Appointees:	Ghazvini, Parastou	10/31/2024
	Gift, Maja G.	10/31/2022
	Segovia, Dorinda	10/31/2023
Board of Physical Therapy Practice		
Appointees:	Kleponis, Paul	10/31/2021
	Koenig, Andrew	10/31/2024
Board of Psychology		
Appointees:	Broz, Madiley	10/31/2021
	Mackintosh, Randi Celia	10/31/2022
	Silver, Dawn	10/31/2023
	Weinstein, Seema	10/31/2024
Florida Real Estate Appraisal Board		
Appointees:	Jourdan, Herbert, Jr.	10/31/2022
	Rabin, Janet S.	10/31/2023
	Wilson, Shawn	10/31/2022
Florida Real Estate Commission		
Appointees:	Barbara, Richard	10/31/2022
	Blakiston, Patricia Fitzgerald	10/31/2023
	Butler, Renee	10/31/2022
	Ketcham, Patricia "Patti" E.	10/31/2024
	Schwartz, Randy James	10/31/2024
Board of Professional Surveyors and Mappers		
Appointees:	McLaughlin, Christopher Paul	10/31/2024
	Schryver, David W.	10/31/2024
Florida Transportation Commission		
Appointees:	Genson, David	09/30/2022
	Trumbull, Jay N.	09/30/2023
Big Cypress Basin Board of the South Florida Water Management District		
Appointees:	Hill, Andrew	03/01/2023
	Rivera, Nanette A.	03/01/2022
	Waters, Dan	03/01/2023
Board of Trustees, Florida Atlantic University		
Appointee:	Feingold, Barbara S.	01/06/2025
Board of Trustees, University of Central Florida		
Appointee:	Christy, William	01/06/2025
Board of Trustees, Florida International University		
Appointee:	Hrinak, Donna J.	01/06/2025
Board of Trustees, University of Florida		
Appointees:	Patel, Rahul	01/06/2025
	Ridley, Fred	01/06/2026
Board of Trustees, University of South Florida		
Appointees:	Patel, Shilen	01/06/2026
	Weatherford, William	01/06/2025

The following executive appointments were referred to the Senate Committee on Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
State Board of Education		
Appointees:	Brown, Monesia	12/31/2024
	Grady, Thomas R.	12/31/2022
Board of Governors of the State University System		
Appointees:	Edge, Aubrey Leland	01/06/2027
	Huizenga, H. Wayne, Jr.	01/06/2027
	Jones, Kenneth	01/06/2027
Board of Trustees, Florida A & M University		
Appointees:	Cliatt, Otis	01/06/2025
	Dortch, Thomas W., Jr.	01/06/2026
	Dubose, Michael	01/06/2023
	Harper, Kristin R.	01/06/2026
	Reed, Craig	01/06/2026
	Stone, Kenward, II	01/06/2025
	Washington, T. Nicole	01/06/2025

Office and Appointment		*For Term Ending*
Board of Trustees, Florida Atlantic University		
Appointee:	Cane, Daniel	01/06/2025
Board of Trustees, University of Central Florida		
Appointees:	Altizer, Tiffany	01/06/2026
	Condello, Jeffrey	01/06/2026
	Conte, Joseph D.	01/06/2025
	Mills, Harold F.	01/06/2026
Board of Trustees, Florida State University		
Appointees:	Collins, Peter H.	01/06/2025
	Mateer, Craig C.	01/06/2026
	Sargeant, Deborah A.	01/06/2025
Board of Trustees, Florida Gulf Coast University		
Appointees:	Fogg, Joseph G., III	01/06/2026
	Montgomery, Johnny Leo	01/06/2026
	Roepstorff, Robbie B.	01/06/2025
Board of Trustees, Florida International University		
Appointees:	Colson, Dean C.	01/06/2026
	Prescott, Thomas Gene	01/06/2025
	Rowe, Chanel	01/06/2026
Board of Trustees, New College of Florida		
Appointees:	Karp, Lance	01/06/2026
	Mackie, Sarah S.	01/06/2025
	Ruiz, Mary	01/06/2026
	Stewart, James	01/06/2023
Board of Trustees, Florida Polytechnic University		
Appointees:	Kigel, Beth Rochelle	07/15/2025
	Powell, Fritzlaine	07/15/2024
	Stanfield, Lynes D.	07/15/2025
Board of Trustees, University of Florida		
Appointees:	Cole, Richard P.	01/06/2025
	Corr, Christopher T.	01/06/2026
	Heavener, James W.	01/06/2026
	Hosseini, Mori	01/06/2026
	Powers, Marsha D.	01/06/2026
Board of Trustees, University of North Florida		
Appointees:	Lazzara, Christopher	01/06/2025
	McElroy, Paul E.	01/06/2026
Board of Trustees, University of South Florida		
Appointee:	Seixas, Melissa	01/06/2026
Board of Trustees, University of West Florida		
Appointee:	Baker, Richard R.	01/06/2026

The following executive appointments were referred to the Senate Committee on Environment and Natural Resources and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Governing Board of the Northwest Florida Water Management District		
Appointees:	Andrews, Angus "Gus" G., Jr.	03/01/2023
	Patronis, Nicholas Jimmy	03/01/2022
	Ralston, Kellie Rebello	03/01/2024
Governing Board of the St. Johns River Water Management District		
Appointees:	Bournique, Douglas C.	03/01/2024
	Bradley, Rob	03/01/2024
	Oliver, John Cole	03/01/2022
	Peterson, J. Christian, Jr.	03/01/2023
	Price, Janet	03/01/2022
Governing Board of the South Florida Water Management District		
Appointee:	Martinez, Carlos "Charlie" E.	03/01/2024
Governing Board of the Southwest Florida Water Management District		
Appointees:	Armstrong, Elijah D., III	03/01/2022
	Barnett, Ashley B.	03/01/2023
	Mitten, John Richard	03/01/2024
	Williamson, Michelle D.	03/01/2024
Governing Board of the Suwannee River Water Management District		
Appointees:	Sessions, Larry C.	03/01/2022
	Smith, Harry	03/01/2024
	Thompson, Larry K.	03/01/2024

The following executive appointments were referred to the Senate Committee on Governmental Oversight and Accountability and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Investment Advisory Council		
Appointees:	Jones, Peter D.	12/12/2024
	Neal, Patrick	02/01/2024
	Turner, Robb	12/12/2023

The following executive appointment was referred to the Senate Committee on Regulated Industries and the Senate Committee on Ethics and Elections pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Florida Public Service Commission		
Appointee:	La Rosa, Michael	01/01/2025

The following executive appointment was referred to the Senate Committee on Transportation and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Florida Transportation Commission		
Appointee:	Browning, John P., Jr.	09/30/2023

The following executive appointments were referred to the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate. The Senate Committee on Ethics and Elections conducted an inquiry concerning the qualification of the appointees; however, the Committee on Ethics and Elections did not hold a public hearing for the following appointees. Therefore, the Senate Committee on Ethics and Elections makes no recommendations and in accordance with s. 114.05(1)(c), Florida Statutes, respectfully submits for the Senate consideration:

Office and Appointment		*For Term Ending*
Jacksonville Aviation Authority		
Appointee:	Connell, William	09/30/2023
Board of Trustees of Broward College		
Appointee:	Agrawal, Akhil K.	05/31/2023
Board of Trustees of Pensacola State College		
Appointee:	Lacz, Kevin Robert	05/31/2022
Board of Trustees of St. Johns River State College		
Appointee:	Komando, Richard	05/31/2021

Office and Appointment		*For Term Ending*
Board of Trustees of St. Petersburg College		
Appointee:	Stonecipher, Nathan M.	05/31/2022
Education Practices Commission		
Appointees:	Henry, Benjamin	09/30/2023
	Shaw, Charles	09/30/2022
Environmental Regulation Commission		
Appointee:	Buermann, Eric	07/01/2023
Commission on Ethics		
Appointee:	Waldman, James	06/30/2021
Tampa-Hillsborough County Expressway Authority		
Appointee:	Weatherford, John	07/01/2022
Board of Massage Therapy		
Appointee:	Groover-Skipper, Dorothy	10/31/2024
Board of Opticianry		
Appointee:	Taylor, Jeffrey	10/31/2022
Florida Prepaid College Board		
Appointee:	Rood, John Darrell	06/30/2023
Board of Trustees, Florida State University		
Appointee:	Gonzalez, Jorge	01/06/2026
Board of Trustees, University of North Florida		
Appointee:	Barrett, Jason	01/06/2026

Except as specifically noted above, the committees caused to be conducted an inquiry into the qualification, experience and general suitability of the above-named appointees for appointment to the office indicated. In aid of such inquiry, the committees held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees. After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 2021 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Dennis Baxley, Chair

The vote 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

DISCLOSURE

Pursuant to Senate Rule 1.39, I am disclosing that certain provisions in the appointment of Senator Rob Bradley provide a special private gain or loss to me. The nature of the interest and the persons or entities involved are specified below.

Spouse is appointee.

As established by Senate Rule 1.20, I must vote on this matter.

Senator Jennifer Bradley, 5th District

DISCLOSURE

Pursuant to Senate Rule 1.39, I am disclosing that certain provisions in the appointment of Christina Daly Brodeur provide a special private gain or loss to me. The nature of the interest and the persons or entities involved are specified below.

I am the spouse of Christina Brodeur, an appointee of the Board of Volunteer Florida.

As established by Senate Rule 1.20, I must vote on this matter.

Senator Jason Brodeur, 9th District

BILLS ON THIRD READING

CS for HB 403—A bill to be entitled An act relating to home-based businesses; creating s. 559.955, F.S.; specifying conditions under which a business is considered a home-based business; authorizing a home-based business to operate in a residential zone under certain circumstances; prohibiting a local government from certain actions relating to the licensure and regulation of home-based businesses; authorizing specified business owners to challenge certain local government actions; authorizing the prevailing party to recover specified attorney fees and costs; providing that certain existing and future residential association declarations and documents are not superseded by this act; providing an effective date.

—as amended April 28, was read the third time by title.

On motion by Senator Perry, **CS for HB 403**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—29

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

Nays—11

Berman	Farmer	Rouson
Book	Gibson	Thurston
Bracy	Polsky	Torres
Cruz	Powell	

CS for HB 663—A bill to be entitled An act relating to cottage food operations; providing a short title; amending s. 500.03, F.S.; revising the definition of "cottage food operation"; amending s. 500.80, F.S.; increasing the annual gross sales limitation for exempting cottage food operations from certain food and building permitting requirements; authorizing the sale, offer for sale, and delivery of cottage food products by mail; preempting the regulation of cottage food operations to the

state; prohibiting local governments from prohibiting or regulating cottage food operations; providing an effective date.

—as amended April 28, was read the third time by title.

On motion by Senator Brodeur, **CS for HB 663**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—30

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

Nays—10

Berman	Pizzo	Thurston
Farmer	Polsky	Torres
Gibson	Powell	
Jones	Rouson	

CS for CS for CS for HB 969—A bill to be entitled An act relating to consumer data privacy; amending s. 501.171, F.S.; revising the definition of "personal information" to include additional specified information to data breach reporting requirements; creating s. 501.173, F.S.; providing definitions; providing exceptions; requiring controllers that collect a consumer's personal data to disclose certain information regarding data collection and selling practices to the consumer at or before the point of collection; specifying that such information may be provided through a general privacy policy or through a notice informing the consumer that additional specific information will be provided upon a certain request; prohibiting controllers from collecting additional categories of personal information or using personal information for additional purposes without notifying the consumer; requiring controllers that collect personal information to implement reasonable security procedures and practices to protect the information; authorizing consumers to request controllers to disclose the specific personal information the controller has collected about the consumer; requiring controllers to make available two or more methods for consumers to request their personal information; requiring controllers to provide such information free of charge within a certain timeframe and in a certain format upon receiving a verifiable consumer request; specifying requirements for third parties with respect to consumer information acquired or used; providing construction; authorizing consumers to request controllers to delete or correct personal information the controllers have collected about the consumers; providing exceptions; specifying requirements for controllers to comply with deletion or correction requests; authorizing consumers to opt out of third-party disclosure of personal information collected by a controller; prohibiting controllers from selling or disclosing the personal information of consumers younger than a certain age, except under certain circumstances; prohibiting controllers from selling or sharing a consumer's information if the consumer has opted out of such disclosure; prohibiting controllers from taking certain actions to retaliate against consumers who exercise certain rights; providing applicability; providing that a contract or agreement that waives or limits certain consumer rights is void and unenforceable; providing for civil actions and a private right of action for consumers under certain circumstances; providing civil remedies; authorizing the Department of Legal Affairs to bring an action under the Florida Unfair or Deceptive Trade Practices Act and to adopt rules; providing that controllers must have a specified timeframe to cure any violations; providing jurisdiction; providing an effective date.

—as amended April 28, was read the third time by title.

On motion by Senator Bradley, **CS for CS for CS for HB 969**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—29

Mr. President	Cruz	Passidomo
Albritton	Diaz	Perry
Ausley	Farmer	Polsky
Baxley	Gainer	Rodrigues
Bean	Garcia	Rodriguez
Boyd	Gruters	Rouson
Bradley	Harrell	Stargel
Brodeur	Hooper	Stewart
Broxson	Hutson	Wright
Burgess	Mayfield	

Nays—11

Berman	Gibson	Taddeo
Book	Jones	Thurston
Bracy	Pizzo	Torres
Brandes	Powell	

CS for CS for HB 971—A bill to be entitled An act relating to public records; amending s. 501.173, F.S.; providing an exemption from public records requirements for information relating to investigations by the Department of Legal Affairs and law enforcement agencies of certain data privacy violations; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—as amended April 28, was read the third time by title.

On motion by Senator Bradley, **CS for CS for HB 971**, as amended, was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—31

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

Nays—9

Berman	Brandes	Taddeo
Book	Jones	Thurston
Bracy	Powell	Torres

SPECIAL ORDER CALENDAR

Consideration of **CS for SB 506** was deferred.

CS for SB 1140—A bill to be entitled An act relating to unlawful use of DNA; providing a short title; amending s. 760.40, F.S.; providing definitions; prohibiting DNA analysis and disclosure of DNA analysis results without express consent; providing applicability; removing criminal penalties; creating s. 817.5655, F.S.; prohibiting the collection or retention of a DNA sample of another person without express consent for specified purposes; prohibiting specified DNA analysis and disclosure of DNA analysis results without express consent; providing an exception; providing criminal penalties; providing exceptions; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1140**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 833** was withdrawn from the Committee on Rules.

On motion by Senator Rodrigues—

CS for HB 833—A bill to be entitled An act relating to unlawful use of DNA; providing a short title; amending s. 760.40, F.S.; providing definitions; prohibiting DNA analysis and disclosure of DNA analysis results without express consent; providing applicability; removing criminal penalties; creating s. 817.5655, F.S.; prohibiting the collection or retention of a DNA sample of another person without express consent for specified purposes; prohibiting specified DNA analysis and disclosure of DNA analysis results without express consent; providing an exception; providing criminal penalties; providing exceptions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1140** and read the second time by title.

Senator Rodrigues moved the following amendment:

Amendment 1 (481276) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the "Protecting DNA Privacy Act."*

Section 2. Subsections (1) and (2) of section 760.40, Florida Statutes, are amended to read:

760.40 Genetic testing; *definitions; express* ~~informed~~ consent *required*; confidentiality; ~~penalties;~~ notice of use of results.—

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

(a) "DNA analysis" means the medical and biological examination and analysis of a *person's DNA* ~~person~~ to identify the presence and composition of genes in that person's body. The term includes DNA typing and genetic testing.

(b) "DNA sample" means any human biological specimen from which DNA can be extracted or the DNA extracted from such specimen.

(c) "Exclusive property" means the right of the person whose DNA has been extracted or analyzed to exercise control over his or her DNA sample and any results of his or her DNA analysis with regard to the collection, use, retention, maintenance, disclosure, or destruction of such sample or analysis results.

(d) "Express consent" means authorization by the person whose DNA is to be extracted or analyzed, or such person's legal guardian or authorized representative, evidenced by an affirmative action demonstrating an intentional decision, after the person receives a clear and prominent disclosure regarding the manner of collection, use, retention, maintenance, or disclosure of a DNA sample or results of a DNA analysis for a specified purpose.

(2)~~(a)~~ Except *as provided in s. 817.5655, a person or entity may only perform* ~~for purposes of criminal prosecution, except for purposes of determining paternity as provided in s. 409.256 or s. 742.12(1), and except for purposes of acquiring specimens as provided in s. 943.325,~~ DNA analysis ~~may be performed only~~ with *express* ~~the informed~~ consent. ~~of the person to be tested, and~~ The results of such DNA analysis, whether held by a public or private entity, are the exclusive property of the person tested, are confidential, and may not be disclosed without *express* ~~the~~ consent ~~of the person tested~~. Such information held by a public entity is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

~~(b) A person who violates paragraph (a) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 3. Section 817.5655, Florida Statutes, is created to read:

817.5655 Unlawful use of DNA; penalties; exceptions.—

(1) As used in this section, the terms "DNA analysis," "DNA sample," and "express consent" have the same meanings as in s. 760.40(1)(a), (b), and (d), respectively.

(2) It is unlawful for a person to willfully, and without express consent, collect or retain another person's DNA sample with the intent to perform DNA analysis. A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) It is unlawful for a person to willfully, and without express consent, submit another person's DNA sample for DNA analysis or conduct or procure the conducting of another person's DNA analysis. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) It is unlawful for a person to willfully, and without express consent, disclose another person's DNA analysis results to a third party. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or 775.084. A person who discloses another person's DNA analysis results that were previously voluntarily disclosed by the person whose DNA was analyzed, or such person's legal guardian or authorized representative, does not violate this subsection.

(5) It is unlawful for a person to willfully, and without express consent, sell or otherwise transfer another person's DNA sample or the results of another person's DNA analysis to a third party, regardless of whether the DNA sample was originally collected, retained, or analyzed with express consent. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) Each instance of collection or retention, submission or analysis, or disclosure in violation of this section constitutes a separate violation for which a separate penalty is authorized.

(7) This section does not apply to a DNA sample, a DNA analysis, or the results of a DNA analysis used for the purposes of:

(a) Criminal investigation or prosecution;

(b) Complying with a subpoena, summons, or other lawful court order;

(c) Complying with federal law;

(d) Medical diagnosis and treatment of a patient when:

1. Express consent for clinical laboratory analysis of the DNA sample was obtained by the health care practitioner who collected the DNA sample; or

2. Performed by a clinical laboratory certified by the Centers for Medicare and Medicaid Services;

(e) The newborn screening program established in s. 383.14;

(f) Determining paternity under s. 409.256 or s. 742.12(1); or

(g) Performing any activity authorized under s. 943.325.

Section 4. This act shall take effect October 1, 2021.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to unlawful use of DNA; providing a short title; amending s. 760.40, F.S.; providing definitions; prohibiting DNA analysis and disclosure of DNA analysis results without express consent; providing applicability; removing criminal penalties; creating s. 817.5655, F.S.; prohibiting the collection or retention of a DNA sample of another person without express consent for specified purposes; prohibiting specified DNA analysis and disclosure of DNA analysis results without express consent; providing an exception; providing criminal penalties; providing exceptions; providing an effective date.

Senator Rodrigues moved the following substitute amendment which was adopted:

Substitute Amendment 2 (178628) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *This act may be cited as the "Protecting DNA Privacy Act."*

Section 2. Subsections (1) and (2) of section 760.40, Florida Statutes, are amended to read:

760.40 Genetic testing; *definitions; express* ~~informed~~ consent *required*; confidentiality; ~~penalties;~~ notice of use of results.—

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

(a) "DNA analysis" means the medical and biological examination and analysis of a *person's DNA* ~~person~~ to identify the presence and composition of genes in that person's body. The term includes DNA typing and genetic testing.

(b) "DNA sample" means any human biological specimen from which DNA can be extracted or the DNA extracted from such specimen.

(c) "Exclusive property" means the right of the person whose DNA has been extracted or analyzed to exercise control over his or her DNA sample and any results of his or her DNA analysis with regard to the collection, use, retention, maintenance, disclosure, or destruction of such sample or analysis results.

(d) "Express consent" means authorization by the person whose DNA is to be extracted or analyzed, or such person's legal guardian or authorized representative, evidenced by an affirmative action demonstrating an intentional decision, after the person receives a clear and prominent disclosure regarding the manner of collection, use, retention, maintenance, or disclosure of a DNA sample or results of a DNA analysis for specified purposes. A single express consent may authorize every instance of a specified purpose or use.

(2)~~(a)~~ Except *as provided in s. 817.5655, a person or entity may only perform* ~~for purposes of criminal prosecution, except for purposes of determining paternity as provided in s. 409.256 or s. 742.12(1), and except for purposes of acquiring specimens as provided in s. 943.325,~~ DNA analysis ~~may be performed only~~ with *express* ~~the informed~~ consent. ~~of the person to be tested, and~~ The results of such DNA analysis, whether held by a public or private entity, are the exclusive property of the person tested, are confidential, and may not be disclosed without *express* ~~the~~ consent ~~of the person tested~~. Such information held by a public entity is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

~~(b) A person who violates paragraph (a) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

Section 3. Section 817.5655, Florida Statutes, is created to read:

817.5655 Unlawful use of DNA; penalties; exceptions.—

(1) As used in this section, the terms "DNA analysis," "DNA sample," and "express consent" have the same meanings as in s. 760.40(1)(a), (b), and (d), respectively.

(2) It is unlawful for a person to willfully, and without express consent, collect or retain another person's DNA sample with the intent to perform DNA analysis. A person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) It is unlawful for a person to willfully, and without express consent, submit another person's DNA sample for DNA analysis or conduct or procure the conducting of another person's DNA analysis. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) It is unlawful for a person to willfully, and without express consent, disclose another person's DNA analysis results to a third party. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. A person who discloses another person's DNA analysis results that were previously voluntarily disclosed by the person whose DNA was analyzed, or such person's legal guardian or authorized representative, does not violate this subsection.

(5) It is unlawful for a person to willfully, and without express consent, sell or otherwise transfer another person's DNA sample or the results of another person's DNA analysis to a third party, regardless of whether the DNA sample was originally collected, retained, or analyzed with express consent. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(6) Each instance of collection or retention, submission or analysis, or disclosure in violation of this section constitutes a separate violation for which a separate penalty is authorized.

(7) This section and section 760.40 do not apply to a DNA sample, a DNA analysis, or the results of a DNA analysis used for the purposes of:

(a) Criminal investigation or prosecution;

(b) Complying with a subpoena, summons, or other lawful court order;

(c) Complying with federal law;

(d) Medical diagnosis, conducting quality assessments, improvement activities, and treatment of a patient when:

1. Express consent for clinical laboratory analysis of the DNA sample was obtained by the health care practitioner who collected the DNA sample; or

2. Performed by a clinical laboratory certified by the Centers for Medicare and Medicaid Services;

(e) The newborn screening program established in s. 383.14;

(f) Determining paternity under s. 409.256 or s. 742.12(1);

(g) Performing any activity authorized under s. 943.325; or

(h) Conducting research, and designing and preparing such research, subject to the requirements of, and in compliance with, 45 C.F.R. part 46, 21 C.F.R. parts 50 and 56, or 45 C.F.R. parts 160 and 164; or utilizing information that is deidentified consistent with 45 C.F.R. parts 160 and 164 and that is originally collected and maintained for research subject to the requirements of, and in compliance with, 45 C.F.R. part 46, 21 C.F.R. parts 50 and 56, or 45 C.F.R. parts 160 and 164.

(8) The provisions of this section and s. 760.40 apply only to a DNA sample collected from a person in Florida, and to use, retention, maintenance and disclosure of such person's DNA sample or the results of a DNA analysis after the effective date of this act.

Section 4. This act shall take effect October 1, 2021.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to unlawful use of DNA; providing a short title; amending s. 760.40, F.S.; providing definitions; prohibiting DNA analysis and disclosure of DNA analysis results without express consent; providing applicability; removing criminal penalties; creating s. 817.5655, F.S.; prohibiting the collection or retention of a DNA sample of another person without express consent for specified purposes; prohibiting specified DNA analysis and disclosure of DNA analysis results without express consent; providing an exception; providing criminal penalties; providing exceptions; providing applicability; providing an effective date.

On motion by Senator Rodrigues, by two-thirds vote, **CS for HB 833**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—22

Mr. President	Cruz	Passidomo
Albritton	Diaz	Perry
Baxley	Farmer	Rodrigues
Bean	Garcia	Rodriguez
Boyd	Harrell	Stargel
Bradley	Hooper	Wright
Brodeur	Hutson	
Burgess	Mayfield	

Nays—18

Ausley	Gainer	Powell
Berman	Gibson	Rouson
Book	Gruters	Stewart
Bracy	Jones	Taddeo
Brandes	Pizzo	Thurston
Broxson	Polsky	Torres

Consideration of **CS for CS for SB 1570** was deferred.

CS for SB 1864—A bill to be entitled An act relating to educator conduct; amending s. 1001.10, F.S.; requiring the Department of Education to maintain a disqualification list of certain persons; providing for the removal of a person from the list under certain circumstances; requiring the State Board of Education to adopt rules; requiring the department to provide access to specified information to certain staff for specified purposes; amending s. 1001.42, F.S.; providing that certain provisions relating to conduct and prohibition from employment apply to educational support employees; prohibiting certain employees and personnel from employment under certain circumstances; requiring district school boards to report specified persons to the department for inclusion on the list; providing that a school board official forfeits his or her salary for 1 year under additional circumstances; amending s. 1001.51, F.S.; providing that a district school superintendent forfeits his or her salary for 1 year under additional circumstances; amending s. 1002.33, F.S.; prohibiting certain individuals from employment at a charter school; providing requirements for charter schools relating to employing certain individuals; requiring the governing board of a charter school to establish the duty of instructional personnel and school administrators to report specified alleged misconduct by certain individuals; prohibiting an individual on the list from employment in specified positions; requiring a charter school to report specified individuals to the department for inclusion on a certain list; amending s. 1002.421, F.S.; requiring certain private schools to include educational support employees in specified policies; requiring certain private schools to deny employment to certain persons; prohibiting the employment of certain employees and personnel under circumstances; requiring private schools to report specified persons to the department for inclusion on a certain list; authorizing the Commissioner of Education to permanently revoke an owner's or operator's authority to establish or operate a private school in the state under certain circumstances; amending s. 1006.061, F.S.; revising the contents of a sign certain educational entities are required to post to include information relating to reporting of certain criminal acts; amending s. 1012.27, F.S.; revising the requirements for certain employment history checks to include a specified affidavit; amending s. 1012.31, requiring certain persons to execute and maintain an affidavit of separation form for specified purposes; providing requirements for such affidavit; amending s. 1012.315, F.S.; providing that certain persons are ineligible for an educator certification or specified employment; amending s. 1012.795, F.S.; revising acts that warrant a disciplinary action by the Education Practices Commission; amending s. 1012.796, F.S.; prohibiting the department from issuing a certificate to certain persons; requiring the commissioner to make a determination of probable cause within a specified timeframe for complaints relating to sexual misconduct with a student; providing for such timeframe to be held in abeyance under certain circumstances; providing construction; requiring certain individuals to be placed on a disqualification list; requiring the commissioner to remove certain suspended personnel or administrators from certain positions under specified circumstances; requiring a district school superintendent to immediately suspend certain individuals and take specified action as a results of alleged misconduct; prohibiting certain individuals from serving or applying to serve in specified positions at public schools and specified private schools; providing a timeframe for specified investigations; providing timeframe for administrative suspension; providing criminal penalties; amending s. 1012.797, F.S.; revising provisions relating to notification by law enforcement of certain charges against employees; expanding the entities who receive such notifications; requiring a school principal or designee to notify certain parents of such notifications within a specified timeframe; providing minimum requirements for parental notifications; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1864**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 131** was withdrawn from the Committee on Appropriations.

On motion by Senator Perry—

CS for CS for HB 131—A bill to be entitled An act relating to educator conduct; amending s. 1001.10, F.S.; requiring the Department of Education to maintain a disqualification list of certain persons; providing for the removal of a person from the list under certain circumstances; requiring the State Board of Education to adopt rules; requiring the department to provide access to specified information to certain staff for specified purposes; amending s. 1001.42, F.S.; providing that certain provisions relating to conduct and prohibition from employment apply to educational support employees; prohibiting certain employees and personnel from employment under certain circumstances; requiring district school boards to report specified persons to the department for inclusion on the list; providing that a school board official forfeits his or her salary for 1 year under additional circumstances; amending s. 1001.51, F.S.; providing that a district school superintendent forfeits his or her salary for 1 year under additional circumstances; amending s. 1002.33, F.S.; prohibiting certain individuals from employment at a charter school; providing requirements for charter schools relating to employing certain individuals; requiring the governing board of a charter school to establish the duty of instructional personnel and school administrators to report specified alleged misconduct by certain individuals; prohibiting an individual on the list from employment in specified positions; requiring a charter school to report specified individuals to the department for inclusion on a certain list; amending s. 1002.421, F.S.; requiring certain private schools to include educational support employees in specified policies; requiring certain private schools to deny employment to certain persons; prohibiting the employment of certain employees and personnel under circumstances; requiring private schools to report specified persons to the department for inclusion on a certain list; authorizing the Commissioner of Education to permanently revoke an owner's or operator's authority to establish or operate a private school in the state under certain circumstances; amending s. 1006.061, F.S.; revising the contents of a sign certain educational entities are required to post to include information relating to reporting of certain criminal acts; amending s. 1012.27, F.S.; revising the requirements for certain employment history checks to include a specified affidavit; amending s. 1012.31, requiring certain persons to execute and maintain an affidavit of separation form for specified purposes; providing requirements for such affidavit; amending s. 1012.315, F.S.; providing that certain persons are ineligible for an educator certification or specified employment; amending s. 1012.795, F.S.; revising acts that warrant a disciplinary action by the commission; amending s. 1012.796, F.S.; prohibiting the department from issuing a certificate to certain persons; requiring the commissioner to make a determination of probable cause within a specified timeframe for complaints relating to sexual misconduct with a student; providing for such timeframe to be held in abeyance under certain circumstances; providing construction; requiring certain individuals to be placed on a disqualification list; requiring the commissioner to remove certain suspended personnel or administrators from certain positions under specified circumstances; requiring a district school superintendent to immediately suspend certain individuals and take specified action as a results of alleged misconduct; prohibiting certain individuals from serving or applying to serve in specified positions at public schools and specified private schools; providing a timeframe for specified investigations; providing timeframe for administrative suspension; providing criminal penalties; amending s. 1012.797, F.S.; revising provisions relating to notification by law enforcement of certain charges against employees; expanding the entities who receive such notifications; requiring a school principal or designee to notify certain parents of such notifications within a specified timeframe; providing minimum requirements for parental notifications; providing an effective date.

—a companion measure, was substituted for **CS for SB 1864** and read the second time by title.

On motion by Senator Perry, by two-thirds vote, **CS for CS for HB 131** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Bean	Bracy
Albritton	Berman	Bradley
Ausley	Book	Brandes
Baxley	Boyd	Brodeur

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

Nays—None

HB 7051—A bill to be entitled An act relating to law enforcement and correctional officer practices; providing legislative intent; amending s. 943.13, F.S.; requiring an affidavit-of-applicant form for employment or appointment as a law enforcement or correctional officer to contain specified disclosures; amending s. 943.133, F.S.; requiring a background investigation of an applicant to include specified information; amending s. 943.134, F.S.; requiring employing agencies to maintain employment information for a minimum time period; creating s. 943.1735, F.S.; providing definitions; requiring the Criminal Justice Standards and Training Commission and employing agencies to establish standards for officer training and adopt policies concerning use of force, respectively; providing requirements for such standards and policies; requiring such training to be included in a specified course by a certain date; creating s. 943.1740, F.S.; providing applicability; requiring law enforcement agencies to develop and maintain policies for specified use of force investigations; specifying such policies must include an independent review by a specified law enforcement agency, law enforcement officer, or state attorney; requiring the investigation to include an independent report; requiring such report to be submitted to the state attorney of the judicial circuit; creating s. 943.6872, F.S.; requiring law enforcement agencies to submit specified data to the Department of Law Enforcement; requiring data to be compliant with a specified federal program; creating s. 985.031, F.S.; providing a short title; prohibiting a child younger than a certain age from being arrested, charged, or adjudicated delinquent for a delinquent act or violation of law; providing an exception; reenacting ss. 943.131(1)(a), 943.1395(6), and 943.19(1), F.S., relating to temporary employment or appointment and minimum basic recruit training, certification for employment or appointment, and a saving clause, respectively, for the purpose of incorporating the amendment made by the act; providing an effective date.

—was read the second time by title. On motion by Senator Bracy, by two-thirds vote, **HB 7051** 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 222—A bill to be entitled An act relating to abandoned cemeteries; creating the Task Force on Abandoned African-American Cemeteries; specifying the purpose of the task force; requiring the Department of State to provide administrative and staff support; specifying the composition of the task force; providing meeting requirements; prescribing duties of the task force; requiring the task force to submit a report to the Governor and the Legislature by a specified date; providing for expiration of the task force; requiring the department to partner with specified entities to undertake an investigation of the former Zion Cemetery site; specifying custody of certain historical resources, records, archives, artifacts, research, and medical records; requiring the department to contract with the University of South Florida and Florida Agricultural and Mechanical University for the identification and location of eligible next of kin; requiring the universities to provide certain information regarding descendants to the department by a specified date; directing the Division of Historical Resources of the department to ensure the listing of certain cemeteries in the Florida Master Site File; requiring the division to seek placement of historical markers at certain abandoned cemeteries, subject to certain limitations; authorizing certain persons and organizations to assist the division in researching the history of such cemeteries; specifying that costs associated with the creation and placement of such historical markers be borne by the division; requiring the department to create, place, and maintain memorials at certain sites; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 222**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 37** was withdrawn from the Committee on Appropriations.

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

CS for CS for HB 37—A bill to be entitled An act relating to abandoned cemeteries; creating the Task Force on Abandoned African-American Cemeteries; specifying the purpose of the task force; requiring the Department of State to provide administrative and staff support; specifying the composition of the task force; providing meeting requirements; prescribing duties of the task force; requiring the task force to submit a report to the Governor and the Legislature by a specified date; providing for expiration of the task force; providing an effective date.

—a companion measure, was substituted for **CS for SB 222** and read the second time by title.

On motion by Senator Cruz, by two-thirds vote, **CS for CS for HB 37** 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 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.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 402**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 35** was withdrawn from the Committee on Appropriations.

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

CS for HB 35—A bill to be entitled An act relating to legal notices; amending s. 50.011, F.S.; providing for the publication of legal notices on certain publicly accessible websites; amending ss. 50.021, 50.0211, and 50.031, F.S.; conforming provisions to changes made by the act; creating s. 50.0311, F.S.; providing definitions; allowing a governmental agency to publish legal notices on a publicly accessible website under certain circumstances; providing criteria for website publication; authorizing a fiscally constrained county to use a publicly accessible website to publish legally required advertisements and public notices only if certain requirements are met; requiring a governmental agency to provide specified notice to certain residents and property owners relating to alternative methods of receiving legal notices; authorizing a governmental agency to publish certain public notices and advertisements on its governmental access channels; providing a requirement for public bid advertisements made by governmental agencies on publicly accessible websites; amending s. 50.041, F.S.; removing provisions relating to the publication of legal notices in newspapers; amending s. 50.051, F.S.; revising a form for affidavits of publication; amending s. 50.0711, F.S.; revising provisions relating to the use of court docket funds; amending s. 83.806, F.S.; providing that an advertisement of a sale or disposition of property may be published on certain websites for a specified time period; amending ss. 11.02, 45.031, 120.81, 121.0511, 121.055, 125.66, 162.12, 166.041, 189.015, 190.005, 190.046, 194.037, 197.402, 200.065, 338.223, 348.0308, 348.635, 348.7605, 373.0397, 373.146, 403.722, 712.06, 849.38, 865.09, and 932.704; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 402** and read the second time by title.

Senator Rodrigues moved the following amendment which was adopted:

Amendment 1 (671432) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 50.011, Florida Statutes, is amended to read:

50.011 *Publication of* ~~Where and in what language~~ legal notices ~~to be published~~.—Whenever by statute an official or legal advertisement or a publication, or notice in a newspaper has been or is directed or permitted in the nature of or in lieu of process, or for constructive service, or in initiating, assuming, reviewing, exercising or enforcing jurisdiction or power, or for any purpose, including all legal notices and advertisements of sheriffs and tax collectors, the contemporaneous and continuous intent and meaning of such legislation all and singular, existing or repealed, is and has been and is hereby declared to be and to have been, and the rule of interpretation is and has been *the following:*~~,~~

(1) A publication in a newspaper *that meets all of the following:*

(a) Is printed and published periodically *at least* once a week.

(b) Contains ~~or oftener, containing~~ at least 25 percent of its words in the English language.

(c) Satisfies one of the following criteria:

1. Has an audience consisting of at least 10 percent of the households in the county or municipality, as determined by the most recent decennial census, where the legal or public notice is being published or posted, by calculating the combination of the total of the number of print copies reflecting the day of highest print circulation, of which at least 25 percent of such print copies must be delivered to individuals' home or business addresses, as certified biennially by a certified independent third-party auditor, and the total number of online unique monthly visitors to the newspaper's website from within the state, as measured by industry-accepted website analytics software. The newspaper must also be sold, or otherwise available to the public, at no less than 10 publicly accessible outlets. For legal and public notices published by nongovernmental entities, the newspaper's audience in the county or municipality where the project, property, or other primary subject of the notice is located must meet the 10 percent threshold.

2. Holds a periodicals permit as of March 1, 2021, and accepts legal notices for publication as of that date. Any such newspaper may continue to publish legal notices through December 31, 2023, so long as the newspaper continues to meet the requirements set forth in section 21 of chapter 99-2, Laws of Florida, and continues to hold a periodicals permit. Beginning January 1, 2024, and thereafter, any such newspaper must meet the criteria under subparagraph 1.

3. For newspapers publishing legal notices in a fiscally constrained county, holds a periodicals permit and meets all other requirements of this chapter. A newspaper qualified under this subparagraph does not need to meet the criteria under subparagraph 1. so long as the newspaper continues to hold a periodicals permit. For purposes of this subparagraph, the term "fiscally constrained county" means a county within a rural area of opportunity designated by the Governor pursuant to s. 288.0656 or a county for which the value of a mill will raise no more than $5 million in revenue, based on the certified taxable value certified pursuant to s. 1011.62(4)(a)1.a., from the previous July 1.

(d) Is~~, entered or qualified to be admitted and entered as periodicals matter at a post office in the county where published, for sale to the public generally,~~ available to the public generally for the publication of official or other notices *with no more than 75 percent of its content dedicated toward advertising, as measured in half of the newspaper's issues that are published during any 12-month period,* and customarily containing information of a public character or of interest or of value to the residents or owners of property in the county where published, or of interest or of value to the general public.

(e) Continually publishes in a prominent manner the name, street address, phone number, website URL of the newspaper's approved print auditor, the newspaper's most recent statement of ownership, and a statement of the auditor certifying the veracity of the newspaper's print distribution and the number of the newspaper's website's monthly unique visitors, or the newspaper's periodicals permit, if applicable, within the first five pages of the print edition and the bottom portion of the homepage of the newspaper's website.

(2) Internet publication for governmental agency notices under s. 50.0211(1)(b) on the website of any newspaper in the county to which the legal notice pertains and on the statewide legal notice website as provided in s. 50.0211(5). A newspaper is deemed to be a newspaper in the county to which the legal notice pertains if it satisfies the criteria in subsection (1).

Section 2. Section 50.021, Florida Statutes, is amended to read:

50.021 Publication when no newspaper in county.—When any law, or order or decree of court, *directs* ~~shall direct~~ advertisements to be made in *a* ~~any~~ county and there *is* ~~be~~ no newspaper published in the ~~said~~ county, the advertisement may be made by *publication in any*

newspaper qualified under chapter 50 in an adjoining county or on the website of any such newspaper for governmental agency notices under s. 50.0211(1)(b), and on the statewide legal notice website as provided in s. 50.0211(5) or by posting three copies thereof in three different places in *the* ~~said~~ county, one of which shall be at the front door of the courthouse, and by publication in the nearest county in which a newspaper is published.

Section 3. Section 50.0211, Florida Statutes, is amended to read:

50.0211 Internet website publication.—

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

(a) "Governmental agency" means a county, a municipality, a district school board, or any other unit of local government or political subdivision in this state.

(b) "Governmental agency notice" includes any of the following notices required by law to be published in a newspaper:

1. Notices related to special or legal legislation pursuant to s. 11.02.

2. Educational unit notices pursuant to s. 120.81.

3. Retirement system notices pursuant to s. 121.0511.

4. Notices related to inclusion of positions in the Senior Management Service Class of the Florida Retirement System pursuant to s. 121.055.

5. Notices proposing the enactment of county ordinances pursuant to s. 125.66.

6. Code enforcement notices published pursuant to s. 162.12.

7. Notices proposing the enactment of municipal ordinances pursuant to s. 166.041.

8. Special district meeting notices pursuant to s. 189.015.

9. Establishment and termination notices for community development districts pursuant to ss. 190.005 and 190.046, respectively.

10. Disclosures of tax impact by value adjustment boards pursuant to s. 194.037.

11. Advertisements of real or personal property with delinquent taxes pursuant to s. 197.402.

12. Advertisements of hearing notices, millage rates, and budgets pursuant to s. 200.065.

13. Turnpike project notices pursuant to s. 338.223.

14. Public-private partnership notices pursuant to ss. 348.0308 and 348.7605.

15. Notices of prime recharge area designations for the Floridan and Biscayne aquifers pursuant to s. 373.0397.

16. Water management district notices pursuant to s. 373.146.

17. Hazardous waste disposal notices pursuant to s. 403.722.

18. Forfeiture notices pursuant to ss. 849.38 and 932.704.

(2) This section applies to legal notices that must be published in accordance with this chapter unless otherwise specified.

(3) ~~(2)~~ *If a governmental agency publishes a legal notice in the print edition of a newspaper,* each legal notice must be posted on the newspaper's website on the same day that the printed notice appears in the newspaper, at no additional charge, in a separate web page titled "Legal Notices," "Legal Advertising," or comparable identifying language. A link to the legal notices web page shall be provided on the front page of the newspaper's website that provides access to the legal notices. If there is a specified size and placement required for a printed legal notice, the size and placement of the notice on the newspaper's website must optimize its online visibility in keeping with the print requirements. The newspaper's web pages that contain legal notices must present the legal notices as the dominant and leading subject matter of those pages. The newspaper's website must contain a search function to facilitate searching the legal notices. A fee may not be charged, and registration may not be required, for viewing or searching legal notices on a newspaper's website if the legal notice is published in a newspaper.

(4)(a) ~~(3)(a)~~ If a legal notice is published in *the print edition of* a newspaper *or on a newspaper's website*, the newspaper publishing the notice shall place the notice on the statewide website established and maintained as an initiative of the Florida Press Association as a repository for such notices located at the following address: www.floridapublicnotices.com.

(b) A legal notice placed on the statewide website created under this subsection must be:

1. Accessible and searchable by party name and case number.

2. Posted for a period of at least 90 consecutive days after the first day of posting.

(c) The statewide website created under this subsection shall maintain a searchable archive of all legal notices posted on the publicly accessible website ~~on or after October 1, 2014,~~ for 18 months after the first day of posting. Such searchable archive shall be provided and accessible to the general public without charge.

(d) The Florida Press Association shall seek to ensure that minority populations throughout the state have equitable access to legal notices posted on the statewide legal notice website located at: www.floridapublicnotices.com. The Florida Press Association shall publish a report listing all newspapers that have placed notices on www.floridapublicnotices.com in the preceding calendar quarter. The report must specifically identify which criteria under s. 50.011(1)(c)1.-3. that each newspaper satisfied. Each quarterly report must also include the number of unique visitors to the statewide legal notice website during that quarter and the number of legal notices that were published during that quarter by Internet-only publication or by publication in a print newspaper and on the statewide website. At a minimum, the reports for the 4 preceding calendar quarters shall be available on the website.

(5)(a) In lieu of publishing a legal notice in the print edition of a newspaper of general circulation, a governmental agency may opt for Internet-only publication of governmental agency notices with any newspaper of general circulation within the jurisdiction of the affected governmental agency so long as the governmental agency, after a public hearing noticed in a print edition of a newspaper in accordance with this chapter, makes a determination by a majority of the members of the governing body of the governmental agency that the Internet publication of such governmental agency notices is in the public interest and that the residents within the jurisdiction of the governmental agency have sufficient access to the Internet by broadband service as defined in s. 364.02 or through other means such that Internet-only publication of governmental agency notices would not unreasonably restrict public access. Any such Internet-only publication published in accordance with this subsection must be placed in the legal notices section of the newspaper's website and the statewide legal notice website established under subsection (4). All requirements regarding the format and accessibility of legal notices placed on the newspaper's website and the statewide legal notice website in subsections (3) and (4) also apply to Internet-only publication of legal notices published in accordance with this subsection. A newspaper is deemed to be a newspaper of general circulation within the jurisdiction of the affected governmental agency if it satisfies the criteria in s. 50.011(1).

(b) The legal notices section of the print edition of a newspaper must include a disclaimer stating that additional legal notices may be accessed on the newspaper's website and the statewide legal notice website. The legal notices section of the newspaper's website must also include a disclaimer stating that legal notices are also published in the print edition of the newspaper and on the statewide legal notice website.

(c) A newspaper may charge for the publication of any governmental agency notice that is published only on the newspaper's website, without rebate, commission, or refund; however, the newspaper may not charge any higher rate for publication than the amount that would be authorized under s. 50.061 if the governmental agency notice had been printed in the newspaper. The penalties prescribed in s. 50.061(7) for allowing or

accepting any rebate, commission, or refund in connection to the amounts charged for publication also apply to any governmental agency notices that are published only on the Internet in accordance with this subsection.

(d) If a governmental agency exercises the option to publish Internet-only governmental agency notices in accordance with this subsection, such agency must provide notice at least once per week in the print edition of a newspaper of general circulation within the region in which the governmental agency is located which states that legal notices pertaining to the agency do not all appear in the print edition of the local newspaper and that additional legal notices may be accessed on the newspaper's website and that a full listing of any legal notices may be accessed on the statewide legal notice website located at www.floridapublicnotices.com. Additionally, any such governmental agency must post a link on its website homepage to a webpage that lists all of the newspapers in which the governmental agency publishes legal notices. A newspaper is deemed to be a newspaper of general circulation within the region in which the governmental agency is located if it satisfies the criteria in s. 50.011(1).

(6)~~(4)~~ Newspapers that publish legal notices shall, upon request, provide e-mail notification of new legal notices when they are *published* ~~printed~~ in the newspaper *or on* ~~and added to~~ the newspaper's website. Such e-mail notification shall be provided without charge, and notification for such an e-mail registry shall be available on the front page of the legal notices section of the newspaper's website.

(7) Notwithstanding the authorization of Internet-only publication for certain governmental agency notices in accordance with subsection (5), any other statute requiring the publication of an official legal notice in the print edition of a newspaper may not be construed to be superseded.

Section 4. Section 50.031, Florida Statutes, is amended to read:

50.031 Newspapers in which legal notices and process may be published.—No notice or publication required to be published in *the print edition of* a newspaper *or on a newspaper's website, if authorized,* in the nature of or in lieu of process of any kind, nature, character or description provided for under any law of the state, whether heretofore or hereafter enacted, and whether pertaining to constructive service, or the initiating, assuming, reviewing, exercising or enforcing jurisdiction or power, by any court in this state, or any notice of sale of property, real or personal, for taxes, state, county or municipal, or sheriff's, guardian's or administrator's or any sale made pursuant to any judicial order, decree or statute or any other publication or notice pertaining to any affairs of the state, or any county, municipality or other political subdivision thereof, shall be deemed to have been published in accordance with the statutes providing for such publication, unless the same shall have been published for the prescribed period of time required for such publication, in a newspaper *or on a newspaper's website* which at the time of such publication shall have been in existence for *2 years and meets the requirements set forth in s. 50.011* ~~1 year~~ ~~and shall have been entered as periodicals matter at a post office in the county where published~~, or in a newspaper which is a direct successor of a newspaper which *has* ~~together have~~ been so published; provided, however, that nothing herein contained shall apply where in any county there shall be no newspaper in existence which shall have been published for the length of time above prescribed. No legal publication of any kind, nature or description, as herein defined, shall be valid or binding or held to be in compliance with the statutes providing for such publication unless the same shall have been published in accordance with the provisions of this section *or s. 50.0211(5)*. Proof of such publication shall be made by uniform affidavit.

Section 5. Section 50.041, Florida Statutes, is amended to read:

50.041 Proof of publication; uniform affidavits required.—

(1) All affidavits ~~of publishers of newspapers (or their official representatives)~~ made for the purpose of establishing proof of publication of public notices or legal advertisements shall be uniform throughout the state.

(2) Each such affidavit shall be printed upon white paper and shall be 8 1/2 inches in width and of convenient length, not less than 5 1/2 inches. A white margin of not less than 2 1/2 inches shall be left at the right side of each affidavit form and upon or in this space shall be substantially pasted a clipping which shall be a true copy of the public notice or legal advertisement for which proof is executed. Alternatively, the affidavit may be provided in electronic rather than paper form, provided the notarization of the affidavit complies with the requirements of s. 117.021.

(3) ~~In all counties having a population in excess of 450,000 according to the latest official decennial census, in addition to the charges which are now or may hereafter be established by law for the publication of every official notice or legal advertisement,~~ There may be a charge not to exceed $2 *levied* for the preparation and execution of each such proof of publication or ~~publisher's~~ affidavit.

Section 6. Section 50.051, Florida Statutes, is amended to read:

50.051 Proof of publication; form of uniform affidavit.—The printed form upon which all such affidavits establishing proof of publication are to be executed shall be substantially as follows:

NAME OF *COUNTY* ~~NEWSPAPER~~
~~Published (Weekly or Daily)~~
~~(Town or City) (County) FLORIDA~~

STATE OF FLORIDA

COUNTY OF ....:

Before the undersigned authority personally appeared ...., who on oath says that he or she is .... of the ...., a .... newspaper published at .... in .... County, Florida; that the attached copy of advertisement, being a .... in the matter of .... in the .... Court, was published in said newspaper *by print* in the issues of .... *or by publication on the newspaper's website, if authorized, on* ____(date)____.

Affiant further says that the *newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes* ~~said .... is a newspaper published at ...., in said .... County, Florida, and that the said newspaper has heretofore been continuously published in said .... County, Florida, each .... and has been entered as periodicals matter at the post office in ...., in said .... County, Florida, for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper~~.

Sworn to and subscribed before me this .... day of ...., ____(year)____, by ...., who is personally known to me or who has produced (type of identification) as identification.

____(Signature of Notary Public)____

____(Print, Type, or Stamp Commissioned Name of Notary Public)____

____(Notary Public)____

Section 7. Subsection (5) of section 50.061, Florida Statutes, is amended to read:

50.061 Amounts chargeable.—

(5) If the public notice is published in *the print edition of* a newspaper, the posting of the notice on the newspaper's website pursuant to *s. 50.0211(3)* ~~s. 50.0211(2)~~ must be done at no additional charge.

Section 8. Subsection (12) is added to section 90.902, Florida Statutes, to read:

90.902 Self-authentication.—Extrinsic evidence of authenticity as a condition precedent to admissibility is not required for:

(12) A legal notice published in accordance with the requirements of chapter 50 in the print edition or on the website of a qualified newspaper.

Section 9. Section 11.02, Florida Statutes, is amended to read:

11.02 Notice of special or local legislation or certain relief acts.—The notice required to obtain special or local legislation or any relief act

specified in s. 11.065 shall be by publishing the identical notice ~~in each county involved in some newspaper~~ as *provided* ~~defined~~ in chapter 50 ~~published in~~ or circulated throughout the county or counties where the matter or thing to be affected by such legislation shall be situated one time at least 30 days before introduction of the proposed law into the Legislature or, *if the notice is not made by Internet publication as provided in s. 50.0211(5) and* there being no newspaper circulated throughout or published in the county, by posting for at least 30 days at not less than three public places in the county or each of the counties, one of which places shall be at the courthouse in the county or counties where the matter or thing to be affected by such legislation shall be situated. Notice of special or local legislation shall state the substance of the contemplated law, as required by s. 10, Art. III of the State Constitution. Notice of any relief act specified in s. 11.065 shall state the name of the claimant, the nature of the injury or loss for which the claim is made, and the amount of the claim against the affected municipality's revenue-sharing trust fund.

Section 10. Paragraph (d) of subsection (1) of section 120.81, Florida Statutes, is amended to read:

120.81 Exceptions and special requirements; general areas.—

(1) EDUCATIONAL UNITS.—

(d) Notwithstanding any other provision of this chapter, educational units shall not be required to include the full text of the rule or rule amendment in notices relating to rules and need not publish these or other notices in the Florida Administrative Register, but notice shall be made:

1. By publication in a newspaper *qualified under chapter 50* ~~of general circulation~~ in the affected area;

2. By mail to all persons who have made requests of the educational unit for advance notice of its proceedings and to organizations representing persons affected by the proposed rule; and

3. By posting in appropriate places so that those particular classes of persons to whom the intended action is directed may be duly notified.

Section 11. Subsection (2) of section 121.0511, Florida Statutes, is amended to read:

121.0511 Revocation of election and alternative plan.—The governing body of any municipality or independent special district that has elected to participate in the Florida Retirement System may revoke its election in accordance with the following procedure:

(2) At least 7 days, but not more than 15 days, before the hearing, notice of intent to revoke, specifying the time and place of the hearing, must be published *as provided in chapter 50* ~~in a newspaper of general circulation in the area affected, as provided by ss. 50.011-50.031~~. Proof of publication of the notice must be submitted to the Department of Management Services.

Section 12. Paragraphs (b) and (h) of subsection (1) of section 121.055, Florida Statutes, are amended to read:

121.055 Senior Management Service Class.—There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(b)1. Except as provided in subparagraph 2., effective January 1, 1990, participation in the Senior Management Service Class is compulsory for the president of each community college, the manager of each participating municipality or county, and all appointed district school superintendents. Effective January 1, 1994, additional positions may be designated for inclusion in the Senior Management Service Class if:

a. Positions to be included in the class are designated by the local agency employer. Notice of intent to designate positions for inclusion in the class must be published *for at least 2 consecutive weeks if published by Internet publication as provided in s. 50.0211(5) or, if published in print,* once a week for 2 consecutive weeks in a newspaper *qualified under chapter 50 that is* ~~of general circulation~~ published in the county or counties affected~~, as provided in chapter 50~~.

b. Up to 10 nonelective full-time positions may be designated for each local agency employer reporting to the department; for local agencies with 100 or more regularly established positions, additional nonelective full-time positions may be designated, not to exceed 1 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policy-making position filled by an employee who is not subject to continuing contract and serves at the pleasure of the local agency employer without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. In lieu of participation in the Senior Management Service Class, members of the Senior Management Service Class, pursuant to subparagraph 1., may withdraw from the Florida Retirement System altogether. The decision to withdraw from the system is irrevocable as long as the employee holds the position. Any service creditable under the Senior Management Service Class shall be retained after the member withdraws from the system; however, additional service credit in the Senior Management Service Class may not be earned after such withdrawal. Such members are not eligible to participate in the Senior Management Service Optional Annuity Program.

3. Effective January 1, 2006, through June 30, 2006, an employee who has withdrawn from the Florida Retirement System under subparagraph 2. has one opportunity to elect to participate in the pension plan or the investment plan.

a. If the employee elects to participate in the investment plan, membership shall be prospective, and the applicable provisions of s. 121.4501(4) govern the election.

b. If the employee elects to participate in the pension plan, the employee shall, upon payment to the system trust fund of the amount calculated under sub-sub-subparagraph (I), receive service credit for prior service based upon the time during which the employee had withdrawn from the system.

(I) The cost for such credit shall be an amount representing the actuarial accrued liability for the affected period of service. The cost shall be calculated using the discount rate and other relevant actuarial assumptions that were used to value the pension plan liabilities in the most recent actuarial valuation. The calculation must include any service already maintained under the pension plan in addition to the period of withdrawal. The actuarial accrued liability attributable to any service already maintained under the pension plan shall be applied as a credit to the total cost resulting from the calculation. The division must ensure that the transfer sum is prepared using a formula and methodology certified by an actuary.

(II) The employee must transfer a sum representing the net cost owed for the actuarial accrued liability in sub-sub-subparagraph (I) immediately following the time of such movement, determined assuming that attained service equals the sum of service in the pension plan and the period of withdrawal.

(h)1. Except as provided in subparagraph 3., effective January 1, 1994, participation in the Senior Management Service Class shall be compulsory for the State Courts Administrator and the Deputy State Courts Administrators, the Clerk of the Supreme Court, the Marshal of the Supreme Court, the Executive Director of the Justice Administrative Commission, the capital collateral regional counsel, the clerks of the district courts of appeals, the marshals of the district courts of appeals, and the trial court administrator and the Chief Deputy Court Administrator in each judicial circuit. Effective January 1, 1994, additional positions in the offices of the state attorney and public defender in each judicial circuit may be designated for inclusion in the Senior Management Service Class of the Florida Retirement System, provided that:

a. Positions to be included in the class shall be designated by the state attorney or public defender, as appropriate. Notice of intent to

designate positions for inclusion in the class shall be published *for at least 2 consecutive weeks by Internet publication as provided in s. 50.0211(5) or, if published in print,* once a week for 2 consecutive weeks in a newspaper *qualified under chapter 50* ~~of general circulation published~~ in the county or counties affected~~, as provided in chapter 50~~.

b. One nonelective full-time position may be designated for each state attorney and public defender reporting to the Department of Management Services; for agencies with 200 or more regularly established positions under the state attorney or public defender, additional nonelective full-time positions may be designated, not to exceed 0.5 percent of the regularly established positions within the agency.

c. Each position added to the class must be a managerial or policymaking position filled by an employee who serves at the pleasure of the state attorney or public defender without civil service protection, and who:

(I) Heads an organizational unit; or

(II) Has responsibility to effect or recommend personnel, budget, expenditure, or policy decisions in his or her areas of responsibility.

2. Participation in this class shall be compulsory, except as provided in subparagraph 3., for any judicial employee who holds a position designated for coverage in the Senior Management Service Class, and such participation shall continue until the employee terminates employment in a covered position. Effective January 1, 2001, participation in this class is compulsory for assistant state attorneys, assistant statewide prosecutors, assistant public defenders, and assistant capital collateral regional counsel. Effective January 1, 2002, participation in this class is compulsory for assistant attorneys general.

3. In lieu of participation in the Senior Management Service Class, such members, excluding assistant state attorneys, assistant public defenders, assistant statewide prosecutors, assistant attorneys general, and assistant capital collateral regional counsel, may participate in the Senior Management Service Optional Annuity Program as established in subsection (6).

Section 13. Paragraph (a) of subsection (2) and paragraph (b) of subsection (4) of section 125.66, Florida Statutes, are amended to read:

125.66 Ordinances; enactment procedure; emergency ordinances; rezoning or change of land use ordinances or resolutions.—

(2)(a) The regular enactment procedure shall be as follows: The board of county commissioners at any regular or special meeting may enact or amend any ordinance, except as provided in subsection (4), if notice of intent to consider such ordinance is given at least 10 days *before such* ~~prior to said~~ meeting by publication *as provided in chapter 50* ~~in a newspaper of general circulation in the county~~. A copy of such notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the board of county commissioners. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the county where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(4) Ordinances or resolutions, initiated by other than the county, that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to subsection (2). Ordinances or resolutions that change the actual list of permitted, conditional, or prohibited uses within a zoning category, or ordinances or resolutions initiated by the county that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to the following procedure:

(b) In cases in which the proposed ordinance or resolution changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the board of county commissioners shall provide for public notice and hearings as follows:

1. The board of county commissioners shall hold two advertised public hearings on the proposed ordinance or resolution. At least one hearing shall be held after 5 p.m. on a weekday, unless the board of county commissioners, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing.

2. *If published in the print edition of a newspaper,* the required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper ~~of general paid circulation~~ in the county and of general interest and readership in the community pursuant to chapter 50~~, not one of limited subject matter~~. It is the legislative intent that, whenever possible, the advertisement shall appear in a newspaper that is published at least *weekly* ~~5 days a week~~ unless the only newspaper in the community is published less than *weekly* ~~5 days a week~~. The advertisement shall be in substantially the following form:

NOTICE OF (TYPE OF) CHANGE

The (name of local governmental unit) proposes to adopt the following by ordinance or resolution: (title of ordinance or resolution).

A public hearing on the ordinance or resolution will be held on (date and time) at (meeting place).

Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall contain a geographic location map which clearly indicates the area within the local government covered by the proposed ordinance or resolution. The map shall include major street names as a means of identification of the general area. *If* ~~In addition to being~~ published in the *print edition of the* newspaper, the map must be part of *any* ~~the~~ online notice *made* ~~required~~ pursuant to s. 50.0211.

3. In lieu of publishing the advertisements set out in this paragraph, the board of county commissioners may mail a notice to each person owning real property within the area covered by the ordinance or resolution. Such notice shall clearly explain the proposed ordinance or resolution and shall notify the person of the time, place, and location of both public hearings on the proposed ordinance or resolution.

Section 14. Paragraph (a) of subsection (2) of section 162.12, Florida Statutes, is amended to read:

162.12 Notices.—

(2) In addition to providing notice as set forth in subsection (1), at the option of the code enforcement board or the local government, notice may be served by publication or posting, as follows:

(a)1. Such notice shall be published *in print or on a newspaper's website and the statewide legal notice website as provided in s. 50.0211(5) for 4 consecutive weeks. If published in print, the notice shall be published* once during each week for 4 consecutive weeks (four publications being sufficient) in a newspaper ~~of general circulation~~ in the county where the code enforcement board is located. The newspaper shall meet such requirements as are prescribed under chapter 50 for legal and official advertisements.

2. Proof of publication shall be made as provided in ss. 50.041 and 50.051.

Section 15. Paragraph (c) of subsection (3) of section 166.041, Florida Statutes, is amended to read:

166.041 Procedures for adoption of ordinances and resolutions.—

(3)

(c) Ordinances initiated by other than the municipality that change the actual zoning map designation of a parcel or parcels of land shall be enacted pursuant to paragraph (a). Ordinances that change the actual list of permitted, conditional, or prohibited uses within a zoning category, or ordinances initiated by the municipality that change the actual

zoning map designation of a parcel or parcels of land shall be enacted pursuant to the following procedure:

1. In cases in which the proposed ordinance changes the actual zoning map designation for a parcel or parcels of land involving less than 10 contiguous acres, the governing body shall direct the clerk of the governing body to notify by mail each real property owner whose land the municipality will redesignate by enactment of the ordinance and whose address is known by reference to the latest ad valorem tax records. The notice shall state the substance of the proposed ordinance as it affects that property owner and shall set a time and place for one or more public hearings on such ordinance. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of the notice shall be kept available for public inspection during the regular business hours of the office of the clerk of the governing body. The governing body shall hold a public hearing on the proposed ordinance and may, upon the conclusion of the hearing, immediately adopt the ordinance.

2. In cases in which the proposed ordinance changes the actual list of permitted, conditional, or prohibited uses within a zoning category, or changes the actual zoning map designation of a parcel or parcels of land involving 10 contiguous acres or more, the governing body shall provide for public notice and hearings as follows:

a. The local governing body shall hold two advertised public hearings on the proposed ordinance. At least one hearing shall be held after 5 p.m. on a weekday, unless the local governing body, by a majority plus one vote, elects to conduct that hearing at another time of day. The first public hearing shall be held at least 7 days after the day that the first advertisement is published. The second hearing shall be held at least 10 days after the first hearing and shall be advertised at least 5 days prior to the public hearing.

b. *If published in the print edition of a newspaper,* the required advertisements shall be no less than 2 columns wide by 10 inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be placed in a newspaper ~~of general paid circulation~~ in the municipality and of general interest and readership in the municipality~~, not one of limited subject matter,~~ pursuant to chapter 50. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least *weekly* ~~5 days a week~~ unless the only newspaper in the municipality is published less than *weekly* ~~5 days a week~~. The advertisement shall be in substantially the following form:

NOTICE OF (TYPE OF) CHANGE

The (name of local governmental unit) proposes to adopt the following ordinance: (title of the ordinance).

A public hearing on the ordinance will be held on (date and time) at (meeting place).

Except for amendments which change the actual list of permitted, conditional, or prohibited uses within a zoning category, the advertisement shall contain a geographic location map which clearly indicates the area covered by the proposed ordinance. The map shall include major street names as a means of identification of the general area. *If* ~~In addition to being~~ published in the *print edition of the* newspaper, the map must *also* be part of *any* ~~the~~ online notice *made* ~~required~~ pursuant to s. 50.0211.

c. In lieu of publishing the advertisement set out in this paragraph, the municipality may mail a notice to each person owning real property within the area covered by the ordinance. Such notice shall clearly explain the proposed ordinance and shall notify the person of the time, place, and location of any public hearing on the proposed ordinance.

Section 16. Subsection (1) of section 189.015, Florida Statutes, is amended to read:

189.015 Meetings; notice; required reports.—

(1) The governing body of each special district shall file quarterly, semiannually, or annually a schedule of its regular meetings with the local governing authority or authorities. The schedule shall include the date, time, and location of each scheduled meeting. The schedule shall be published quarterly, semiannually, or annually ~~in a newspaper of general paid circulation~~ in the manner required in this subsection. The governing body of an independent special district shall advertise the day, time, place, and purpose of any meeting other than a regular meeting or any recessed and reconvened meeting of the governing body, at least 7 days before such meeting *as provided in chapter 50*~~, in a newspaper of general paid circulation~~ in the county or counties in which the special district is located, unless a bona fide emergency situation exists, in which case a meeting to deal with the emergency may be held as necessary, with reasonable notice, so long as it is subsequently ratified by the governing body. No approval of the annual budget shall be granted at an emergency meeting. The *notice shall be posted as provided in* ~~advertisement shall be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the county is published fewer than 5 days a week. The newspaper selected must be one of general interest and readership in the community and not one of limited subject matter, pursuant to~~ chapter 50. Any other provision of law to the contrary notwithstanding, and except in the case of emergency meetings, water management districts may provide reasonable notice of public meetings held to evaluate responses to solicitations issued by the water management district, *as provided in chapter 50 by Internet publication or by publication* ~~by publication~~ in a newspaper ~~of general paid circulation~~ in the county where the principal office of the water management district is located, or in the county or counties where the public work will be performed, no less than 7 days before such meeting.

Section 17. Paragraph (d) of subsection (1) of section 190.005, Florida Statutes, is amended to read:

190.005 Establishment of district.—

(1) The exclusive and uniform method for the establishment of a community development district with a size of 2,500 acres or more shall be pursuant to a rule, adopted under chapter 120 by the Florida Land and Water Adjudicatory Commission, granting a petition for the establishment of a community development district.

(d) A local public hearing on the petition shall be conducted by a hearing officer in conformance with the applicable requirements and procedures of the Administrative Procedure Act. The hearing shall include oral and written comments on the petition pertinent to the factors specified in paragraph (e). The hearing shall be held at an accessible location in the county in which the community development district is to be located. The petitioner shall cause a notice of the hearing to be published *for 4 successive weeks on a newspaper's website and the statewide legal notice website provided in s. 50.0211(5) or, if published in print,* in a newspaper at least once a week for the 4 successive weeks immediately prior to the hearing *as provided in chapter 50*. Such notice shall give the time and place for the hearing, a description of the area to be included in the district, which description shall include a map showing clearly the area to be covered by the district, and any other relevant information which the establishing governing bodies may require. *If published in the print edition of a newspaper,* the advertisement *may* ~~shall~~ not be placed in *the* ~~that~~ portion of the newspaper where legal notices and classified advertisements appear. The advertisement *must* ~~shall~~ be published in a newspaper ~~of general paid circulation~~ in the county and of general interest and readership in the community~~, not one of limited subject matter,~~ pursuant to chapter 50. Whenever possible, the advertisement shall appear in a newspaper that is published at least *weekly* ~~5 days a week~~, unless the only newspaper in the community is published *less than weekly* ~~fewer than 5 days a week~~. *If the notice is* ~~In addition to being~~ published in the *print edition of the* newspaper, the map ~~referenced above~~ must *also* be *included in any* ~~part of the~~ online advertisement ~~required~~ pursuant to s. 50.0211. All affected units of general-purpose local government and the general public shall be given an opportunity to appear at the hearing and present oral or written comments on the petition.

Section 18. Paragraph (h) of subsection (1) of section 190.046, Florida Statutes, is amended to read:

190.046 Termination, contraction, or expansion of district.—

(1) A landowner or the board may petition to contract or expand the boundaries of a community development district in the following manner:

(h) For a petition to establish a new community development district of less than 2,500 acres on land located solely in one county or one municipality, sufficiently contiguous lands located within the county or municipality which the petitioner anticipates adding to the boundaries of the district within 10 years after the effective date of the ordinance establishing the district may also be identified. If such sufficiently contiguous land is identified, the petition must include a legal description of each additional parcel within the sufficiently contiguous land, the current owner of the parcel, the acreage of the parcel, and the current land use designation of the parcel. At least 14 days before the hearing required under s. 190.005(2)(b), the petitioner must give the current owner of each such parcel notice of filing the petition to establish the district, the date and time of the public hearing on the petition, and the name and address of the petitioner. A parcel may not be included in the district without the written consent of the owner of the parcel.

1. After establishment of the district, a person may petition the county or municipality to amend the boundaries of the district to include a previously identified parcel that was a proposed addition to the district before its establishment. A filing fee may not be charged for this petition. Each such petition must include:

a. A legal description by metes and bounds of the parcel to be added;

b. A new legal description by metes and bounds of the district;

c. Written consent of all owners of the parcel to be added;

d. A map of the district including the parcel to be added;

e. A description of the development proposed on the additional parcel; and

f. A copy of the original petition identifying the parcel to be added.

2. Before filing with the county or municipality, the person must provide the petition to the district and to the owner of the proposed additional parcel, if the owner is not the petitioner.

3. Once the petition is determined sufficient and complete, the county or municipality must process the addition of the parcel to the district as an amendment to the ordinance that establishes the district. The county or municipality may process all petitions to amend the ordinance for parcels identified in the original petition, even if, by adding such parcels, the district exceeds 2,500 acres.

4. The petitioner shall cause to be published in a newspaper *qualified to publish legal notices* ~~of general circulation~~ in the proposed district a notice of the intent to amend the ordinance that establishes the district. The notice must be in addition to any notice required for adoption of the ordinance amendment. Such notice must be published *as provided in chapter 50* at least 10 days before the scheduled hearing on the ordinance amendment ~~and may be published in the section of the newspaper reserved for legal notices~~. The notice must include a general description of the land to be added to the district and the date and time of the scheduled hearing to amend the ordinance. The petitioner shall deliver, including by mail or hand delivery, the notice of the hearing on the ordinance amendment to the owner of the parcel and to the district at least 14 days before the scheduled hearing.

5. The amendment of a district by the addition of a parcel pursuant to this paragraph does not alter the transition from landowner voting to qualified elector voting pursuant to s. 190.006, even if the total size of the district after the addition of the parcel exceeds 5,000 acres. Upon adoption of the ordinance expanding the district, the petitioner must cause to be recorded a notice of boundary amendment which reflects the new boundaries of the district.

6. This paragraph is intended to facilitate the orderly addition of lands to a district under certain circumstances and does not preclude the addition of lands to any district using the procedures in the other provisions of this section.

Section 19. Subsection (1) of section 194.037, Florida Statutes, is amended to read:

194.037 Disclosure of tax impact.—

(1) After hearing all petitions, complaints, appeals, and disputes, the clerk shall make public notice of the findings and results of the board *as provided in chapter 50. If published in the print edition of a newspaper, the notice must be* in at least a quarter-page size advertisement of a standard size or tabloid size newspaper, and the headline shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published in a newspaper ~~of general paid circulation~~ in the county. The newspaper selected shall be one of general interest and readership in the community~~, and not one of limited subject matter,~~ pursuant to chapter 50. *For all advertisements published pursuant to this section,* the headline shall read: TAX IMPACT OF VALUE ADJUSTMENT BOARD. The public notice shall list the members of the value adjustment board and the taxing authorities to which they are elected. The form shall show, in columnar form, for each of the property classes listed under subsection (2), the following information, with appropriate column totals:

(a) In the first column, the number of parcels for which the board granted exemptions that had been denied or that had not been acted upon by the property appraiser.

(b) In the second column, the number of parcels for which petitions were filed concerning a property tax exemption.

(c) In the third column, the number of parcels for which the board considered the petition and reduced the assessment from that made by the property appraiser on the initial assessment roll.

(d) In the fourth column, the number of parcels for which petitions were filed but not considered by the board because such petitions were withdrawn or settled prior to the board's consideration.

(e) In the fifth column, the number of parcels for which petitions were filed requesting a change in assessed value, including requested changes in assessment classification.

(f) In the sixth column, the net change in taxable value from the assessor's initial roll which results from board decisions.

(g) In the seventh column, the net shift in taxes to parcels not granted relief by the board. The shift shall be computed as the amount shown in column 6 multiplied by the applicable millage rates adopted by the taxing authorities in hearings held pursuant to s. 200.065(2)(d) or adopted by vote of the electors pursuant to s. 9(b) or s. 12, Art. VII of the State Constitution, but without adjustment as authorized pursuant to s. 200.065(6). If for any taxing authority the hearing has not been completed at the time the notice required herein is prepared, the millage rate used shall be that adopted in the hearing held pursuant to s. 200.065(2)(c).

Section 20. Subsection (1) of section 197.402, Florida Statutes, is amended to read:

197.402 Advertisement of real or personal property with delinquent taxes.—

(1) If advertisements are required, the board of county commissioners shall *make such notice* ~~select the newspaper~~ as provided in chapter 50. The tax collector shall pay all ~~newspaper~~ charges, and the proportionate cost of the advertisements shall be added to the delinquent taxes collected.

Section 21. Subsection (3) of section 200.065, Florida Statutes, is amended to read:

200.065 Method of fixing millage.—

(3) The advertisement shall be *published as provided in chapter 50. If the advertisement is published in the print edition of a newspaper, the advertisement must be* no less than one-quarter page in size of a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices

and classified advertisements appear. The advertisement shall be published in a newspaper ~~of general paid circulation~~ in the county or in a geographically limited insert of such newspaper. The geographic boundaries in which such insert is circulated shall include the geographic boundaries of the taxing authority. It is the legislative intent that, whenever possible, the advertisement appear in a newspaper that is published at least *weekly* ~~5 days a week~~ unless the only newspaper in the county is published less than *weekly* ~~5 days a week~~, or that the advertisement appear in a geographically limited insert of such newspaper which insert is published throughout the taxing authority's jurisdiction at least twice each week. It is further the legislative intent that the newspaper selected be one of general interest and readership in the community ~~and not one of limited subject matter,~~ pursuant to chapter 50.

(a) For taxing authorities other than school districts which have tentatively adopted a millage rate in excess of 100 percent of the rolled-back rate computed pursuant to subsection (1), the advertisement shall be in the following form:

NOTICE OF PROPOSED TAX INCREASE

The (name of the taxing authority) has tentatively adopted a measure to increase its property tax levy.

Last year's property tax levy:
A. Initially proposed tax levy . . . . . $XX,XXX,XXX
B. Less tax reductions due to Value Adjustment Board and other assessment changes . . . . . ($XX,XXX,XXX)
C. Actual property tax levy . . . . . $XX,XXX,XXX
This year's proposed tax levy. . . . . $XX,XXX,XXX

All concerned citizens are invited to attend a public hearing on the tax increase to be held on (date and time) at (meeting place).

A FINAL DECISION on the proposed tax increase and the budget will be made at this hearing.

(b) In all instances in which the provisions of paragraph (a) are inapplicable for taxing authorities other than school districts, the advertisement shall be in the following form:

NOTICE OF BUDGET HEARING

The (name of taxing authority) has tentatively adopted a budget for (fiscal year). A public hearing to make a FINAL DECISION on the budget AND TAXES will be held on (date and time) at (meeting place).

(c) For school districts which have proposed a millage rate in excess of 100 percent of the rolled-back rate computed pursuant to subsection (1) and which propose to levy nonvoted millage in excess of the minimum amount required pursuant to s. 1011.60(6), the advertisement shall be in the following form:

NOTICE OF PROPOSED TAX INCREASE

The (name of school district) will soon consider a measure to increase its property tax levy.

Last year's property tax levy:
A. Initially proposed tax levy . . . . . $XX,XXX,XXX
B. Less tax reductions due to Value Adjustment Board and other assessment changes . . . . . ($XX,XXX,XXX)
C. Actual property tax levy . . . . . $XX,XXX,XXX
This year's proposed tax levy. . . . . $XX,XXX,XXX

A portion of the tax levy is required under state law in order for the school board to receive $(amount A) in state education grants. The required portion has (increased or decreased) by (amount B) percent and represents approximately (amount C) of the total proposed taxes.

The remainder of the taxes is proposed solely at the discretion of the school board.

All concerned citizens are invited to a public hearing on the tax increase to be held on (date and time) at (meeting place).

A DECISION on the proposed tax increase and the budget will be made at this hearing.

1. AMOUNT A shall be an estimate, provided by the Department of Education, of the amount to be received in the current fiscal year by the district from state appropriations for the Florida Education Finance Program.

2. AMOUNT B shall be the percent increase over the rolled-back rate necessary to levy only the required local effort in the current fiscal year, computed as though in the preceding fiscal year only the required local effort was levied.

3. AMOUNT C shall be the quotient of required local-effort millage divided by the total proposed nonvoted millage, rounded to the nearest tenth and stated in words; however, the stated amount shall not exceed nine-tenths.

(d) For school districts which have proposed a millage rate in excess of 100 percent of the rolled-back rate computed pursuant to subsection (1) and which propose to levy as nonvoted millage only the minimum amount required pursuant to s. 1011.60(6), the advertisement shall be the same as provided in paragraph (c), except that the second and third paragraphs shall be replaced with the following paragraph:

This increase is required under state law in order for the school board to receive $(amount A) in state education grants.

(e) In all instances in which the provisions of paragraphs (c) and (d) are inapplicable for school districts, the advertisement shall be in the following form:

NOTICE OF BUDGET HEARING

The (name of school district) will soon consider a budget for (fiscal year). A public hearing to make a DECISION on the budget AND TAXES will be held on (date and time) at (meeting place).

(f) In lieu of publishing the notice set out in this subsection, the taxing authority may mail a copy of the notice to each elector residing within the jurisdiction of the taxing authority.

(g) In the event that the mailing of the notice of proposed property taxes is delayed beyond September 3 in a county, any multicounty taxing authority which levies ad valorem taxes within that county shall advertise its intention to adopt a tentative budget and millage rate in a newspaper ~~of paid general circulatio~~n within that county *which meets the requirements of chapter 50*, as provided in this subsection, and shall hold the hearing required pursuant to paragraph (2)(c) not less than 2 days or more than 5 days thereafter, and not later than September 18. The advertisement shall be in the following form, unless the proposed millage rate is less than or equal to the rolled-back rate, computed pursuant to subsection (1), in which case the advertisement shall be as provided in paragraph (e):

NOTICE OF TAX INCREASE

The (name of the taxing authority) proposes to increase its property tax levy by (percentage of increase over rolled-back rate) percent.

All concerned citizens are invited to attend a public hearing on the proposed tax increase to be held on (date and time) at (meeting place).

(h) In no event shall any taxing authority add to or delete from the language of the advertisements as specified herein unless expressly authorized by law, except that, if an increase in ad valorem tax rates will affect only a portion of the jurisdiction of a taxing authority, advertisements may include a map or geographical description of the area to be affected and the proposed use of the tax revenues under consideration. In addition, if published in the *print edition of the* newspaper *or only published on the Internet in accordance with s. 50.0211(5)*, the map must be *included in* ~~part of~~ the online advertisement required by s. 50.0211. The advertisements required herein shall not be accompanied, preceded, or followed by other advertising or notices which conflict with or modify the substantive content prescribed herein.

(i) The advertisements required pursuant to paragraphs (b) and (e) need not be one-quarter page in size or have a headline in type no smaller than 18 point.

(j) The amounts to be published as percentages of increase over the rolled-back rate pursuant to this subsection shall be based on aggregate millage rates and shall exclude voted millage levies unless expressly provided otherwise in this subsection.

(k) Any taxing authority which will levy an ad valorem tax for an upcoming budget year but does not levy an ad valorem tax currently shall, in the advertisement specified in paragraph (a), paragraph (c), paragraph (d), or paragraph (g), replace the phrase "increase its property tax levy by ____(percentage of increase over rolled-back rate)____ percent" with the phrase "impose a new property tax levy of $____(amount)____ per $1,000 value."

(l) Any advertisement required pursuant to this section shall be accompanied by an adjacent notice meeting the budget summary requirements of s. 129.03(3)(b). Except for those taxing authorities proposing to levy ad valorem taxes for the first time, the following statement shall appear in the budget summary in boldfaced type immediately following the heading, if the applicable percentage is greater than zero:

THE PROPOSED OPERATING BUDGET EXPENDITURES OF ____(name of taxing authority)____ ARE ____(percent rounded to one decimal place)____ MORE THAN LAST YEAR'S TOTAL OPERATING EXPENDITURES.

For purposes of this paragraph, "proposed operating budget expenditures" or "operating expenditures" means all moneys of the local government, including dependent special districts, that:

1. Were or could be expended during the applicable fiscal year, or

2. Were or could be retained as a balance for future spending in the fiscal year.

Provided, however, those moneys held in or used in trust, agency, or internal service funds, and expenditures of bond proceeds for capital outlay or for advanced refunded debt principal, shall be excluded.

Section 22. Paragraph (c) of subsection (1) of section 338.223, Florida Statutes, is amended to read:

338.223 Proposed turnpike projects.—

(1)

(c) Prior to requesting legislative approval of a proposed turnpike project, the environmental feasibility of the proposed project shall be reviewed by the Department of Environmental Protection. The department shall submit its Project Development and Environmental Report to the Department of Environmental Protection, along with a draft copy of a public notice. Within 14 days of receipt of the draft public notice, the Department of Environmental Protection shall return the draft public notice to the Department of Transportation with an approval of the language or modifications to the language. Upon receipt of the approved or modified draft, or if no comments are provided within 14 days, the Department of Transportation shall publish the notice *as provided in chapter 50* ~~in a newspaper~~ to provide a 30-day public comment period. *If published in the print edition of a newspaper,* the headline of the required notice shall be in a type no smaller than 18 point*,* ~~. The notice~~ shall be placed in that portion of the newspaper where legal notices appear*, and* ~~. The notice~~ shall be published in a newspaper *qualified to publish legal notices* ~~of general circulation~~ in the county or counties of general interest and readership in the community as provided in s. 50.031~~, not one of limited subject matter~~. Whenever possible, the notice shall appear in a newspaper that is published at least *weekly* ~~5 days a week~~. *All notices published pursuant to this section* ~~The notice~~ shall include, *at a minimum* ~~but is not limited to~~, the following information:

1. The purpose of the notice is to provide for a 30-day period for written public comments on the environmental impacts of a proposed turnpike project.

2. The name and description of the project, along with a geographic location map clearly indicating the area where the proposed project will be located.

3. The address where such comments must be sent and the date such comments are due.

After a review of the department's report and any public comments, the Department of Environmental Protection shall submit a statement of environmental feasibility to the department within 30 days after the date on which public comments are due. The notice and the statement of environmental feasibility shall not give rise to any rights to a hearing or other rights or remedies provided pursuant to chapter 120 or chapter 403, and shall not bind the Department of Environmental Protection in any subsequent environmental permit review.

Section 23. Subsection (3) of section 348.0308, Florida Statutes, is amended to read:

348.0308 Public-private partnership.—The Legislature declares that there is a public need for the rapid construction of safe and efficient transportation facilities for traveling within the state and that it is in the public's interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.

(3) The agency may request proposals for public-private transportation projects or, if it receives an unsolicited proposal, it must publish a notice in the Florida Administrative Register and*, as provided in chapter 50, by Internet publication or by print in* a newspaper *qualified to publish legal notices* ~~of general circulation~~ in the county in which *the project* ~~it~~ is located at least once a week for 2 weeks stating that it has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has expired, the agency shall rank the proposals in order of preference. In ranking the proposals, the agency shall consider professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the proposal. If the agency is not satisfied with the results of the negotiations, it may, at its sole discretion, terminate negotiations with the proposer. If these negotiations are unsuccessful, the agency may go to the second and lower-ranked firms, in order, using the same procedure. If only one proposal is received, the agency may negotiate in good faith, and if it is not satisfied with the results, it may, at its sole discretion, terminate negotiations with the proposer. The agency may, at its discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.

Section 24. Subsection (3) of section 348.635, Florida Statutes, is amended to read:

348.635 Public-private partnership.—The Legislature declares that there is a public need for the rapid construction of safe and efficient transportation facilities for traveling within the state and that it is in the public's interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.

(3) The authority may request proposals for public-private transportation projects or, if it receives an unsolicited proposal, it must publish a notice in the Florida Administrative Register *and, as provided in chapter 50, by either Internet publication or by print in* ~~and~~ a newspaper ~~of general circulation~~ in the county in which *the project* ~~it~~ is located at least once a week for 2 weeks stating that it has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has expired, the authority shall rank the proposals in order of preference. In ranking the proposals, the authority shall consider professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the proposal. If the authority is not satisfied with the results of the negotiations, it may, at its sole discretion, terminate negotiations with the proposer. If these negotiations are unsuccessful, the authority may go to the second and lower-ranked firms, in order, using the same procedure. If only one proposal is received, the authority may negotiate in good faith, and if it is not sa-

tisfied with the results, it may, at its sole discretion, terminate negotiations with the proposer. The authority may, at its discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.

Section 25. Subsection (3) of section 348.7605, Florida Statutes, is amended to read:

348.7605 Public-private partnership.—The Legislature declares that there is a public need for the rapid construction of safe and efficient transportation facilities for traveling within the state and that it is in the public's interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.

(3) The authority may request proposals for public-private transportation projects or, if it receives an unsolicited proposal, it must publish a notice in the Florida Administrative Register and*, as provided in chapter 50, by either Internet publication or by print in* a newspaper ~~of general circulation~~ in the county in which *the project* ~~it~~ is located at least once a week for 2 weeks stating that it has received the proposal and will accept, for 60 days after the initial date of publication, other proposals for the same project purpose. A copy of the notice must be mailed to each local government in the affected areas. After the public notification period has expired, the authority shall rank the proposals in order of preference. In ranking the proposals, the authority shall consider professional qualifications, general business terms, innovative engineering or cost-reduction terms, finance plans, and the need for state funds to deliver the proposal. If the authority is not satisfied with the results of the negotiations, it may, at its sole discretion, terminate negotiations with the proposer. If these negotiations are unsuccessful, the authority may go to the second and lower-ranked firms, in order, using the same procedure. If only one proposal is received, the authority may negotiate in good faith, and if it is not satisfied with the results, it may, at its sole discretion, terminate negotiations with the proposer. The authority may, at its discretion, reject all proposals at any point in the process up to completion of a contract with the proposer.

Section 26. Section 373.0397, Florida Statutes, is amended to read:

373.0397 Floridan and Biscayne aquifers; designation of prime groundwater recharge areas.—Upon preparation of an inventory of prime groundwater recharge areas for the Floridan or Biscayne aquifers, but prior to adoption by the governing board, the water management district shall publish a legal notice of public hearing on the designated areas for the Floridan and Biscayne aquifers, with a map delineating the boundaries of the areas, *as provided* ~~in newspapers defined~~ in chapter 50 ~~as having general circulation within the area to be affected~~. The notice shall be at least one-fourth page and shall read as follows:

NOTICE OF PRIME RECHARGE
AREA DESIGNATION

The (name of taxing authority) proposes to designate specific land areas as areas of prime recharge to the (name of aquifer) Aquifer.

All concerned citizens are invited to attend a public hearing on the proposed designation to be held on (date and time) at (meeting place).

A map of the affected areas follows.

The governing board of the water management district shall adopt a designation of prime groundwater recharge areas to the Floridan and Biscayne aquifers by rule within 120 days after the public hearing, subject to the provisions of chapter 120.

Section 27. Section 373.146, Florida Statutes, is amended to read:

373.146 Publication of notices, process, and papers.—

(1) Whenever in this chapter the publication of any notice, process, or paper is required or provided for, unless otherwise provided by law, the publication thereof ~~in some newspaper or newspapers~~ as *provided* ~~defined~~ in chapter 50 *is* ~~having general circulation within the area to be affected shall be taken and~~ considered as being sufficient.

(2) Notwithstanding any other provision of law to the contrary, and except in the case of emergency meetings, water management districts may provide reasonable notice of public meetings held to evaluate responses to solicitations issued by the water management district, by publication *as provided in chapter 50* ~~in a newspaper of general paid circulation in the county where the principal office of the water management district is located, or in the county or counties where the public work will be performed~~, no less than 7 days before such meeting.

Section 28. Subsection (12) of section 403.722, Florida Statutes, is amended to read:

403.722 Permits; hazardous waste disposal, storage, and treatment facilities.—

(12) On the same day of filing with the department of an application for a permit for the construction modification, or operation of a hazardous waste facility, the applicant shall notify each city and county within 1 mile of the facility of the filing of the application and shall publish notice of the filing of the application. The applicant shall publish a second notice of the filing within 14 days after the date of filing. Each notice shall be published *as provided in chapter 50* ~~in a newspaper of general circulation~~ in the county in which the facility is located or is proposed to be located. ~~Notwithstanding the provisions of chapter 50, for purposes of this section, a "newspaper of general circulation" shall be the newspaper within the county in which the installation or facility is proposed which has the largest daily circulation in that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notice shall appear in both the newspaper with the largest daily circulation in that county, and a newspaper authorized to publish legal notices in that county.~~ The notice shall contain:

(a) The name of the applicant and a brief description of the project and its location.

(b) The location of the application file and when it is available for public inspection.

The notice shall be prepared by the applicant and shall comply with the following format:

Notice of Application

The Department of Environmental Protection announces receipt of an application for a permit from (name of applicant) to (brief description of project). This proposed project will be located at (location) in (county) (city).

This application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at (name and address of office).

Section 29. Subsection (5) of section 849.38, Florida Statutes, is amended to read:

849.38 Proceedings for forfeiture; notice of seizure and order to show cause.—

(5) If the value of the property seized is shown by the sheriff's return to have an appraised value of $1,000 or less, the above citation shall be served by posting at three public places in the county, one of which shall be the front door of the courthouse; if the value of the property is shown by the sheriff's return to have an approximate value of more than $1,000, the citation shall be *published by print or posted for at least 2 consecutive weeks on a newspaper's website and the statewide legal notice website in accordance with s. 50.0211(5). If* published *in print, the citation shall appear* at least once each week for 2 consecutive weeks in *a* ~~some~~ newspaper *qualified to publish legal notices under chapter 50 that is* ~~of general publication~~ published in the county, if there *is* ~~be~~ such a newspaper published in the county. ~~and~~ If *there is no such newspaper* ~~not~~, *the* ~~then said~~ notice of such publication shall be made by certificate of the clerk if publication is made by posting, and by affidavit as provided in chapter 50, if made by publication *as provided in chapter 50* ~~in a newspaper~~, which affidavit or certificate shall be filed and become a part of the record in the cause. Failure of the record to show proof of such publication shall not affect any judgment made in the cause unless it shall affirmatively appear that no such publication was made.

Section 30. Paragraph (a) of subsection (6) of section 932.704, Florida Statutes, is amended to read:

932.704 Forfeiture proceedings.—

(6)(a) If the property is required by law to be titled or registered, or if the owner of the property is known in fact to the seizing agency, or if the seized property is subject to a perfected security interest in accordance with the Uniform Commercial Code, chapter 679, the attorney for the seizing agency shall serve the forfeiture complaint as an original service of process under the Florida Rules of Civil Procedure and other applicable law to each person having an ownership or security interest in the property. The seizing agency shall also publish, in accordance with chapter 50, notice of the forfeiture complaint *for 2 consecutive weeks on a newspaper's website and the statewide legal notice website in accordance with s. 50.0211(5) or, if published in print,* once each week for 2 consecutive weeks in a newspaper *qualified to publish legal notices under chapter 50* ~~of general circulation, as defined in s. 165.031,~~ in the county where the seizure occurred.

Section 31. This act shall take effect January 1, 2022.

And the title is amended as follows:

Delete everything before the enacting clause and insert: 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.

On motion by Senator Rodrigues, by two-thirds vote, **CS for HB 35**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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	Rouson	Thurston
Rodrigues	Stargel	Torres
Rodriguez	Stewart	Wright

Nays—None

Vote after roll call:

Yea—Taddeo

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 nonhomestead 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 residential 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.

—was read the second time by title.

Pending further consideration of **CS for SB 7068**, pursuant to Rule 3.11(3), there being no objection, **HB 7061** was withdrawn from the Committee on Appropriations.

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

HB 7061—A bill to be entitled An act relating to taxation; amending s. 125.0104, F.S.; removing provisions which require a county or subcounty special taxing district to receive an extraordinary vote of the governing board to increase the tourist development taxes for certain purposes; specifying that certain tourist development taxes are imposed by ordinance subject to referendum approval by a majority vote of the electors voting in such election; specifying the date in which certain ordinance imposed tourist development taxes become effective; authorizing a county to impose a tourist development tax to finance flood mitigation projects or improvements; correcting a cross-reference; amending s. 193.461, F.S.; requiring structures and equipment used in the production of aquaculture products to be assessed a specified way when the land is assessed using the income methodology approach; 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 on certain portions of property from ad valorem taxation are not affected so long as the predominant use of the property is for specified purposes; providing applicability; amending s. 196.1978, F.S.; revising the affordable housing property exemption to exempt from ad valorem taxation, rather than provide a discount to, certain multifamily projects after a certain timeframe; making clarifying changes; 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; 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; amending s. 201.08, F.S.; exempting from assessment of documentary stamp taxes the modification of certain documents which change only the interest rate under specified conditions; creating s. 211.0252, F.S.; providing a credit against oil and gas production taxes under the Strong Families Tax Credit; specifying requirements and procedures for, and limitations on, the credit; amending s. 211.3106, F.S.; specifying the severance tax rate for a certain heavy mineral under certain circumstances; amending s. 212.0305, F.S.; requiring specified counties to impose or increase a convention development tax only if approved by in a referendum approved by a majority of the registered electors voting in such election; specifying the calculation of the effective date of an approved levy; authorizing convention development taxes to finance flood mitigation projects or improvements; authorizing certain counties to impose a specified district convention development tax to finance flood mitigation projects or improvements; providing a form to be placed on the ballot; amending s. 212.03055, F.S.; providing that a special taxing district may not increase a tax without approval in a referendum by a majority vote of the electors; 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; providing definitions; 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 revoke or suspend certificates under certain circumstances; requiring the department to maintain an online certificate verification system; providing circumstances and requirements for and construction relating to

dealers accepting certificates in lieu of collecting certain taxes; providing criminal penalties for certain violations; authorizing the department to adopt rules; amending and reenacting s. 212.07, F.S.; authorizing dealers, subject to certain conditions, to advertise or hold out to the public that they will pay sales tax on behalf of the purchaser; 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; amending and reenacting s. 212.08, F.S.; extending the date the Department of Revenue can issue a specified tax exemption certificate; 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; amending s. 212.08, F.S., exempting from sales and use tax specified items that assist in independent living; providing applicability; 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; conforming a provision to changes made by the act; creating s. 212.1833, F.S.; providing credit against sales taxes payable by direct pay permit holders under the Strong Families Tax Credit; specifying requirements and procedures for, and limitations on, the credit; amending ss. 212.20 and 212.205, F.S.; conforming provisions to changes made by the act; amending s. 213.053, F.S.; authorizing the department to publish a list of forwarding agents' addresses on its website; amending s. 218.64, F.S.; conforming provisions to changes made by the act; amending s. 220.02, F.S.; revising the order in which the corporate income tax credit under the Strong Families Tax Credit is applied; amending s. 220.13, F.S.; revising the definition of the term "adjusted federal income"; amending s. 220.186, F.S.; revising the calculation of the corporate income tax credit for the Florida alternative minimum tax; creating s. 220.1876, F.S.; providing a credit against the corporate income tax under the Strong Families Tax Credit; specifying requirements and procedures for, and limitations on, the credit; amending s. 288.0001, F.S.; conforming provisions to changes made by the act; repealing s. 288.11625, F.S., relating to state funding for sports facility development by a unit of local government, or by a certified beneficiary or other applicant, on property owned by the local government; creating s. 402.62, F.S.; creating the Strong Families Tax Credit; defining terms; specifying requirements for the Department of Children and Families in designating eligible charitable organizations; specifying requirements for eligible charitable organizations receiving contributions; specifying duties of the Department of Children and Families; specifying a limitation on, and application procedures for, the tax credit; specifying requirements and procedures for, and restrictions on, the carryforward, conveyance, transfer, assignment, and rescindment of credits; specifying requirements and procedures for the Department of Revenue; providing construction; authorizing the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, and the Department of Children and Families to develop a cooperative agreement and adopt rules; authorizing certain interagency information sharing; creating ss. 561.1212 and 624.51056, F.S.; providing credits against excise taxes on certain alcoholic beverages and the insurance premium tax, respectively, under the Strong Families Tax Credit; specifying requirements and procedures for, and limitations on, the credits; amending s. 624.509, F.S.; revising the order in which credits are taken for purposes of the insurance premium tax; providing sales tax exemptions for certain disaster preparedness supplies during a certain timeframe; specifying locations where the exemptions do not apply; authorizing the department to adopt emergency rules; providing sales tax exemptions for certain clothing, 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 admissions and items used in recreational events and activities during a certain timeframe; providing definitions; specifying locations where the exemptions do not apply; authorizing the department to adopt emergency rules; providing an appropriation for the Strong Families Tax Credit; authorizing the Department of Revenue to adopt emergency rules related to the Strong Families Tax Credit; authorizing the Department of Revenue to adopt emergency rules relating to changes made to s. 212.06, F.S.; providing for expiration of that authority; requiring the Florida Institute for Child Welfare to provide a certain report to the Governor and the Legislature by a specified date; providing an effective date.

—a companion measure, was substituted for **CS for SB 7068** and read the second time by title.

Senator Rodriguez moved the following amendment which was adopted:

Amendment 1 (938318) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Effective upon this act becoming a law, section 193.019, Florida Statutes, is repealed.*

Section 2. Paragraph (a) of subsection (3) and paragraph (b) of subsection (4) of section 193.155, Florida Statutes, are amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption unless the provisions of subsection (8) apply.

(3)(a) Except as provided in this subsection or subsection (8), property assessed under this section shall be assessed at just value as of January 1 of the year following a change of ownership. Thereafter, the annual changes in the assessed value of the property are subject to the limitations in subsections (1) and (2). For the purpose of this section, a change of ownership means any sale, foreclosure, or transfer of legal title or beneficial title in equity to any person, except if *any of the following apply*:

1. Subsequent to the change or transfer, the same person is entitled to the homestead exemption as was previously entitled and:

a. The transfer of title is to correct an error;

b. The transfer is between legal and equitable title or equitable and equitable title and no additional person applies for a homestead exemption on the property;

c. The change or transfer is by means of an instrument in which the owner is listed as both grantor and grantee of the real property and one or more other individuals are additionally named as grantee. However, if any individual who is additionally named as a grantee applies for a homestead exemption on the property, the application is considered a change of ownership; ~~or~~

d. *The change or transfer is by means of an instrument in which the owner entitled to the homestead exemption is listed as both grantor and grantee of the real property and one or more other individuals, all of whom held title as joint tenants with rights of survivorship with the owner, are named only as grantors and are removed from the title; or*

e. The person is a lessee entitled to the homestead exemption under s. 196.041(1).

2. Legal or equitable title is changed or transferred between husband and wife, including a change or transfer to a surviving spouse or a transfer due to a dissolution of marriage;

3. The transfer occurs by operation of law to the surviving spouse or minor child or children under s. 732.401; ~~or~~

4. Upon the death of the owner, the transfer is between the owner and another who is a permanent resident and who is legally or naturally dependent upon the owner*; or*

5. The transfer occurs with respect to a property where all of the following apply:

a. Multiple owners hold title as joint tenants with rights of survivorship;

b. One or more owners were entitled to and received the homestead exemption on the property;

c. The death of one or more owners occurs; and

d. Subsequent to the transfer, the surviving owner or owners previously entitled to and receiving the homestead exemption continue to be entitled to and receive the homestead exemption.

(4)

(b)*1.* Changes, additions, or improvements that replace all or a portion of homestead property*, including ancillary improvements,* damaged or destroyed by misfortune or calamity *shall be assessed upon substantial completion as provided in this paragraph. Such assessment must be calculated using* ~~shall not increase~~ the homestead property's assessed value *as of the January 1 immediately before the date on which the damage or destruction was sustained, subject to the assessment limitations in subsections (1) and (2),* when*:*

a. The square footage of the homestead property as changed or improved does not exceed 110 percent of the square footage of the homestead property before the damage or destruction*; or*~~.~~

b. ~~Additionally, the homestead property's assessed value shall not increase if~~ The total square footage of the homestead property as changed or improved does not exceed 1,500 square feet. ~~Changes, additions, or improvements that do not cause the total to exceed 110 percent of the total square footage of the homestead property before the damage or destruction or that do not cause the total to exceed 1,500 total square feet shall be reassessed as provided under subsection (1).~~

2. The homestead property's assessed value *must* ~~shall~~ be increased by the just value of that portion of the changed or improved homestead property which is in excess of 110 percent of the square footage of the homestead property before the damage or destruction or of that portion exceeding 1,500 square feet.

3. Homestead property damaged or destroyed by misfortune or calamity which, after being changed or improved, has a square footage of less than 100 percent of the homestead property's total square footage before the damage or destruction shall be assessed pursuant to subsection (5).

4. Changes, additions, or improvements assessed pursuant to this paragraph must be reassessed pursuant to subsection (1) in subsequent years. This paragraph applies to changes, additions, or improvements commenced within 3 years after the January 1 following the damage or destruction of the homestead.

Section 3. Effective upon the effective date of the amendment to the State Constitution proposed by HJR 1377, 2021 Regular Session, or a similar joint resolution having substantially the same specific intent and purpose, if such amendment to the State Constitution is approved at the general election held in November 2022 or at an earlier special election specifically authorized by law for that purpose, paragraph (b) of subsection (4) of section 193.155, Florida Statutes, as amended by this act, and paragraph (c) of that subsection are amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption unless the provisions of subsection (8) apply.

(4)

(b)1. Changes, additions, or improvements that replace all or a portion of homestead property, including ancillary improvements, *which was* damaged or destroyed by misfortune or calamity *or which was voluntarily elevated* shall be assessed upon substantial completion as provided in this paragraph. Such assessment must be calculated using the homestead property's assessed value as of the January 1 immediately before the date on which the damage or destruction was sustained *or the property was voluntarily elevated*, subject to the assessment limitations in subsections (1) and (2), when:

a. The square footage of the homestead property as changed*,* ~~or~~ improved*, or elevated* does not exceed 110 percent of the square footage of the homestead property before the damage*,* ~~or~~ destruction*, or elevation*; or

b. The total square footage of the homestead property as changed*,* ~~or~~ improved*, or elevated* does not exceed 1,500 square feet.

2. The homestead property's assessed value must be increased by the just value of that portion of the changed*,* ~~or~~ improved*, or elevated* homestead property which is in excess of 110 percent of the square footage of the homestead property before the *qualifying* damage*,* ~~or~~ destruction*, or voluntary elevation* or of that portion exceeding 1,500 square feet.

3. Homestead property damaged*,* ~~or~~ destroyed*, or voluntarily elevated* ~~by misfortune or calamity~~ which, after being changed or improved, has a square footage of less than 100 percent of the homestead property's total square footage before the *qualifying* damage*,* ~~or~~ destruction*, or voluntary elevation* shall be assessed pursuant to subsection (5).

4.a. Voluntarily elevated property qualifies under this paragraph if, at the time the voluntary elevation commenced:

(I) The homestead property was not deemed uninhabitable in part or in whole under state or local law;

(II) All ad valorem taxes, special assessments, county or municipal utility charges, and other government-imposed liens against the homestead property had been paid; and

(III) The homestead property did not comply with the Federal Emergency Management Agency's National Flood Insurance Program requirements and Florida Building Code elevation requirements and was elevated in compliance with such requirements. The property owner must provide elevation certificates for both the original and elevated homestead property. As used in this paragraph, the term "voluntary elevation" or "voluntarily elevated" means the elevation of an existing nonconforming homestead property or the removal and rebuilding of a nonconforming homestead property.

b. Conforming areas below an elevated structure designated only for parking, storage, or access may not be included in the 110 percent calculation unless the area exceeds 110 percent of the lowest level square footage before the voluntary elevation, in which case the area in excess of 110 percent of the lowest level square footage before the voluntary elevation shall be included in the 110 percent calculation.

c. This paragraph does not apply to homestead property that was voluntarily elevated if, after completion of the elevation, there is a change in the classification of the property pursuant to s. 195.073(1).

5.~~4.~~ Changes, additions, or improvements assessed pursuant to this paragraph must be reassessed pursuant to subsection (1) in subsequent years. *For changes, additions, or improvement made to replace property that was damaged or destroyed by misfortune or calamity,* this paragraph applies to *the* changes, additions, or improvements commenced within 3 years after the January 1 following the *qualifying* damage or destruction of the homestead *property*.

(c) Changes, additions, or improvements that replace all or a portion of real property that was damaged*,* ~~or~~ destroyed*, or voluntarily elevated* ~~by misfortune or calamity~~ shall be assessed upon substantial completion as if such *qualifying* damage*,* ~~or~~ destruction*, or voluntary elevation* had not occurred and in accordance with paragraph (b) if the owner of such property:

1. Was permanently residing on such property when the *qualifying* damage*,* ~~or~~ destruction*, or voluntary elevation* occurred;

2. Was not entitled to receive homestead exemption on such property as of January 1 of that year; and

3. Applies for and receives homestead exemption on such property the following year.

Section 4. Paragraph (b) of subsection (6) of section 193.1554, Florida Statutes, is amended to read:

193.1554 Assessment of nonhomestead residential property.—

(6)

(b)*1.* Changes, additions, or improvements that replace all or a portion of nonhomestead residential property*, including ancillary improvements,* damaged or destroyed by misfortune or calamity *must be assessed upon substantial completion as provided in this paragraph. Such assessment must be calculated using* ~~shall not increase~~ the *nonhomestead* property's assessed value *as of the January 1 immediately before the date on which the damage or destruction was sustained, subject to the assessment limitations in subsections (3) and (4),* when*:*

a. The square footage of the property as changed or improved does not exceed 110 percent of the square footage of the property before the damage or destruction*; or*~~.~~

b. ~~Additionally, the property's assessed value shall not increase if~~ The total square footage of the property as changed or improved does not exceed 1,500 square feet. ~~Changes, additions, or improvements that do not cause the total to exceed 110 percent of the total square footage of the property before the damage or destruction or that do not cause the total to exceed 1,500 total square feet shall be reassessed as provided under subsection (3).~~

2. The property's assessed value *must* ~~shall~~ be increased by the just value of that portion of the changed or improved property which is in excess of 110 percent of the square footage of the property before the damage or destruction or of that portion exceeding 1,500 square feet.

3. Property damaged or destroyed by misfortune or calamity which, after being changed or improved, has a square footage of less than 100 percent of the property's total square footage before the damage or destruction shall be assessed pursuant to subsection (8).

4. Changes, additions, or improvements assessed pursuant to this paragraph shall be reassessed pursuant to subsection (3) in subsequent years. This paragraph applies to changes, additions, or improvements commenced within 3 years after the January 1 following the damage or destruction of the property.

Section 5. Effective upon the effective date of the amendment to the State Constitution proposed by HJR 1377, 2021 Regular Session, or a similar joint resolution having substantially the same specific intent and purpose, if such amendment to the State Constitution is approved at the general election held in November 2022 or at an earlier special election specifically authorized by law for that purpose, paragraph (b) of subsection (6) of section 193.1554, Florida Statutes, as amended by this act, is amended to read:

193.1554 Assessment of nonhomestead residential property.—

(6)

(b)1. Changes, additions, or improvements that replace all or a portion of nonhomestead residential property, including ancillary improvements, *which was* damaged or destroyed by misfortune or calamity *or which was voluntarily elevated* must be assessed upon substantial completion as provided in this paragraph. Such assessment must be calculated using the nonhomestead property's assessed value as of the January 1 immediately before the date on which the damage or destruction was sustained *or the property was voluntarily elevated*, subject to the assessment limitations in subsections (3) and (4), when:

a. The square footage of the property as changed*,* ~~or~~ improved*, or elevated* does not exceed 110 percent of the square footage of the property before the *qualifying* damage*,* ~~or~~ destruction*, or elevation*; or

b. The total square footage of the property as changed*,* ~~or~~ improved*, or elevated* does not exceed 1,500 square feet.

2. The property's assessed value must be increased by the just value of that portion of the changed*,* ~~or~~ improved*, or elevated* property which is in excess of 110 percent of the square footage of the property before the *qualifying* damage*,* ~~or~~ destruction*, or voluntary elevation* or of that portion exceeding 1,500 square feet.

3. Property damaged*,* ~~or~~ destroyed*, or voluntarily elevated* ~~by misfortune or calamity~~ which, after being changed or improved, has a square footage of less than 100 percent of the property's total square footage before the *qualifying* damage*,* ~~or~~ destruction*, or voluntary elevation* shall be assessed pursuant to subsection (8).

4.a. Voluntarily elevated property qualifies under this paragraph if, at the time the voluntary elevation commenced:

(I) The property was not deemed uninhabitable in part or in whole under state or local law;

(II) All ad valorem taxes, special assessments, county or municipal utility charges, and other government-imposed liens against the property had been paid; and

(III) The property did not comply with the Federal Emergency Management Agency's National Flood Insurance Program requirements and Florida Building Code elevation requirements and was elevated in compliance with such requirements. The property owner must provide elevation certificates for both the original and elevated property. As used in this paragraph, the term "voluntary elevation" or "voluntarily elevated" means the elevation of an existing nonconforming nonhomestead residential property or the removal and rebuilding of nonconforming nonhomestead residential property.

b. Conforming areas below an elevated structure designated only for parking, storage, or access may not be included in the 110 percent calculation unless the area exceeds 110 percent of the lowest level square footage before the voluntary elevation, in which case the area in excess of 110 percent of the lowest level square footage before the voluntary elevation shall be included in the 110 percent calculation.

c. This paragraph does not apply to nonhomestead residential property that was voluntarily elevated if, after completion of the elevation, there is a change in the classification of the property pursuant to s. 195.073(1).

5.~~4.~~ Changes, additions, or improvements assessed pursuant to this paragraph shall be reassessed pursuant to subsection (3) in subsequent years. *For changes, additions, or improvements made to replace property that was damaged or destroyed by misfortune or calamity,* this paragraph applies to *the* changes, additions, or improvements commenced within 3 years after the January 1 following the *qualifying* damage or destruction of the property.

Section 6. Paragraph (b) of subsection (6) of section 193.1555, Florida Statutes, is amended to read:

193.1555 Assessment of certain residential and nonresidential real property.—

(6)

(b)*1.* Changes, additions, or improvements that replace all or a portion of nonresidential real property*, including ancillary improvements,* damaged or destroyed by misfortune or calamity *must be assessed upon substantial completion as provided in this paragraph. Such assessment must be calculated using* ~~shall not increase~~ the *nonresidential real* property's assessed value *as of the January 1 immediately before the date on which the damage or destruction was sustained, subject to the assessment limitations in subsections (3) and (4),* when*:*

a. The square footage of the property as changed or improved does not exceed 110 percent of the square footage of the property before the damage or destruction*;* and

b. The changes, additions, or improvements do not change the property's character or use. ~~Changes, additions, or improvements that do not cause the total to exceed 110 percent of the total square footage of the property before the damage or destruction and do not change the property's character or use shall be reassessed as provided under subsection (3).~~

2. The property's assessed value *must* ~~shall~~ be increased by the just value of that portion of the changed or improved property which is in excess of 110 percent of the square footage of the property before the damage or destruction.

3. Property damaged or destroyed by misfortune or calamity which, after being changed or improved, has a square footage of less than 100 percent of the property's total square footage before the damage or destruction shall be assessed pursuant to subsection (8).

4. Changes, additions, or improvements assessed pursuant to this paragraph must be reassessed pursuant to subsection (3) in subsequent years. This paragraph applies to changes, additions, or improvements commenced within 3 years after the January 1 following the damage or destruction of the property.

Section 7. *(1) The amendments made by this act to ss. 193.155(4), 193.1554, and 193.1555, Florida Statutes, which are effective July 1, 2021, are remedial and clarifying in nature, but the amendments may not affect any assessment for tax rolls before 2021 unless the assessment is under review by a value adjustment board or a Florida court as of July 1, 2021. If changes, additions, or improvements that replaced all or a portion of property damaged or destroyed by misfortune or calamity were not assessed in accordance with this act as of the January 1 immediately after they were substantially completed, the property appraiser must determine the assessment for the year they were substantially completed and recalculate the just and assessed value for each subsequent year so that the 2021 tax roll and subsequent tax rolls will be corrected.*

(2) The amendments made by this act to ss. 193.155(4), 193.1554, and 193.1555, Florida Statutes, which are effective July 1, 2021, apply retroactively to assessments made on or after January 1, 2021.

Section 8. Subsection (2) of section 196.196, Florida Statutes, is amended to read:

196.196 Determining whether property is entitled to charitable, religious, scientific, or literary exemption.—

(2) Only those portions of property used predominantly for charitable, religious, scientific, or literary purposes *are* ~~shall be~~ exempt. *The portions of property which are not predominantly used for charitable, religious, scientific, or literary purposes are not exempt. An exemption for the portions of property used for charitable, religious, scientific, or literary purposes is not affected so long as the predominant use of such property is for charitable, religious, scientific, or literary purposes.* In no event shall an incidental use of property either qualify such property for an exemption or impair the exemption of an otherwise exempt property.

Section 9. *The amendment made by this act to s. 196.196, Florida Statutes, first applies to the 2022 tax roll and does not provide a basis for an assessment of any tax not paid or create a right to a refund or credit of any tax paid before July 1, 2021.*

Section 10. Subsection (2) of section 196.1978, Florida Statutes, is amended to read:

196.1978 Affordable housing property exemption.—

(2)(a) Notwithstanding ss. 196.195 and 196.196, property in a multifamily project that meets the requirements of this paragraph is considered property used for a charitable purpose and *is exempt* ~~shall receive a 50 percent discount~~ from ~~the amount of~~ ad valorem tax ~~otherwise owed~~ beginning with the January 1 assessment after the 15th completed year of the term of the recorded agreement on those portions of the affordable housing property that provide housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004. The multifamily project must:

1. Contain more than 70 units that are used to provide affordable housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004; and

2. Be subject to an agreement with the Florida Housing Finance Corporation recorded in the official records of the county in which the property is located to provide affordable housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004.

This *exemption* ~~discount~~ terminates if the property no longer serves extremely-low-income, very-low-income, or low-income persons pursuant to the recorded agreement.

(b) To receive the *exemption* ~~discount~~ under paragraph (a), a qualified applicant must submit an application to the county property appraiser by March 1.

(c) The property appraiser shall apply the *exemption to* ~~discount by reducing the taxable value on~~ those portions of the affordable housing property that provide housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004 before certifying the tax roll to the tax collector.

~~1. The property appraiser shall first ascertain all other applicable exemptions, including exemptions provided pursuant to local option, and deduct all other exemptions from the assessed value.~~

~~2. Fifty percent of the remaining value shall be subtracted to yield the discounted taxable value.~~

~~3. The resulting taxable value shall be included in the certification for use by taxing authorities in setting millage.~~

~~4. The property appraiser shall place the discounted amount on the tax roll when it is extended.~~

Section 11. Section 196.198, Florida Statutes, is amended to read:

196.198 Educational property exemption.—Educational institutions within this state and their property used by them or by any other exempt entity or educational institution exclusively for educational purposes are exempt from taxation. Sheltered workshops providing rehabilitation and retraining of individuals who have disabilities and exempted by a certificate under s. (d) of the federal Fair Labor Standards Act of 1938, as amended, are declared wholly educational in purpose and are exempt from certification, accreditation, and membership requirements set forth in s. 196.012. Those portions of property of college fraternities and sororities certified by the president of the college or university to the appropriate property appraiser as being essential to the educational process are exempt from ad valorem taxation. The use of property by public fairs and expositions chartered by chapter 616 is presumed to be an educational use of such property and is exempt from ad valorem taxation to the extent of such use. Property used exclusively for educational purposes shall be deemed owned by an educational institution if the entity owning 100 percent of the educational institution is owned by the identical persons who own the property, or if the entity owning 100 percent of the educational institution and the entity owning the property are owned by the identical natural persons. Land, buildings, and other improvements to real property used exclusively for educational purposes shall be deemed owned by an educational institution if the entity owning 100 percent of the land is a nonprofit entity and the land is used, under a ground lease or other contractual arrangement, by an educational institution that owns the buildings and other improvements to the real property, is a nonprofit entity under s. 501(c)(3) of the Internal Revenue Code, and provides education limited to students in prekindergarten through grade 8. *Land, buildings, and other improvements to real property used exclusively for educational purposes are deemed owned by an educational institution if the educational institution that currently uses the land, buildings, and other improvements for educational purposes is an educational institution described in s. 212.0602, and, under a lease, the educational institution is responsible for any taxes owed and for ongoing maintenance and operational expenses for the land, buildings, and other improvements. For such leasehold properties, the educational institution shall receive the full benefit of the exemption. The owner of the property shall disclose to the educational institution the full amount of the benefit derived from the exemption and the method for ensuring that the educational institution receives the benefit. Notwithstanding ss. 196.195 and 196.196, property owned by a house of public worship and used by an educational institution for educational purposes limited to students in preschool through grade 8 shall be exempt from ad valorem taxes.* If legal title to property is held by a governmental agency that leases the property to a lessee, the property shall be deemed to be owned by the governmental agency and used exclusively for educational purposes if the governmental agency continues to use such property exclusively for educational purposes pursuant to a sublease or other contractual agreement with that lessee. If the title to land is held by the trustee of an irrevocable inter vivos trust and if the trust grantor owns 100 percent of the entity that owns an educational institution that is using the land exclusively for educational purposes, the land is deemed to be property owned by the educational institution for purposes of this ex-

emption. Property owned by an educational institution shall be deemed to be used for an educational purpose if the institution has taken affirmative steps to prepare the property for educational use. The term "affirmative steps" means environmental or land use permitting activities, creation of architectural plans or schematic drawings, land clearing or site preparation, construction or renovation activities, or other similar activities that demonstrate commitment of the property to an educational use.

Section 12. *The amendment made by this act to s. 196.198, Florida Statutes, relating to certain property owned by a house of public worship, is remedial and clarifying in nature and applies to actions pending as of July 1, 2021.*

Section 13. Paragraph (a) of subsection (1) of section 197.222, Florida Statutes, is amended to read:

197.222 Prepayment of estimated tax by installment method.—

(1) Taxes collected pursuant to this chapter may be prepaid in installments as provided in this section. A taxpayer may elect to prepay by installments for each tax notice for taxes estimated to be more than $100. A taxpayer who elects to prepay shall make payments based upon an estimated tax equal to the actual taxes levied upon the subject property in the prior year. In order to prepay by installments, the taxpayer must complete and file an application for each tax notice with the tax collector on or before April 30 of the year in which the taxpayer elects to prepay the taxes. After submission of an initial application, a taxpayer is not required to submit additional annual applications as long as he or she continues to elect to prepay taxes in installments. However, if in any year the taxpayer does not so elect, reapplication is required for a subsequent election. Installment payments shall be made according to the following schedule:

(a) The first payment of one-quarter of the total amount of estimated taxes due must be made by June 30 of the year in which the taxes are assessed. A 6 percent discount applied against the amount of the installment shall be granted for such payment. The tax collector *shall* ~~may~~ accept a late payment of the first installment through July 31~~, and the late payment must be accompanied by a penalty of 5 percent of the amount of the installment due~~.

Section 14. Subsection (5) of section 201.08, Florida Statutes, is amended to read:

201.08 Tax on promissory or nonnegotiable notes, written obligations to pay money, or assignments of wages or other compensation; exception.—

(5) For purposes of this section, a renewal shall only include modifications of an original document which change the terms of the indebtedness evidenced by the original document by adding one or more obligors, increasing the principal balance, or changing the interest rate, maturity date, or payment terms. Modifications to documents which do not modify the terms of the indebtedness evidenced such as those given or recorded to correct error; modify covenants, conditions, or terms unrelated to the debt; sever a lien into separate liens; provide for additional, substitute, or further security for the indebtedness; consolidate indebtedness or collateral; add, change, or delete guarantors; or which substitute a new mortgagee or payee are not renewals and are not subject to tax pursuant to this section. *A modification of an original document which changes only the interest rate and is made as the result of the discontinuation of an index to which the original interest rate is referenced is not a renewal and is not subject to the tax pursuant to this section.* If the taxable amount of a mortgage is limited by language contained in the mortgage or by the application of rules limiting the tax base when there is collateral in more than one state, then a modification which changes such limitation or tax base shall be taxable only to the extent of any increase in the limitation or tax base attributable to such modification. This subsection shall not be interpreted to exempt from taxation an original mortgage that would otherwise be subject to tax pursuant to paragraph (1)(b).

Section 15. Effective upon this act becoming a law, paragraph (b) of subsection (2) of section 210.20, Florida Statutes, is amended to read:

210.20 Employees and assistants; distribution of funds.—

(2) As collections are received by the division from such cigarette taxes, it shall pay the same into a trust fund in the State Treasury designated "Cigarette Tax Collection Trust Fund" which shall be paid and distributed as follows:

(b) Beginning July 1, 2004, and continuing through June 30, 2013, the division shall from month to month certify to the Chief Financial Officer the amount derived from the cigarette tax imposed by s. 210.02, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying an amount equal to 1.47 percent of the net collections, and that amount shall be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, established under s. 1004.43, by warrant drawn by the Chief Financial Officer. Beginning July 1, 2014, and continuing through June 30, *2021* ~~2053~~, the division shall from month to month certify to the Chief Financial Officer the amount derived from the cigarette tax imposed by s. 210.02, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying an amount equal to 4.04 percent of the net collections, and that amount shall be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, established under s. 1004.43, by warrant drawn by the Chief Financial Officer. *Beginning July 1, 2021, and continuing through June 30, 2024, the division shall from month to month certify to the Chief Financial Officer the amount derived from the cigarette tax imposed by s. 210.02, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying an amount equal to 7 percent of the net collections, and that amount shall be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, established under s. 1004.43, by warrant drawn by the Chief Financial Officer. Beginning July 1, 2024, and continuing through June 30, 2054, the division shall from month to month certify to the Chief Financial Officer the amount derived from the cigarette tax imposed by s. 210.02, less the service charges provided for in s. 215.20 and less 0.9 percent of the amount derived from the cigarette tax imposed by s. 210.02, which shall be deposited into the Alcoholic Beverage and Tobacco Trust Fund, specifying an amount equal to 10 percent of the net collections, and that amount shall be paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, established under s. 1004.43, by warrant drawn by the Chief Financial Officer.* These funds are appropriated monthly out of the Cigarette Tax Collection Trust Fund, to be used for lawful purposes, including constructing, furnishing, equipping, financing, operating, and maintaining cancer research and clinical and related facilities; furnishing, equipping, operating, and maintaining other properties owned or leased by the H. Lee Moffitt Cancer Center and Research Institute; and paying costs incurred in connection with purchasing, financing, operating, and maintaining such equipment, facilities, and properties. In fiscal years 2004-2005 and thereafter, the appropriation to the H. Lee Moffitt Cancer Center and Research Institute authorized by this paragraph shall not be less than the amount that would have been paid to the H. Lee Moffitt Cancer Center and Research Institute in fiscal year 2001-2002, had this paragraph been in effect.

Section 16. Section 211.0253, Florida Statutes, is created to read:

211.0253 Credit for contributions to eligible charitable organizations.—Beginning January 1, 2022, there is allowed a credit of 100 percent of an eligible contribution made to an eligible charitable organization under s. 402.62 against any tax due under s. 211.02 or s. 211.025. However, the combined credit allowed under this section and s. 211.0251 may not exceed 50 percent of the tax due on the return on which the credit is taken. If the combined credit allowed under this section and s. 211.0251 exceeds 50 percent of the tax due on the return, the credit must first be taken under s. 211.0251. Any remaining liability must be taken under this section, but may not exceed 50 percent of the tax due. For purposes of the distributions of tax revenue under s. 211.06, the department shall disregard any tax credits allowed under this section to ensure that any reduction in tax revenue received which is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund. Section 402.62 applies to the credit authorized by this section.

Section 17. Effective upon this act becoming a law, paragraph (e) of subsection (3) of section 211.3106, Florida Statutes, is amended to read:

211.3106 Levy of tax on severance of heavy minerals; rate, basis, and distribution of tax.—

(3)

(e) *If* ~~In the event~~ the producer price index for titanium dioxide is discontinued *or can no longer be calculated*, ~~then~~ a comparable index *must* ~~shall~~ be selected by the department and adopted by rule. *If there is no comparable index, the tax rate for the immediately preceding year must be used.*

Section 18. Effective January 1, 2022, paragraph (m) is added to subsection (2) of section 212.06, Florida Statutes, and subsection (5) of that section, as amended by section 8 of chapter 2021-2, Laws of Florida, is amended, to read:

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

(2)

(m) The term "dealer" also means a forwarding agent as defined in subparagraph (5)(b)1. who has applied for and received a Florida Certificate of Forwarding Agent Address from the department.

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

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

b. For purposes of this subparagraph, *the term* "~~a~~ cooperating state" *means a state* ~~is one~~ determined by the executive director of the department to cooperate satisfactorily with this state in collecting taxes on remote sales. *To be determined a cooperating state, a* ~~No~~ state *must meet* ~~shall be so determined unless it meets~~ all the following minimum requirements:

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

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

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

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

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

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

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

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

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

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

(b)1. *As used in this subsection, the term:*

a. "Certificate" means a Florida Certificate of Forwarding Agent Address.

b. "Facilitating" means preparation for or arranging for export.

c. "Forwarding agent" means a person or business whose principal business activity is facilitating for compensation the export of property owned by other persons.

d. "NAICS" means those classifications contained in the North American Industry Classification System as published in 2007 by the Office of Management and Budget, Executive Office of the President.

e. "Principal business activity" means the activity from which the person or business derives the highest percentage of its total receipts.

2. A forwarding agent engaged in international export may apply to the department for a certificate.

3. Each application must include:

a. The designation of an address for the forwarding agent.

b. A certification that:

(I) The tangible personal property delivered to the designated address for export originates with a United States vendor;

(II) The tangible personal property delivered to the designated address for export is irrevocably committed to export out of the United States through a continuous and unbroken exportation process; and

(III) The designated address is used exclusively by the forwarding agent for such export.

c. A copy of the forwarding agent's last filed federal income tax return showing the entity's principal business activity classified under NAICS code 488510, except as provided under subparagraph 4. or subparagraph 5.

d. A statement of the total revenues of the forwarding agent.

e. A statement of the amount of revenues associated with international export of the forwarding agent.

f. A description of all business activity that occurs at the designated address.

g. The name and contact information of a designated contact person of the forwarding agent.

h. The forwarding agent's website address.

i. Any additional information the department requires by rule to demonstrate eligibility for the certificate and a signature attesting to the validity of the information provided.

4. An applicant that has not filed a federal return for the preceding tax year under NAICS code 488510 shall provide all of the following:

a. A statement of estimated total revenues.

b. A statement of estimated revenues associated with international export.

c. The NAICS code under which the forwarding agent intends to file a federal return.

5. If an applicant does not file a federal return identifying a NAICS code, the applicant shall provide documentation to support that its principal business activity is that of a forwarding agent and that the applicant is otherwise eligible for the certificate.

6. A forwarding agent that applies for and receives a certificate shall register as a dealer with the department.

7. A forwarding agent shall remit the tax imposed under this chapter on any tangible personal property shipped to the designated forwarding agent address if no tax was collected and the tangible personal property remained in this state or if delivery to the purchaser or purchaser's representative occurs in this state. This subparagraph does not prohibit the forwarding agent from collecting such tax from the consumer of the tangible personal property.

8. A forwarding agent shall maintain the following records:

a. Copies of sales invoices or receipts between the vendor and the consumer when provided by the vendor to the forwarding agent. If sales invoices or receipts are not provided to the forwarding agent, the forwarding agent must maintain export documentation evidencing the value of the purchase consistent with the federal Export Administration Regulations, 15 C.F.R. parts 730-774.

b. Copies of federal returns evidencing the forwarding agent's NAICS principal business activity code.

c. Copies of invoices or other documentation evidencing shipment to the forwarding agent.

d. Invoices between the forwarding agent and the consumer or other documentation evidencing the ship-to destination outside the United States.

e. Invoices for foreign postal or transportation services.

f. Bills of lading.

g. Any other export documentation.

Such records must be kept in an electronic format and made available for the department's review pursuant to subparagraph 9. and ss. 212.13 and 213.35.

9. Each certificate expires 5 years after the date of issuance, except as specified in this subparagraph.

a. At least 30 days before expiration, a new application must be submitted to renew the certificate and the application must contain the information required in subparagraph 3. Upon application for renewal, the certificate is subject to the review and reissuance procedures prescribed by this chapter and department rule.

b. Each forwarding agent shall update its application information annually or within 30 days after any material change.

c. The department shall verify that the forwarding agent is actively engaged in facilitating the international export of tangible personal property.

d. The department may suspend or revoke the certificate of any forwarding agent that fails to respond within 30 days to a written request for information regarding its business transactions.

10. The department shall provide a list on the department's website of forwarding agents that have applied for and received a Florida Certificate of Forwarding Agent Address from the department. The list must include a forwarding agent's entity name, address, and expiration date as provided on the Florida Certificate of Forwarding Agent Address.

11. A dealer may accept a copy of the forwarding agent's certificate or rely on the list of forwarding agents' names and addresses on the department's website in lieu of collecting the tax imposed under this chapter when the property is required by terms of the sale to be shipped to the designated address on the certificate. A dealer who accepts a valid copy of a certificate or relies on the list of forwarding agents' names and addresses on the department's website in good faith and ships purchased tangible personal property to the address on the certificate is not liable for any tax due on sales made during the effective dates indicated on the certificate.

12. The department may revoke a forwarding agent's certificate for noncompliance with this paragraph. Any person found to fraudulently use the address on the certificate for the purpose of evading tax is subject to the penalties provided in s. 212.085.

13. The department may adopt rules to administer this paragraph, including, but not limited to, rules relating to procedures, application and eligibility requirements, and forms.

(c)1. Notwithstanding ~~the provisions of~~ paragraph (a), it is not the intention of this chapter to levy a tax on the sale of tangible personal property to a nonresident dealer who does not hold a Florida sales tax registration, provided such nonresident dealer furnishes the seller a statement declaring that the tangible personal property will be transported outside this state by the nonresident dealer for resale and for no other purpose. The statement *must* ~~shall~~ include, but not be limited to, the nonresident dealer's name, address, applicable passport or visa number, arrival-departure card number, and evidence of authority to do business in the nonresident dealer's home state or country, such as his or her business name and address, occupational license number, if applicable, or any other suitable requirement. The statement *must* ~~shall~~ be signed by the nonresident dealer and *must* ~~shall~~ include the following sentence: "Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged are true to the best of my knowledge and belief."

2. The burden of proof of subparagraph 1. rests with the seller, who must retain the proper documentation to support the exempt sale. The exempt transaction is subject to verification by the department.

(d)~~(c)~~ Notwithstanding ~~the provisions of~~ paragraph (a), it is not the intention of this chapter to levy a tax on the sale by a printer to a

nonresident print purchaser of material printed by that printer for that nonresident print purchaser when the print purchaser does not furnish the printer a resale certificate containing a sales tax registration number but does furnish to the printer a statement declaring that such material will be resold by the nonresident print purchaser.

Section 19. Subsections (4) and (8) of section 212.07, Florida Statutes, are amended, and paragraph (c) of subsection (1) and subsection (2) of that section are republished, to read:

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

(1)

(c) Unless the purchaser of tangible personal property that is incorporated into tangible personal property manufactured, produced, compounded, processed, or fabricated for one's own use and subject to the tax imposed under s. 212.06(1)(b) or is purchased for export under s. 212.06(5)(a)1. extends a certificate in compliance with the rules of the department, the dealer shall himself or herself be liable for and pay the tax.

(2) A dealer shall, as far as practicable, add the amount of the tax imposed under this chapter to the sale price, and the amount of the tax shall be separately stated as Florida tax on any charge ticket, sales slip, invoice, or other tangible evidence of sale. Such tax shall constitute a part of such price, charge, or proof of sale which shall be a debt from the purchaser or consumer to the dealer, until paid, and shall be recoverable at law in the same manner as other debts. Where it is impracticable, due to the nature of the business practices within an industry, to separately state Florida tax on any charge ticket, sales slip, invoice, or other tangible evidence of sale, the department may establish an effective tax rate for such industry. The department may also amend this effective tax rate as the industry's pricing or practices change. Except as otherwise specifically provided, any dealer who neglects, fails, or refuses to collect the tax herein provided upon any, every, and all retail sales made by the dealer or the dealer's agents or employees of tangible personal property or services which are subject to the tax imposed by this chapter shall be liable for and pay the tax himself or herself.

(4)*(a) Except as provided in paragraph (b),* a dealer engaged in any business taxable under this chapter may not advertise or hold out to the public, in any manner, directly or indirectly, that he or she will *pay* ~~absorb~~ all or any part of the tax, or that he or she will relieve the purchaser of the payment of all or any part of the tax, or that the tax will not be added to the selling price of the property or services sold or released or, when added, that it or any part thereof will be refunded either directly or indirectly by any method whatsoever.

(b) Notwithstanding any provision of this chapter to the contrary, a dealer may advertise or hold out to the public that he or she will pay all or any part of the tax on behalf of the purchaser, subject to both of the following conditions:

1. The dealer must expressly state on any charge ticket, sales slip, invoice, or other tangible evidence of sale given to the purchaser that the dealer will pay to the state the tax imposed by this chapter. The dealer may not indicate or imply that the transaction is exempt or excluded from the tax imposed by this chapter.

2. A charge ticket, sales slip, invoice, or other tangible evidence of the sale given to the purchaser must separately state the sale price and the amount of the tax in accordance with subsection (2).

(c) A person who violates this *subsection commits* ~~provision with respect to advertising or refund is guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A second or subsequent offense constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8) Any person who has purchased at retail, used, consumed, distributed, or stored for use or consumption in this state tangible personal property, admissions, communication or other services taxable under this chapter, or leased tangible personal property, or who has leased, occupied, or used or was entitled to use any real property, space or spaces in parking lots or garages for motor vehicles, docking or storage space or spaces for boats in boat docks or marinas, and cannot prove that the tax levied by this chapter has been paid to his or her vendor, lessor, or other person *or was paid on behalf of the purchaser by a dealer under subsection (4)* is directly liable to the state for any tax, interest, or penalty due on any such taxable transactions.

Section 20. Paragraph (s) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(s) *Data center property.*—

1. As used in this paragraph, the term:

a. "Critical IT load" means that portion of electric power capacity, expressed in terms of megawatts, which is reserved solely for owners or tenants of a data center to operate their computer server equipment. The term does not include any ancillary load for cooling, lighting, common areas, or other equipment.

b. "Cumulative capital investment" means the combined total of all expenses incurred by the owners or tenants of a data center after July 1, 2017, in connection with acquiring, constructing, installing, equipping, or expanding the data center. However, the term does not include any expenses incurred in the acquisition of improved real property operating as a data center at the time of acquisition or within 6 months before the acquisition.

c. "Data center" means a facility that:

(I) Consists of one or more contiguous parcels in this state, along with the buildings, substations and other infrastructure, fixtures, and personal property located on the parcels;

(II) Is used exclusively to house and operate equipment that receives, stores, aggregates, manages, processes, transforms, retrieves, researches, or transmits data; or that is necessary for the proper operation of equipment that receives, stores, aggregates, manages, processes, transforms, retrieves, researches, or transmits data;

(III) Has a critical IT load of 15 megawatts or higher, and a critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center; and

(IV) Is constructed on or after July 1, 2017.

d. "Data center property" means property used exclusively at a data center to construct, outfit, operate, support, power, cool, dehumidify, secure, or protect a data center and any contiguous dedicated substations. The term includes, but is not limited to, construction materials, component parts, machinery, equipment, computers, servers, installations, redundancies, and operating or enabling software, including any replacements, updates and new versions, and upgrades to or for such property, regardless of whether the property is a fixture or is otherwise affixed to or incorporated into real property. The term also includes electricity used exclusively at a data center.

2. Data center property is exempt from the tax imposed by this chapter, except for the tax imposed by s. 212.031. To be eligible for the exemption provided by this paragraph, the data center's owners and tenants must make a cumulative capital investment of $150 million or more for the data center and the data center must have a critical IT load of 15 megawatts or higher and a critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center. Each of these requirements must be satisfied no later than 5 years after the commencement of construction of the data center.

3.a. To receive the exemption provided by this paragraph, the person seeking the exemption must apply to the department for a temporary tax exemption certificate. The application must state that a qualifying data center designation is being sought and provide information that the requirements of subparagraph 2. will be met. Upon a

tentative determination by the department that the data center will meet the requirements of subparagraph 2., the department must issue the certificate.

b.(I) The certificateholder shall maintain all necessary books and records to support the exemption provided by this paragraph. Upon satisfaction of all requirements of subparagraph 2., the certificateholder must deliver the temporary tax certificate to the department together with documentation sufficient to show the satisfaction of the requirements. Such documentation must include written declarations, pursuant to s. 92.525, from:

(A) A professional engineer, licensed pursuant to chapter 471, certifying that the critical IT load requirement set forth in subparagraph 2. has been satisfied at the data center; and

(B) A Florida certified public accountant, as defined in s. 473.302, certifying that the cumulative capital investment requirement set forth in subparagraph 2. has been satisfied for the data center.

The professional engineer and the Florida certified public accountant may not be professionally related with the data center's owners, tenants, or contractors, except that they may be retained by a data center owner to certify that the requirements of subparagraph 2. have been met.

(II) If the department determines that the subparagraph 2. requirements have been satisfied, the department must issue a permanent tax exemption certificate.

(III) Notwithstanding s. 212.084(4), the permanent tax exemption certificate remains valid and effective for as long as the data center described in the exemption application continues to operate as a data center as defined in subparagraph 1., with review by the department every 5 years to ensure compliance. As part of the review, the certificateholder shall, within 3 months before the end of any 5-year period, submit a written declaration, pursuant to s. 92.525, certifying that the critical IT load of 15 megawatts or higher and the critical IT load of 1 megawatt or higher dedicated to each individual owner or tenant within the data center required by subparagraph 2. continues to be met. All owners, tenants, contractors, and others purchasing exempt data center property shall maintain all necessary books and records to support the exemption as to those purchases.

(IV) Notwithstanding s. 213.053, the department may share information concerning a temporary or permanent data center exemption certificate among all owners, tenants, contractors, and others purchasing exempt data center property pursuant to such certificate.

c. If, in an audit conducted by the department, it is determined that the certificateholder or any owners, tenants, contractors, or others purchasing, renting, or leasing data center property do not meet the criteria of this paragraph, the amount of taxes exempted at the time of purchase, rental, or lease is immediately due and payable to the department from the purchaser, renter, or lessee of those particular items, together with the appropriate interest and penalty computed from the date of purchase in the manner prescribed by this chapter. Notwithstanding s. 95.091(3)(a), any tax due as provided in this sub-subparagraph may be assessed by the department within 6 years after the date the data center property was purchased.

d. Purchasers, lessees, and renters of data center property who qualify for the exemption provided by this paragraph shall obtain from the data center a copy of the tax exemption certificate issued pursuant to sub-subparagraph a. or sub-subparagraph b. Before or at the time of purchase of the item or items eligible for exemption, the purchaser, lessee, or renter shall provide to the seller a copy of the tax exemption certificate and a signed certificate of entitlement. Purchasers, lessees, and renters with self-accrual authority shall maintain all documentation necessary to prove the exempt status of purchases.

e. For any purchase, lease, or rental of property that is exempt pursuant to this paragraph, the possession of a copy of a tax exemption certificate issued pursuant to sub-subparagraph a. or sub-subparagraph b. and a signed certificate of entitlement relieves the seller of the responsibility of collecting the tax on the sale, lease, or rental of such property, and the department must look solely to the purchaser, renter, or lessee for recovery of the tax if it determines that the purchase, rental, or lease was not entitled to the exemption.

4. After June 30, *2027* ~~2022~~, the department may not issue a temporary tax exemption certificate pursuant to this paragraph.

Section 21. Effective January 1, 2022, paragraph (u) is added to subsection (5) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(u) Items that assist in independent living.—

1. The following items, when purchased for noncommercial home or personal use, are exempt from the tax imposed by this chapter:

a. A bed transfer handle selling for $60 or less.

b. A bed rail selling for $110 or less.

c. A grab bar selling for $100 or less.

d. A shower seat selling for $100 or less.

2. This exemption does not apply to a purchase made by a business, including, but not limited to, a medical institution or an assisted living facility.

Section 22. Subsection (2) of section 212.13, Florida Statutes, is amended to read:

212.13 Records required to be kept; power to inspect; audit procedure.—

(2) Each dealer, as defined in this chapter, shall secure, maintain, and keep as long as required by s. 213.35 a complete record of tangible personal property or services received, used, sold at retail, distributed or stored, leased or rented by said dealer, together with invoices, bills of lading, gross receipts from such sales, and other pertinent records and papers as may be required by the department for the reasonable administration of this chapter.~~;~~ All such records *must be made available to the department at reasonable times and places and by reasonable means, including in an electronic format when so kept by the dealer* ~~which are located or maintained in this state shall be open for inspection by the department at all reasonable hours at such dealer's store, sales office, general office, warehouse, or place of business located in this state. Any dealer who maintains such books and records at a point outside this state must make such books and records available for inspection by the department where the general records are kept~~. Any dealer subject to ~~the provisions of~~ this chapter who violates *this subsection commits* ~~these provisions is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If, however, any subsequent offense involves intentional destruction of such records with an intent to evade payment of or deprive the state of any tax revenues, such subsequent offense *is* ~~shall be~~ a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 23. Subsection (2) of section 212.15, Florida Statutes, is amended to read:

212.15 Taxes declared state funds; penalties for failure to remit taxes; due and delinquent dates; judicial review.—

(2) Any person who, with intent to unlawfully deprive or defraud the state of its moneys or the use or benefit thereof, fails to remit taxes collected *or paid on behalf of a purchaser* under this chapter commits theft of state funds, punishable as follows:

(a) If the total amount of stolen revenue is less than $1,000, the offense is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Upon a second conviction, the offender commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Upon a third or subsequent conviction, the of-

fender commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the total amount of stolen revenue is $1,000 or more, but less than $20,000, the offense is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) If the total amount of stolen revenue is $20,000 or more, but less than $100,000, the offense is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) If the total amount of stolen revenue is $100,000 or more, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

The amount of stolen revenue may be aggregated in determining the grade of the offense.

Section 24. Section 212.1834, Florida Statutes, is created to read:

212.1834 Credit for contributions to eligible charitable organizations.—Beginning January 1, 2022, there is allowed a credit of 100 percent of an eligible contribution made to an eligible charitable organization under s. 402.62 against any tax imposed by the state and due under this chapter from a direct pay permitholder as a result of the direct pay permit held pursuant to s. 212.183. For purposes of the dealer's credit granted for keeping prescribed records, filing timely tax returns, and properly accounting and remitting taxes under s. 212.12, the amount of tax due used to calculate the credit shall include any eligible contribution made to an eligible charitable organization from a direct pay permitholder. For purposes of the distributions of tax revenue under s. 212.20, the department shall disregard any tax credits allowed under this section to ensure that any reduction in tax revenue received which is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund. Section 402.62 applies to the credit authorized by this section. A dealer who claims a tax credit under this section must file his or her tax returns and pay his or her taxes by electronic means under s. 213.755.

Section 25. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, as amended by section 13 of chapter 2021-2, Laws of Florida, is amended to read:

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

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

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

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

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

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

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

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

6. Of the remaining proceeds:

a. In each fiscal year, the sum of $29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

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

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

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

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

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

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

g.(I)~~h.(I)~~ On or before July 25, 2021, August 25, 2021, and September 25, 2021, the department shall distribute $324,533,334 in each of those months to the Unemployment Compensation Trust Fund, less an adjustment for refunds issued from the General Revenue Fund pursuant to s. 443.131(3)(e)3. before making the distribution. The adjustments made by the department to the total distributions shall be equal to the total refunds made pursuant to s. 443.131(3)(e)3. If the amount of refunds to be subtracted from any single distribution exceeds the distribution, the department may not make that distribution and must subtract the remaining balance from the next distribution.

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

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

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

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

Section 26. Section 212.205, Florida Statutes, is amended to read:

212.205 Sales tax distribution reporting.—By March 15 of each year, each person who received a distribution pursuant to *s. 212.20(6)(d) 6.b.-e.* ~~s. 212.20(6)(d)6.b.-f.~~ in the preceding calendar year shall report to the Office of Economic and Demographic Research the following information:

(1) An itemized accounting of all expenditures of the funds distributed in the preceding calendar year, including amounts spent on debt service.

(2) A statement indicating what portion of the distributed funds have been pledged for debt service.

(3) The original principal amount and current debt service schedule of any bonds or other borrowing for which the distributed funds have been pledged for debt service.

Section 27. Effective January 1, 2022, subsection (5) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(5) This section does not prevent the department from *doing any of the following*:

(a) Publishing statistics so classified as to prevent the identification of particular accounts, reports, declarations, or returns; ~~or~~

(b) Publishing a list of forwarding agents who have received a Florida Certificate of Forwarding Agent Address. The list must include each forwarding agent's entity name, address, and certificate expiration date on the department's website pursuant to s. 212.06(5)(b)10.; or

(c)~~(b)~~ Using telephones, e-mail, facsimile machines, or other electronic means to *do any of the following*:

1. Distribute information relating to changes in law, tax rates, interest rates, or other information that is not specific to a particular taxpayer;

2. Remind taxpayers of due dates;

3. Respond to a taxpayer to an electronic mail address that does not support encryption if the use of that address is authorized by the taxpayer; or

4. Notify taxpayers to contact the department.

Section 28. Subsection (2) and paragraph (c) of subsection (3) of section 218.64, Florida Statutes, are amended to read:

218.64 Local government half-cent sales tax; uses; limitations.—

(2) Municipalities shall expend their portions of the local government half-cent sales tax only for municipality-wide programs~~, for reimbursing the state as required pursuant to s. 288.11625,~~ or for municipality-wide property tax or municipal utility tax relief. All utility tax rate reductions afforded by participation in the local government half-cent sales tax shall be applied uniformly across all types of taxed utility services.

(3) Subject to ordinances enacted by the majority of the members of the county governing authority and by the majority of the members of the governing authorities of municipalities representing at least 50 percent of the municipal population of such county, counties may use up to $3 million annually of the local government half-cent sales tax allocated to that county for any of the following purposes:

~~(c) Reimbursing the state as required under s. 288.11625.~~

Section 29. Subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 220.195, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.1875, *those enumerated in s. 220.1877,* those enumerated in s. 220.193, those enumerated in s. 288.9916, those enumerated in s. 220.1899, those enumerated in s. 220.194, ~~and~~ those enumerated in s. 220.196*, and those enumerated in s. 220.198*.

Section 30. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) *Additions.*—There shall be added to such taxable income:

1.a. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

b. Notwithstanding sub-subparagraph a., if a credit taken under s. 220.1875 *or s. 220.1877* is added to taxable income in a previous taxable year under subparagraph 11. and is taken as a deduction for federal tax purposes in the current taxable year, the amount of the deduction allowed shall not be added to taxable income in the current year. The exception in this sub-subparagraph is intended to ensure that the credit under s. 220.1875 *or s. 220.1877* is added in the applicable taxable year and does not result in a duplicate addition in a subsequent year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

6. The amount taken as a credit under s. 220.195 which is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. The amount taken as a credit for the taxable year under s. 220.1875 *or s. 220.1877*. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. This addition is not intended to result in adding the same expense back to income more than once.

12. The amount taken as a credit for the taxable year under s. 220.193.

13. Any portion of a qualified investment, as defined in s. 288.9913, which is claimed as a deduction by the taxpayer and taken as a credit against income tax pursuant to s. 288.9916.

14. The costs to acquire a tax credit pursuant to s. 288.1254(5) that are deducted from or otherwise reduce federal taxable income for the taxable year.

15. The amount taken as a credit for the taxable year pursuant to s. 220.194.

16. The amount taken as a credit for the taxable year under s. 220.196. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. The addition is not intended to result in adding the same expense back to income more than once.

17. The amount taken as a credit for the taxable year pursuant to s. 220.198.

Section 31. Paragraph (f) of subsection (2) of section 220.1845, Florida Statutes, is amended to read:

220.1845 Contaminated site rehabilitation tax credit.—

(2) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.—

(f) The total amount of the tax credits which may be granted under this section is *$27.5* ~~$18.5~~ million in the *2021-2022* ~~2018-2019~~ fiscal year and $10 million each fiscal year thereafter.

Section 32. Subsection (2) of section 220.186, Florida Statutes, is amended to read:

220.186 Credit for Florida alternative minimum tax.—

(2) The credit pursuant to this section shall be the amount of the excess, if any, of the tax paid based upon taxable income determined pursuant to s. 220.13(2)(k) over the amount of tax which would have been due based upon taxable income without application of s. 220.13(2)(k), before application of this credit without application of any credit under s. 220.1875 *or s. 220.1877*.

Section 33. Section 220.1877, Florida Statutes, is created to read:

220.1877 Credit for contributions to eligible charitable organizations.—

(1) For taxable years beginning on or after January 1, 2022, there is allowed a credit of 100 percent of an eligible contribution made to an eligible charitable organization under s. 402.62 against any tax due for a taxable year under this chapter after the application of any other allowable credits by the taxpayer. An eligible contribution must be made to an eligible charitable organization on or before the date the taxpayer is required to file a return pursuant to s. 220.222. The credit granted by this section shall be reduced by the difference between the amount of federal corporate income tax, taking into account the credit granted by this section, and the amount of federal corporate income tax without application of the credit granted by this section.

(2) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under subsection (1).

(3) Section 402.62 applies to the credit authorized by this section.

(4) If a taxpayer applies and is approved for a credit under s. 402.62 after timely requesting an extension to file under s. 220.222(2):

(a) The credit does not reduce the amount of tax due for purposes of the department's determination as to whether the taxpayer was in compliance with the requirement to pay tentative taxes under ss. 220.222 and 220.32.

(b) The taxpayer's noncompliance with the requirement to pay tentative taxes shall result in the revocation and rescindment of any such credit.

(c) The taxpayer shall be assessed for any taxes, penalties, or interest due from the taxpayer's noncompliance with the requirement to pay tentative taxes.

Section 34. Section 220.198, Florida Statutes, is created to read:

220.198 Internship tax credit program.—

(1) This section may be cited as the "Florida Internship Tax Credit Program."

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

(a) "Full time" means at least 30 hours per week.

(b) "Qualified business" means a business that is in existence and has been continuously operating for at least 3 years.

(c) "Student intern" means a person who has completed at least 60 credit hours at a state university or a Florida College System institution, regardless of whether the student intern receives course credit for the internship; a person who is enrolled in a career center operated by a

school district under s. 1001.44 or a charter technical career center; or any graduate student enrolled at a state university.

(3) For taxable years beginning on or after January 1, 2022, a qualified business is eligible for a credit against the tax imposed by this chapter in the amount of $2,000 per student intern if all of the following apply:

(a) The qualified business employed at least one student intern in an internship in which the student intern worked full time in this state for at least 9 consecutive weeks, and the qualified business provides the department documentation evidencing each internship claimed.

(b) The qualified business provides the department documentation for the current taxable year showing that at least 20 percent of the business' full-time employees were previously employed by that business as student interns.

(c) At the start of an internship, each student intern provides the qualified business with verification by the student intern's state university, Florida College System institution, career center operated by a school district under s. 1001.44, or charter technical career center that the student intern is enrolled and maintains a minimum grade point average of 2.0 on a 4.0 scale, if applicable. The qualified business may accept a letter from the applicable educational institution stating that the student intern is enrolled as evidence that the student meets these requirements.

(4) Notwithstanding paragraph (3)(b), a qualified business that, on average for the 3 immediately preceding years, employed 10 or fewer full-time employees may receive the tax credit if it provides documentation that it previously hired at least one student intern and, for the current taxable year, that it employs on a full-time basis at least one employee who was previously employed by that qualified business as a student intern.

(5)(a) A qualified business may not claim a tax credit of more than $10,000 in any one taxable year.

(b) The combined total amount of tax credits which may be granted to qualified businesses under this section is $2.5 million in each of state fiscal years 2021-2022 and 2022-2023. The department must approve the tax credit prior to the taxpayer taking the credit on a return. The department must approve credits on a first-come, first-served basis.

(6) The department may adopt rules governing the manner and form of applications for the tax credit and establishing qualification requirements for the tax credit.

(7) A qualified business may carry forward any unused portion of a tax credit under this section for up to 2 taxable years.

Section 35. Paragraph (e) of subsection (2) of section 288.0001, Florida Statutes, is amended to read:

288.0001 Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.

(2) The Office of Economic and Demographic Research and OPPAGA shall provide a detailed analysis of economic development programs as provided in the following schedule:

~~(e) Beginning January 1, 2018, and every 3 years thereafter, an analysis of the Sports Development Program established under s. 288.11625.~~

Section 36. *Section 288.11625, Florida Statutes, is repealed.*

Section 37. Subsection (4) of section 376.30781, Florida Statutes, is amended to read:

376.30781 Tax credits for rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.—

(4) The Department of Environmental Protection is responsible for allocating the tax credits provided for in s. 220.1845, which may not exceed a total of *$27.5* ~~$18.5~~ million in tax credits in fiscal year *2021-2022* ~~2018-2019~~ and $10 million in tax credits each fiscal year thereafter.

Section 38. Section 402.62, Florida Statutes, is created to read:

402.62 Strong Families Tax Credit.—

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

(a) "Annual tax credit amount" means, for any state fiscal year, the sum of the amount of tax credits approved under paragraph (5)(b), including tax credits to be taken under s. 211.0253, s. 212.1834, s. 220.1877, s. 561.1213, or s. 624.51057, which are approved for taxpayers whose taxable years begin on or after January 1 of the calendar year preceding the start of the applicable state fiscal year.

(b) "Division" means the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation.

(c) "Eligible charitable organization" means an organization designated by the Department of Children and Families to be eligible to receive funding under this section.

(d) "Eligible contribution" means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to an eligible charitable organization. The taxpayer making the contribution may not designate a specific child assisted by the eligible charitable organization as the beneficiary of the contribution.

(e) "Tax credit cap amount" means the maximum annual tax credit amount that the Department of Revenue may approve for a state fiscal year.

(2) STRONG FAMILIES TAX CREDITS; ELIGIBILITY.—

(a) The Department of Children and Families shall designate as an eligible charitable organization an organization that meets all of the following requirements:

1. Is exempt from federal income taxation under s. 501(c)(3) of the Internal Revenue Code.

2. Is a Florida entity formed under chapter 605, chapter 607, or chapter 617 and whose principal office is located in this state.

3. Provides services to:

a. Prevent child abuse, neglect, abandonment, or exploitation;

b. Assist fathers in learning and improving parenting skills or to engage absent fathers in being more engaged in their children's lives;

c. Provide books to the homes of children eligible for a federal free or reduced-price meals program or those testing below grade level in kindergarten through grade 5;

d. Assist families with children who have a chronic illness or a physical, intellectual, developmental, or emotional disability; or

e. Provide workforce development services to families of children eligible for a federal free or reduced-price meals program.

4. Provides to the Department of Children and Families accurate information, including, at a minimum, a description of the services provided by the organization which are eligible for funding under this section; the total number of individuals served through those services during the last calendar year and the number served during the last calendar year using funding under this section; basic financial information regarding the organization and services eligible for funding under this section; outcomes for such services; and contact information for the organization.

5. Annually submits a statement, signed under penalty of perjury by a current officer of the organization, that the organization meets all criteria to qualify as an eligible charitable organization, has fulfilled responsibilities under this section for the previous fiscal year if the or-

ganization received any funding through this credit during the previous year, and intends to fulfill its responsibilities during the upcoming year.

6. Provides any documentation requested by the Department of Children and Families to verify eligibility as an eligible charitable organization or compliance with this section.

(b) The Department of Children and Families may not designate as an eligible charitable organization an organization that:

1. Provides abortions or pays for or provides coverage for abortions; or

2. Has received more than 50 percent of its total annual revenue from the Department of Children and Families, either directly or via a contractor of the department, in the prior fiscal year.

(3) RESPONSIBILITIES OF ELIGIBLE CHARITABLE ORGANIZATIONS.—An eligible charitable organization that receives a contribution under this section must do all of the following:

(a) Apply for admittance into the Department of Law Enforcement's Volunteer and Employee Criminal History System and, if accepted, conduct background screening on all volunteers and staff working directly with children in any program funded under this section pursuant to s. 943.0542. Background screening shall use level 2 screening standards pursuant to s. 435.04 and additionally include, but need not be limited to, a check of the Dru Sjodin National Sex Offender Public Website.

(b) Expend 100 percent of any contributions received under this section for direct services to state residents for the purposes specified in subparagraph (2)(a)3.

(c) Annually submit to the Department of Children and Families:

1. An audit of the eligible charitable organization conducted by an independent certified public accountant in accordance with auditing standards generally accepted in the United States, government auditing standards, and rules adopted by the Auditor General. The audit report must include a report on financial statements presented in accordance with generally accepted accounting principles. The audit report must be provided to the Department of Children and Families within 180 days after completion of the eligible charitable organization's fiscal year; and

2. A copy of the eligible charitable organization's most recent federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990).

(d) Notify the Department of Children and Families within 5 business days after the eligible charitable organization ceases to meet eligibility requirements or fails to fulfill its responsibilities under this section.

(e) Upon receipt of a contribution, provide the taxpayer that made the contribution with a certificate of contribution. A certificate of contribution must include the taxpayer's name and, if available, its federal employer identification number, the amount contributed, the date of contribution, and the name of the eligible charitable organization.

(4) RESPONSIBILITIES OF THE DEPARTMENT.—The Department of Children and Families shall do all of the following:

(a) Annually redesignate eligible charitable organizations that have complied with all requirements of this section.

(b) Remove the designation of organizations that fail to meet all requirements of this section. An organization that has had its designation removed by the department may reapply for designation as an eligible charitable organization, and the department shall redesignate such organization, if it meets the requirements of this section and demonstrates through its application that all factors leading to its removal as an eligible charitable organization have been sufficiently addressed.

(c) Publish information about the tax credit program and eligible charitable organizations on a Department of Children and Families website. The website must, at a minimum, provide all of the following:

1. The requirements and process for becoming designated or redesignated as an eligible charitable organization.

2. A list of the eligible charitable organizations that are currently designated by the department and the information provided under subparagraph (2)(a)4. regarding each eligible charitable organization.

3. The process for a taxpayer to select an eligible charitable organization as the recipient of funding through a tax credit.

(d) Compel the return of funds that are provided to an eligible charitable organization that fails to comply with the requirements of this section. Eligible charitable organizations that are subject to return of funds are ineligible to receive funding under this section for a period 10 years after final agency action to compel the return of funding.

(5) STRONG FAMILIES TAX CREDITS; APPLICATIONS, TRANSFERS, AND LIMITATIONS.—

(a) Beginning in fiscal year 2021-2022, the tax credit cap amount is $5 million in each state fiscal year.

(b) Beginning October 1, 2021, a taxpayer may submit an application to the Department of Revenue for a tax credit or credits to be taken under one or more of s. 211.0253, s. 212.1834, s. 220.1877, s. 561.1213, or s. 624.51057.

1. The taxpayer shall specify in the application each tax for which the taxpayer requests a credit and the applicable taxable year for a credit under s. 220.1877 or s. 624.51057 or the applicable state fiscal year for a credit under s. 211.0253, s. 212.1834, or s. 561.1213. For purposes of s. 220.1877, a taxpayer may apply for a credit to be used for a prior taxable year before the date the taxpayer is required to file a return for that year pursuant to s. 220.222. For purposes of s. 624.51057, a taxpayer may apply for a credit to be used for a prior taxable year before the date the taxpayer is required to file a return for that prior taxable year pursuant to ss. 624.509 and 624.5092. The application must specify the eligible charitable organization to which the proposed contribution will be made. The Department of Revenue shall approve tax credits on a first-come, first-served basis and must obtain the division's approval before approving a tax credit under s. 561.1213.

2. Within 10 days after approving or denying an application, the Department of Revenue shall provide a copy of its approval or denial letter to the eligible charitable organization specified by the taxpayer in the application.

(c) If a tax credit approved under paragraph (b) is not fully used within the specified state fiscal year for credits under s. 211.0253, s. 212.1834, or s. 561.1213 or against taxes due for the specified taxable year for credits under s. 220.1877 or s. 624.51057 because of insufficient tax liability on the part of the taxpayer, the unused amount must be carried forward for a period not to exceed 10 years. For purposes of s. 220.1877, a credit carried forward may be used in a subsequent year after applying the other credits and unused carryovers in the order provided in s. 220.02(8).

(d) A taxpayer may not convey, transfer, or assign an approved tax credit or a carryforward tax credit to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction. However, a tax credit under s. 211.0253, s. 212.1834, s. 220.1877, s. 561.1213, or s. 624.51057 may be conveyed, transferred, or assigned between members of an affiliated group of corporations if the type of tax credit under s. 211.0253, s. 212.1834, s. 220.1877, s. 561.1213, or s. 624.51057 remains the same. A taxpayer shall notify the Department of Revenue of its intent to convey, transfer, or assign a tax credit to another member within an affiliated group of corporations. The amount conveyed, transferred, or assigned is available to another member of the affiliated group of corporations upon approval by the Department of Revenue. The Department of Revenue shall obtain the division's approval before approving a conveyance, transfer, or assignment of a tax credit under s. 561.1213.

(e) Within any state fiscal year, a taxpayer may rescind all or part of a tax credit approved under paragraph (b). The amount rescinded shall become available for that state fiscal year to another eligible taxpayer as approved by the Department of Revenue if the taxpayer receives notice from the Department of Revenue that the rescindment has been accepted

by the Department of Revenue. The Department of Revenue must obtain the division's approval before accepting the rescindment of a tax credit under s. 561.1213. Any amount rescinded under this paragraph must become available to an eligible taxpayer on a first-come, first-served basis based on tax credit applications received after the date the rescindment is accepted by the Department of Revenue.

(f) Within 10 days after approving or denying the conveyance, transfer, or assignment of a tax credit under paragraph (d), or the rescindment of a tax credit under paragraph (e), the Department of Revenue shall provide a copy of its approval or denial letter to the eligible charitable organization specified by the taxpayer. The Department of Revenue shall also include the eligible charitable organization specified by the taxpayer on all letters or correspondence of acknowledgment for tax credits under s. 212.1834.

(g) For purposes of calculating the underpayment of estimated corporate income taxes under s. 220.34 and tax installment payments for taxes on insurance premiums or assessments under s. 624.5092, the final amount due is the amount after credits earned under s. 220.1877 or s. 624.51057 for contributions to eligible charitable organizations are deducted.

1. For purposes of determining if a penalty or interest under s. 220.34(2)(d)1. will be imposed for underpayment of estimated corporate income tax, a taxpayer may, after earning a credit under s. 220.1877, reduce any estimated payment in that taxable year by the amount of the credit.

2. For purposes of determining if a penalty under s. 624.5092 will be imposed, an insurer, after earning a credit under s. 624.51057 for a taxable year, may reduce any installment payment for such taxable year of 27 percent of the amount of the net tax due as reported on the return for the preceding year under s. 624.5092(2)(b) by the amount of the credit.

(6) PRESERVATION OF CREDIT.—If any provision or portion of this section, s. 211.0253, s. 212.1834, s. 220.1877, s. 561.1213, or s. 624.51057 or the application thereof to any person or circumstance is held unconstitutional by any court or is otherwise declared invalid, the unconstitutionality or invalidity shall not affect any credit earned under s. 211.0253, s. 212.1834, s. 220.1877, s. 561.1213, or s. 624.51057 by any taxpayer with respect to any contribution paid to an eligible charitable organization before the date of a determination of unconstitutionality or invalidity. The credit shall be allowed at such time and in such a manner as if a determination of unconstitutionality or invalidity had not been made, provided that nothing in this subsection by itself or in combination with any other provision of law may result in the allowance of any credit to any taxpayer in excess of one dollar of credit for each dollar paid to an eligible charitable organization.

(7) ADMINISTRATION; RULES.—

(a) The Department of Revenue, the division, and the Department of Children and Families may develop a cooperative agreement to assist in the administration of this section, as needed.

(b) The Department of Revenue may adopt rules necessary to administer this section and ss. 211.0253, 212.1834, 220.1877, 561.1213, and 624.51057, including rules establishing application forms, procedures governing the approval of tax credits and carryforward tax credits under subsection (5), and procedures to be followed by taxpayers when claiming approved tax credits on their returns.

(c) The division may adopt rules necessary to administer its responsibilities under this section and s. 561.1213.

(d) The Department of Children and Families may adopt rules necessary to administer this section, including, but not limited to, rules establishing application forms for organizations seeking designation as eligible charitable organizations under this act.

(e) Notwithstanding any provision of s. 213.053 to the contrary, sharing information with the division related to this tax credit is considered the conduct of the Department of Revenue's official duties as contemplated in s. 213.053(8)(c), and the Department of Revenue and the division are specifically authorized to share information as needed to administer this program.

Section 39. Paragraph (h) of subsection (1) of section 443.191, Florida Statutes, as created by section 17 of chapter 2021-2, Laws of Florida, is amended to read:

443.191 Unemployment Compensation Trust Fund; establishment and control.—

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

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

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

Section 40. Section 561.1213, Florida Statutes, is created to read:

561.1213 Credit for contributions to eligible charitable organizations.—Beginning January 1, 2022, there is allowed a credit of 100 percent of an eligible contribution made to an eligible charitable organization under s. 402.62 against any tax due under s. 563.05, s. 564.06, or s. 565.12, except excise taxes imposed on wine produced by manufacturers in this state from products grown in this state. However, a credit allowed under this section may not exceed 90 percent of the tax due on the return on which the credit is taken. For purposes of the distributions of tax revenue under ss. 561.121 and 564.06(10), the division shall disregard any tax credits allowed under this section to ensure that any reduction in tax revenue received which is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund. The provisions of s. 402.62 apply to the credit authorized by this section.

Section 41. Subsection (7) of section 624.509, Florida Statutes, is amended to read:

624.509 Premium tax; rate and computation.—

(7) Credits and deductions against the tax imposed by this section shall be taken in the following order: deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; credits for income taxes paid under chapter 220 and the credit allowed under subsection (5), as these credits are limited by subsection (6); *the credit allowed under s. 624.51057;* all other available credits and deductions.

Section 42. Section 624.51057, Florida Statutes, is created to read:

624.51057 Credit for contributions to eligible charitable organizations.—

(1) For taxable years beginning on or after January 1, 2022, there is allowed a credit of 100 percent of an eligible contribution made to an eligible charitable organization under s. 402.62 against any tax due for a taxable year under s. 624.509(1) after deducting from such tax deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; credits for income taxes paid under chapter 220; the credit allowed under s. 624.509(5), as such credit is limited by s. 624.509(6). An eligible contribution must be made to an eligible charitable organization on or before the date the taxpayer is required to file a return pursuant to ss. 624.509 and 624.5092. An insurer claiming a credit against premium tax liability under this section is not required to pay any additional retaliatory tax levied under s. 624.5091 as a result of claiming such credit. Section 624.5091 does not limit such credit in any manner.

(2) Section 402.62 applies to the credit authorized by this section.

Section 43. *Clothing, wallets, or bags; school supplies, personal computers, and personal computer-related accessories; sales tax holiday.—*

(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from July 31, 2021, through August 9, 2021, on the retail sale of:

(a) Clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of $60 or less per item. As used in this paragraph, the term "clothing" means:

1. Any article of wearing apparel intended to be worn on or about the human body, excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs; and

2. All footwear, excluding skis, swim fins, roller blades, and skates.

(b) School supplies having a sales price of $15 or less per item. As used in this paragraph, the term "school supplies" means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, staplers and staples used to secure paper products, protractors, compasses, and calculators.

(2) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from July 31, 2021, through August 9, 2021, on the first $1,000 of the sales price of personal computers or personal computer-related accessories purchased for noncommercial home or personal use. As used in this subsection, the term:

(a) "Personal computers" includes electronic book readers, laptops, desktops, handhelds, tablets, or tower computers. The term does not include cellular telephones, video game consoles, digital media receivers, or devices that are not primarily designed to process data.

(b) "Personal computer-related accessories" includes keyboards, mice, personal digital assistants, monitors, other peripheral devices, modems, routers, and nonrecreational software, regardless of whether the accessories are used in association with a personal computer base unit. The term does not include furniture or systems, devices, software, monitors with a television tuner, or peripherals that are designed or intended primarily for recreational use.

(3) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

(4) The tax exemptions provided in this section may apply at the option of a dealer if less than 5 percent of the dealer's gross sales of tangible personal property in the prior calendar year consisted of items that would be exempt under this section. If a qualifying dealer chooses not to participate in the tax holiday, by July 24, 2021, the dealer must notify the Department of Revenue in writing of its election to collect sales tax during the holiday and must post a copy of that notice in a conspicuous location at its place of business.

(5) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(6) This section shall take effect upon this act becoming a law.

Section 44. *Disaster preparedness supplies; sales tax holiday.—*

(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from May 28, 2021, through June 6, 2021, on the sale of:

(a) A portable self-powered light source selling for $40 or less.

(b) A portable self-powered radio, two-way radio, or weather-band radio selling for $50 or less.

(c) A tarpaulin or other flexible waterproof sheeting selling for $100 or less.

(d) An item normally sold as, or generally advertised as, a ground anchor system or tie-down kit selling for $100 or less.

(e) A gas or diesel fuel tank selling for $50 or less.

(f) A package of AA-cell, AAA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries, selling for $50 or less.

(g) A nonelectric food storage cooler selling for $60 or less.

(h) A portable generator used to provide light or communications or preserve food in the event of a power outage selling for $1,000 or less.

(i) Reusable ice selling for $20 or less.

(j) A portable power bank selling for $60 or less.

(2) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

(3) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(4) This section shall take effect upon this act becoming a law.

Section 45. *Admissions to music events, sporting events, cultural events, specified performances, movies, museums, state parks, and fitness facilities; boating and water activity supplies, camping supplies, fishing supplies, general outdoor supplies, and sports equipment; sales tax holiday.—*

(1) The taxes levied under chapter 212, Florida Statutes, may not be collected on purchases made during the period from July 1, 2021, through July 7, 2021, on:

(a) The sale by way of admissions, as defined in s. 212.02(1), Florida Statutes, for:

1. A live music event scheduled to be held on any date or dates from July 1, 2021, through December 31, 2021;

2. A live sporting event scheduled to be held on any date or dates from July 1, 2021, through December 31, 2021;

3. A movie to be shown in a movie theater on any date or dates from July 1, 2021, through December 31, 2021;

4. Entry to a museum, including any annual passes;

5. Entry to a state park, including any annual passes;

6. Entry to a ballet, play, or musical theatre performance scheduled to be held on any date or dates from July 1, 2021, through December 31, 2021;

7. Season tickets for ballets, plays, music events, or musical theatre performances;

8. Entry to a fair, festival, or cultural event scheduled to be held on any date or dates from July 1, 2021, through December 31, 2021; or

9. Use of or access to private and membership clubs providing physical fitness facilities from July 1, 2021, through December 31, 2021.

(b) The retail sale of boating and water activity supplies, camping supplies, fishing supplies, general outdoor supplies, and sports equipment. As used in this section, the term:

1. "Boating and water activity supplies" means the first $75 of the sales price of life jackets and coolers; the first $50 of the sales price of safety flares; the first $150 of the sales price of water skis, wakeboards, kneeboards, and recreational inflatable water tubes or floats capable of being towed; the first $300 of the sales price of paddleboards and surfboards; the first $500 of the sales price of canoes and kayaks; the first $75

of the sales price of paddles and oars; and the first $25 of the sales price of snorkels, goggles, and swimming masks.

2. "Camping supplies" means the first $200 of the sales price of tents; the first $50 of the sales price of sleeping bags, portable hammocks, camping stoves, and collapsible camping chairs; and the first $30 of the sales price of camping lanterns and flashlights.

3. "Fishing supplies" means the first $75 of the sales price of rods and reels, if sold individually, or the first $150 of the sales price if sold as a set; the first $30 of the sales price of tackle boxes or bags; and the first $5 of the sale price of bait or fishing tackle, if sold individually, or the first $10 of the sales price if multiple items are sold together. The term does not include supplies used for commercial fishing purposes.

4. "General outdoor supplies" means the first $15 of the sales price of sunscreen or insect repellant; the first $100 of the sales price of sunglasses; the first $200 of the sales price of binoculars; the first $30 of the sales price of water bottles; the first $50 of the sales price of hydration packs; the first $250 of the sales price of outdoor gas or charcoal grills; the first $50 of the sales price of bicycle helmets; and the first $250 of the sales price of bicycles.

5. "Sports equipment" means any item used in individual or team sports, not including clothing or footwear, selling for $40 or less.

(2) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

(3) If a purchaser of an admission purchases the admission exempt from tax pursuant to this section and subsequently resells the admission, the purchaser shall collect tax on the full sales price of the resold admission.

(4) The Department of Revenue is authorized, and all conditions are deemed to be met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, to administer this section.

(5) This section shall take effect upon this act becoming a law.

Section 46. Section 14 of chapter 2021-2, Laws of Florida, is amended to read:

Section 14. Effective on the first day of the second month following the repeal of *s. 212.20(6)(d)6.g.* ~~s. 212.20(6)(d)6.h.~~, Florida Statutes, by its terms, paragraphs (c) and (d) of subsection (1) of section 212.031, Florida Statutes, are amended to read:

212.031 Tax on rental or license fee for use of real property.—

(1)

(c) For the exercise of such privilege, a tax is levied at the rate of *2.0* ~~5.5~~ percent of and on the total rent or license fee charged for such real property by the person charging or collecting the rental or license fee. The total rent or license fee charged for such real property shall include payments for the granting of a privilege to use or occupy real property for any purpose and shall include base rent, percentage rents, or similar charges. Such charges shall be included in the total rent or license fee subject to tax under this section whether or not they can be attributed to the ability of the lessor's or licensor's property as used or operated to attract customers. Payments for intrinsically valuable personal property such as franchises, trademarks, service marks, logos, or patents are not subject to tax under this section. In the case of a contractual arrangement that provides for both payments taxable as total rent or license fee and payments not subject to tax, the tax shall be based on a reasonable allocation of such payments and shall not apply to that portion which is for the nontaxable payments.

(d) If the rental or license fee of any such real property is paid by way of property, goods, wares, merchandise, services, or other thing of value, the tax shall be at the rate of *2.0* ~~5.5~~ percent of the value of the property, goods, wares, merchandise, services, or other thing of value.

Section 47. For the purpose of incorporating the amendment made by this act to section 197.222, Florida Statutes, in a reference thereto, paragraph (a) of subsection (3) of section 192.0105, Florida Statutes, is reenacted to read:

192.0105 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights for property taxes and assessments to guarantee that the rights, privacy, and property of the taxpayers of this state are adequately safeguarded and protected during tax levy, assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements that summarize the rights and obligations of the property appraisers, tax collectors, clerks of the court, local governing boards, the Department of Revenue, and taxpayers. Additional rights afforded to payors of taxes and assessments imposed under the revenue laws of this state are provided in s. 213.015. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax levy, assessment, and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed to state taxpayers in the Florida Statutes and the departmental rules include:

(3) THE RIGHT TO REDRESS.—

(a) The right to discounts for early payment on all taxes and non-ad valorem assessments collected by the tax collector, except for partial payments as defined in s. 197.374, the right to pay installment payments with discounts, and the right to pay delinquent personal property taxes under a payment program when implemented by the county tax collector (see ss. 197.162, 197.3632(8) and (10)(b)3., 197.222(1), and 197.4155).

Section 48. For the purpose of incorporating the amendments made by this act to sections 193.155, 193.1554, and 193.1555, Florida Statutes, in references thereto, section 193.1557, Florida Statutes, is reenacted to read:

193.1557 Assessment of certain property damaged or destroyed by Hurricane Michael.—For property damaged or destroyed by Hurricane Michael in 2018, s. 193.155(4)(b), s. 193.1554(6)(b), or s. 193.1555(6)(b) applies to changes, additions, or improvements commenced within 5 years after January 1, 2019. This section applies to the 2019-2023 tax rolls and shall stand repealed on December 31, 2023.

Section 49. For the purpose of incorporating the amendment made by this act to section 210.20, Florida Statutes, in a reference thereto, section 210.205, Florida Statutes, is reenacted to read:

210.205 Cigarette tax distribution reporting.—By March 15 of each year, each entity that received a distribution pursuant to s. 210.20(2)(b) in the preceding calendar year shall report to the Office of Economic and Demographic Research the following information:

(1) An itemized accounting of all expenditures of the funds distributed in the preceding calendar year, including amounts spent on debt service.

(2) A statement indicating what portion of the distributed funds have been pledged for debt service.

(3) The original principal amount and current debt service schedule of any bonds or other borrowing for which the distributed funds have been pledged for debt service.

Section 50. For the purpose of incorporating the amendment made by this act to section 212.13, Florida Statutes, in a reference thereto, paragraph (f) of subsection (18) of section 212.08, Florida Statutes, is reenacted to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(18) MACHINERY AND EQUIPMENT USED PREDOMINANTLY FOR RESEARCH AND DEVELOPMENT.—

(f) Purchasers shall maintain all documentation necessary to prove the exempt status of purchases and fabrication activity and make such

documentation available for inspection pursuant to the requirements of s. 212.13(2).

Section 51. *(1) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing:*

(a) The amendment made by this act to s. 212.06, Florida Statutes;

(b) The provisions related to the Strong Families Tax Credit created by this act; and

(c) The provisions related to the Florida Internship Tax Credit Program created by this act.

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

(3) This section shall take effect upon this act becoming a law and expires January 1, 2025.

Section 52. *For the 2021-2022 fiscal year, the sum of $208,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of implementing the provisions related to the Strong Families Tax Credit created by this act.*

Section 53. *The Florida Institute for Child Welfare shall analyze the use of funding provided by the tax credit authorized under s. 402.62, Florida Statutes, as created by this act, and submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 31, 2025. The report must, at a minimum, include the total funding amount and categorize the funding by type of program, describe the programs that were funded, and assess the outcomes that were achieved using the funding.*

Section 54. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2021.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to taxation; 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; specifying that changes to elevate certain homestead property do not increase the assessed value of the property; requiring property owners to provide certification for such property; defining the terms "voluntary elevation" and "voluntarily elevated"; prohibiting the inclusion of certain areas in a square footage calculation; providing an exception; providing applicability; making clarifying changes; providing that changes relating to elevated property are contingent upon elector approval of an amendment to the State Constitution; amending s. 193.1554, F.S.; providing that changes, additions, or improvements, including ancillary improvements, to nonhomestead 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 residential 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; specifying that changes to elevate certain nonhomestead residential property do not increase the assessed value of the property; requiring property owners to provide certification for such property; defining the terms "voluntary elevation" and "voluntarily elevated"; prohibiting the inclusion of certain areas in a square footage calculation; providing an exception; providing applicability; making clarifying changes; providing that changes relating to elevated property are contingent upon elector approval of an amendment to the State Constitution; 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 retroactive 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. 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; amending s. 210.20, F.S.; increasing, at specified timeframes, the percentage of cigarette tax proceeds paid to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute for certain purposes; creating s. 211.0253, F.S.; providing a credit 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. 212.07, F.S.; authorizing dealers, subject to certain conditions, to advertise or hold out to the public that they will pay sales tax on behalf of the purchaser; 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; conforming a provision to changes made by the act; creating s. 212.1834, F.S.; providing a credit against sales taxes payable by direct pay permitholders under the Strong Families Tax Credit; amending ss. 212.20 and 212.205, F.S.; conforming provisions to changes made by the act; 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. 218.64, F.S.; conforming provisions to changes made by the act; amending s. 220.02, F.S.; specifying the order in which corporate income tax credits under the Strong Families Tax Credit and the Florida Internship Tax Credit Program 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 Florida Internship Tax Credit Program; providing an exception; amending s. 220.1845, F.S.; increasing the contaminated site rehabilitation corporate income tax credit for a specified fiscal year; 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. 220.1877, 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; amending s. 288.0001, F.S.; conforming a provision to changes made by the act; repealing s. 288.11625, F.S., relating to sports development; amending s. 376.30781, F.S.; conforming a provision to changes made by the act; 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; amending s. 443.191, F.S.; conforming a cross-reference; creating s. 561.1213, F.S.; providing a credit against excise taxes on certain alcoholic beverages under the Strong Families Tax Credit; amending s. 624.509, F.S.; specifying the order in which the insurance premium tax credit under the Strong Families Tax Credit is applied; creating s. 624.51057, F.S.; providing a credit against the insurance premium tax under the Strong Families Tax Credit; 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; providing sales tax exemptions for certain admissions to music events, sporting events, cultural events, specified performances, movies, museums, state parks, and fitness facilities, and for certain boating and water activity, camping, fishing, general outdoor supplies, and sports equipment, during certain timeframes; defining terms; specifying locations where the exemptions do not apply; requiring purchasers to collect sales tax on resold exempt admissions; authorizing the department to adopt emergency rules; amending chapter 2021-2, Laws of Florida; conforming a cross-reference; revising certain taxes on rental or license fees; 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. 210.205, F.S., relating to cigarette tax distribution reporting, to incorporate the amendment made to s. 210.20, F.S., in a reference thereto; 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 to implement certain provisions; 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 effective dates.

Pursuant to Rule 4.19, **HB 7061**, as amended, was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for SB 1186** was deferred.

SENATOR BEAN PRESIDING

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 676, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

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.

House Amendment 1 (937939) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (2) and paragraph (b) of subsection (3) of section 320.08053, Florida Statutes, are amended to read:

320.08053 Establishment of specialty license plates.—

(2)

(b) Within 24 months after the presale specialty license plate voucher is established, the approved specialty license plate organization must record with the department a minimum of 3,000 voucher sales, or in the case of an out-of-state college or university license plate, 4,000 voucher sales, before manufacture of the license plate may commence. If, at the conclusion of the 24-month presale period, the minimum sales requirement has not been met, the specialty plate is deauthorized and the department shall discontinue development of the plate and discontinue issuance of the presale vouchers. Upon deauthorization of the license plate *or if the plate has met the presale requirement but has not been issued*, a purchaser of the license plate voucher may use the annual use fee collected as a credit towards any other specialty license plate or apply for a refund on a form prescribed by the department.

(3)

(b) If the Legislature has approved 150 or more specialty license plates, the department may not *issue* ~~make~~ any new specialty license plates ~~available for design or issuance~~ until a sufficient number of plates are discontinued pursuant to s. 320.08056(8) such that the number of plates being issued does not exceed 150. Notwithstanding s. 320.08056(8)(a), the 150-license-plate limit includes license plates above the minimum sales threshold and those exempt from that threshold.

Section 2. Paragraph (a) of subsection (10) and subsection (12) of section 320.08056, Florida Statutes, are amended to read:

320.08056 Specialty license plates.—

(10)(a) A specialty license plate annual use fee collected and distributed under this chapter, or any interest earned from those fees, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by s. 320.08058 or to pay the cost of the audit or report required by s. 320.08062(1). The fees and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of United States Armed Forces and veterans-related specialty license plates pursuant to paragraph (3)(d) for the Support Our Troops*,* ~~and~~ American Legion*, and Honor Flight* license plates; paragraphs (4)(b), (q), and (v) for the Florida Salutes Veterans, United States Marine Corps, and Military Services license plates, respectively; and s. 320.0891 for the U.S. Paratrooper license plate.

(12) Notwithstanding s. 320.08058(3)(a), the department, in cooperation with the independent colleges or universities as defined in s. 1009.89 or s. 1009.891, shall create a standard template specialty license plate with a unique logo or graphic identifying each independent college or university. Each independent college or university may elect to use this standard template specialty license plate in lieu of its own specialty license plate. Annual use fees from the sale of these license plates shall be distributed to the independent college or university for which the logo or graphic is displayed on the license plate and shall be used as provided in s. 320.08058(3). Independent colleges or universities opting to use the standard template specialty license plate shall have their plate sales combined for purposes of meeting the minimum license plate sales threshold in paragraph (8)(a) and for determining the license plate limit in s. 320.08053(3)(b). Specialty license plates created pursuant to this subsection must be ordered directly from the department. *If the independent college or university elects to use the standard template specialty license plate, the department shall discontinue the existing specialty license plate.*

Section 3. Subsections (10), (46), and (101) of section 320.08058, Florida Statutes, are amended, and subsections (112) through (118) are added to that section, to read:

320.08058 Specialty license plates.—

(10) FLORIDA INDIAN RIVER LAGOON LICENSE PLATES.—

(a) Because the Indian River Lagoon system has been targeted by the state as a priority water body for restoration and preservation since the 1987 Surface Water Improvement and Management Act*;* ~~, and~~ because the St. Johns River and South Florida Water Management Districts *joined with local, regional, and state partners to create the Indian River Lagoon (IRL) Council by interlocal agreement in 2015 to serve as the host agency for the Indian River Lagoon National Estuary Program; because the program worked with local, state, and federal partners to develop and adopt the Indian River Lagoon Comprehensive Conservation and Management Plan in 2019; because the St. Johns River Water Management District has been distributing funds collected from the plate from Volusia, Brevard, and Indian River Counties to support competitive local cost-share projects in each of these counties administered by the IRL Council, including* ~~have jointly developed a management plan that includes~~ water quality improvement, habitat restoration, and public awareness and education*;* ~~, and~~ because the United States Environmental Protection Agency has declared the Indian River Lagoon to be an estuary of national significance*;* ~~, and~~ because coastal lagoon activities relating to saltwater fishing account for a multibillion dollar economic base*;* ~~,~~ and because the Legislature supports the restoration efforts of the *Indian River Lagoon National Estuary Program and its partners* ~~water management districts~~, the Legislature *intends for the* ~~establishes a~~ Florida Indian River Lagoon license plate *to provide* ~~for the purpose of providing~~ a continuous funding source to support this worthwhile effort and to heighten public awareness of this economically significant resource. Florida Indian River Lagoon license plates must contain the fish "snook~~,~~" ~~which has been used as the Indian River Lagoon Surface Water Improvement and Management logo, suspended over seagrass,~~ and must bear the colors and design approved by the department.

(b) The license plate annual use fees are to be distributed annually as follows:

1. The first $5 million collected annually must be transferred to the *IRL Council, which must separately* ~~St. Johns River Water Management District. The district shall~~ account for *the transferred* ~~these~~ funds*, and such* ~~separate from all other funds received. These~~ funds must be distributed as follows:

a. Based on Florida Indian River Lagoon license plate sales data from each county tax collector for Volusia, Brevard, Indian River, St. Lucie, Martin, and Palm Beach Counties, each county's total number of Florida Indian River Lagoon license plates sold between October 1 and September 30 must represent a percentage of the six-county total, calculated as follows: the total number sold for county A divided by the total number sold for counties A, B, C, D, E, and F is multiplied by 100. The percentage determined for St. Lucie, Martin, and Palm Beach Counties must be totaled, and that total percentage of the statewide Florida Indian River Lagoon license plate revenues must be transferred to the South Florida Water Management District special Indian River Lagoon License Plate Revenue Account and distributed proportionately among St. Lucie, Martin, and Palm Beach Counties. The remaining funds in the *IRL Council* ~~St. Johns River Water Management District~~ Revenue Account must be divided proportionately between Volusia, Brevard, and Indian River Counties.

b. *The IRL Council shall administer* ~~Each water management district is responsible for administering~~ projects in *Volusia, Brevard, and Indian River* ~~its respective~~ Counties *from funds derived from* ~~funded with~~ the appropriate percentage of license plate revenues. *The South Florida Water Management District shall administer projects in St. Lucie, Martin, and Palm Beach Counties.*

2. Up to 5 percent of the proceeds from the annual use fee may be used for continuing promotion and marketing of the license plate.

3. Any additional fees must be deposited into the General Revenue Fund. Fees are not to be deposited into the general revenue funds of the *IRL Council* ~~water management districts~~.

(c) The application of Florida Indian River Lagoon license plate annual use fees is to be administered by the *IRL Council* ~~St. Johns River~~ and *the* South Florida Water Management *District* ~~Districts~~ for Indian River Lagoon projects ~~and~~ in accordance with their contracting and purchasing policies and procedures, with the following restrictions:

1. An annual amount of the total license plate use fees must be earmarked for each of the six lagoon basin counties, as determined in sub-subparagraph (b)1.a., to be expended in those counties on habitat restoration, including water quality improvement, *monitoring,* and environmental education projects. At least 80 percent of the use fees must be used for restoration projects, and not more than 20 percent may be used for environmental education *and monitoring projects* in each county. These project funds may serve as matching funds for other local, state, or federal funds or grants. Unencumbered funds from one year may be carried over to the following year but must be dedicated to a project within 2 years in the form of a contract, an interlocal agreement, or an approved plan by the governing board of the respective district.

2. Florida Indian River Lagoon license plate annual use fees may not be used for administrative salaries or overhead within the *IRL Council or the South Florida Water Management District;* ~~water management districts, nor~~ for any general coordination fees or overhead *that* ~~outside of the districts which~~ is not specifically related to a project*;* ~~, nor~~ for any projects *that* ~~which~~ are considered to be research, studies, inventories, or evaluations*; or*~~, nor~~ for administrative salaries or overhead related to environmental education or ongoing regular maintenance. Annual use fees may be used for acquisition of rights-of-way specific to the implementation of restoration or improvement projects, if acquisition expenditures do not exceed 20 percent of a county's appropriation.

3. In Volusia County, project implementation may occur in all estuarine waters extending north to and including *the Indian River Lagoon National Estuary Program's Indian River Lagoon-Halifax River planning boundary amendments that include* the Tomoka Basin.

4. In Palm Beach County, first priority must be given to projects within the Indian River Lagoon. Second priority must be given to pro-

jects within adjacent estuarine waters*, including the Loxahatchee River and other tributaries to the Indian River Lagoon*.

(d) It is the intent of the Legislature that revenues generated by the Florida Indian River Lagoon license plate annual use fees must not be used as replacement funds for *other available funding sources* ~~Surface Water Improvement and Management Act funds~~, but must be used solely for the enhancement of the Indian River Lagoon *and tributaries in the Indian River Lagoon watershed as defined by the Indian River Lagoon National Estuary Program project boundary defined in the Indian River Lagoon Comprehensive Conservation and Management Plan or as provided in this subsection* ~~area~~.

(46) WILDLIFE FOUNDATION OF FLORIDA LICENSE PLATES.—

(a) The department shall develop a Wildlife Foundation of Florida license plate as provided in this section. The word "Florida" must appear at the top of the plate, and the words "Wildlife Foundation of Florida" must appear at the bottom of the plate.

(b) The annual revenues from the sales of the license plate shall be distributed to the *Fish &* Wildlife Foundation of Florida, Inc., a citizen support organization created pursuant to s. 379.223. Such annual revenues must be used in the following manner:

1. Seventy-five percent must be *encumbered* ~~used~~ to fund programs and projects within the state that preserve open space and wildlife habitat, promote conservation, *promote hunting and shooting sports,* improve wildlife habitat, and establish open space for the perpetual use of the public. *Unencumbered funds from one year may be carried over to the following year but must be spent within 2 years after receipt or dedicated to a project within 2 years after receipt in the form of a contract, a grant award, or an approved plan by the governing board of the Fish & Wildlife Foundation of Florida, Inc.*

2. Twenty-five percent may be used for promotion, marketing, and administrative costs directly associated with operation of the foundation.

~~(c) When the provisions of subparagraph (b)1. are met, those annual revenues shall be used for the purposes of subparagraph (b)2.~~

(101) DIVINE NINE LICENSE PLATES.—

(a) The department shall develop a Divine Nine license plate as provided in this section and s. 320.08053 using a standard template and a unique logo, graphic, or color for each of the organizations listed in sub-subparagraphs *(b)3.a.-i.* ~~(b)2.a.-i.~~ The plate must bear the colors and design approved by the department~~,~~ and must include the official logo, graphic, or color as appropriate for each organization. The word "Florida" must appear at the top of the plate, and the words "Divine Nine" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed as follows:

1. Five percent of the proceeds shall be distributed to the United Negro College Fund, Inc., for college scholarships for Florida residents attending Florida's historically black colleges and universities.

2. Ten percent of the proceeds shall be distributed to the Association to Preserve African American Society, History and Tradition, Inc., solely for the marketing of the plate.

3.~~2.~~ The remaining *85* ~~95~~ percent of the proceeds shall be distributed to one of the following organizations as selected by the purchaser of the plate who*, upon fulfilling the requirements of paragraph (c),* shall receive a license plate with the logo, graphic, or color associated with the appropriate recipient organization:

a. Alpha Phi Alpha Fraternity, Inc.—

~~(I)~~ Eighty-five percent shall be distributed to the Florida Federation of Alpha Chapters, Inc., to promote community awareness and action through educational, economic, and cultural service activities within this state.

~~(II) Ten percent shall be distributed to the Florida Federation of Alpha Chapters, Inc., solely for the marketing of the plate.~~

b. Alpha Kappa Alpha Sorority, Inc.—

~~(I)~~ Eighty-five percent shall be distributed to the Alpha Kappa Alpha Educational Advancement Foundation, Inc., to promote community awareness and action through educational, economic, and cultural service activities within this state.

~~(II) Ten percent shall be distributed to the Alpha Kappa Alpha Educational Advancement Foundation, Inc., solely for the marketing of the plate.~~

c. Kappa Alpha Psi Fraternity, Inc.—

~~(I)~~ Eighty-five percent shall be distributed to the Southern Province of Kappa Alpha Psi Fraternity, Inc., to promote community awareness and action through educational, economic, and cultural service activities within this state.

~~(II) Ten percent shall be distributed to the Southern Province of Kappa Alpha Psi Fraternity, Inc., solely for the marketing of the plate.~~

d. Omega Psi Phi Fraternity, Inc.—

~~(I)~~ Eighty-five percent shall be distributed to the State of Florida Omega Friendship Foundation, Inc., to promote community awareness and action through educational, economic, and cultural service activities within this state.

~~(II) Ten percent shall be distributed to the State of Florida Omega Friendship Foundation, Inc., solely for the marketing of the plate.~~

e. Delta Sigma Theta Sorority, Inc.—

~~(I)~~ Eighty-five percent shall be distributed to the Delta Research and Educational Foundation, Inc., to promote community awareness and action through educational, economic, and cultural service activities within this state.

~~(II) Ten percent shall be distributed to the Delta Research and Educational Foundation, Inc., solely for the marketing of the plate.~~

f. Phi Beta Sigma Fraternity, Inc.—

~~(I)~~ Eighty-five percent shall be distributed to the TMB Charitable Foundation, Inc., to promote community awareness and action through educational, economic, and cultural service activities within this state.

~~(II) Ten percent shall be distributed to the TMB Charitable Foundation, Inc., solely for the marketing of the plate.~~

g. Zeta Phi Beta Sorority, Inc.—

~~(I)~~ Eighty-five percent shall be distributed to the Florida Pearls, Inc., to promote community awareness and action through educational, economic, and cultural service activities within this state.

~~(II) Ten percent shall be distributed to the Florida Pearls, Inc., solely for the marketing of the plate.~~

h. Sigma Gamma Rho Sorority, Inc.—

~~(I)~~ Eighty-five percent shall be distributed to the Sigma Gamma Rho Sorority National Education Fund, Inc., to promote community awareness and action through educational, economic, and cultural service activities within this state.

~~(II) Ten percent shall be distributed to the Sigma Gamma Rho Sorority National Education Fund, Inc., solely for the marketing of the plate.~~

i. Iota Phi Theta Fraternity, Inc.—

~~(I)~~ Eighty-five percent shall be distributed to the National Iota Foundation, Inc., to promote community awareness and action through educational, economic, and cultural service activities within this state.

~~(II) Ten percent shall be distributed to the National Iota Foundation, Inc., solely for the marketing of the plate.~~

(c)1. To be eligible for issuance of a Divine Nine license plate representing an organization listed in sub-subparagraphs (b)3.a.-i., a person must be a resident of this state who is the registered owner of a motor vehicle and who is a member of the applicable organization. The person must also present proof of membership in the organization, which may be established by:

a. A card distributed by the organization indicating the person's membership in the organization; or

b. A written letter on the organization's letterhead which is signed by the organization's national president or his or her designated official and which states that the person was inducted into the organization.

2. Proof of membership in an organization listed in sub-sub-paragraphs (b)3.a.-i. is required only for initial issuance of a Divine Nine license plate. A person need not present such proof for renewal of the license plate.

(d) A Divine Nine license plate:

1. May be personalized.

2. May not be transferred between vehicle owners.

License plates created pursuant to this subsection shall have their plate sales combined for the purpose of meeting the minimum license plate sales threshold in s. 320.08056(8)(a) and for determining the license plate limit in s. 320.08053(3)(b). License plates created pursuant to this subsection must be ordered directly from the department.

(112) FLORIDA STATE PARKS LICENSE PLATES.—

(a) The department shall develop a Florida State Parks license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Explore Our State Parks" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to the Florida State Parks Foundation, Inc., a nonprofit Florida corporation under s. 501(c)(3) of the Internal Revenue Code, the mission of which is to preserve, protect, sustain, and grow Florida state parks. Up to 10 percent of the fees may be used for marketing of the plate and costs directly associated with administration of the foundation.

(113) HONOR FLIGHT LICENSE PLATES.—

(a) The department shall develop an Honor Flight license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Honor Flight" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed equally among the Honor Flight Network hubs in this state, each of which is a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to be used as follows:

1. Up to 10 percent of the fees may be used for promotion and marketing of the license plate.

2. The remaining fees shall be used to further the Honor Flight Network's mission of transporting military veterans to Washington, D.C., in order to visit the memorials dedicated to honoring those who have served and sacrificed for the United States.

(114) BISCAYNE BAY LICENSE PLATES.—

(a) The department shall develop a Biscayne Bay license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Protect Biscayne Bay" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to The Miami Foundation, a Florida nonprofit corporation, to be used as follows:

1. Up to 10 percent of the fees may be used for promotion and marketing of the license plate and for direct reimbursement for administrative costs, startup costs, and costs incurred in the development and approval process of the license plate. All vendors associated with administrative costs shall be selected by competitive bid.

2. The remaining fees shall be used to raise awareness and support the mission and efforts of conserving Biscayne Bay. The Miami Foundation Board of Trustees must approve and is accountable for all such expenditures.

(115) DISEASE PREVENTION & EARLY DETECTION LICENSE PLATES.—

(a) The department shall develop a Disease Prevention & Early Detection license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Disease Prevention & Early Detection" must appear at the bottom of the plate.

(b) The license plate annual use fees shall be distributed to The Women's Breast & Heart Initiative, Florida Affiliate, Inc., a Florida nonprofit corporation, which may use up to 10 percent of the proceeds to promote and market the plate. The remainder of the proceeds shall be used by The Women's Breast & Heart Initiative, Florida Affiliate, Inc., to provide increased education and awareness relating to early detection, prevention, and screening of breast and heart issues.

(116) PROTECT MARINE WILDLIFE LICENSE PLATES.—

(a) The department shall develop a Protect Marine Wildlife license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Protect Marine Wildlife" must appear at the bottom of the plate.

(b) The annual use fees shall be distributed to the Protect Wild Dolphins Alliance, Inc., which may use up to 10 percent of the proceeds for administration, promotion, and marketing of the plate. All remaining proceeds shall be used by the Protect Wild Dolphins Alliance, Inc., to fund its conservation, research, and educational programs that focus on the conservation of Florida's threatened and protected marine wildlife species.

(117) 30A.COM/SCENIC WALTON LICENSE PLATES.—

(a) The department shall develop a 30A.com/Scenic Walton license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Support Scenic Walton" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Scenic Walton, Inc., a nonprofit Florida corporation under s. 501(c)(3) of the Internal Revenue Code, to be used to preserve and enhance the beauty and safety of Walton County. Up to 10 percent of the fees may be used for marketing of the plate and costs directly associated with administration of Scenic Walton, Inc.

(118) SUPPORT HEALTHCARE HEROES LICENSE PLATES.—

(a) The department shall develop a Support Healthcare Heroes license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Support Healthcare Heroes" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed annually into the Emergency Medical Services Trust Fund within the Department of Health to provide financial support for prehospital emergency medical services pursuant to s. 401.113.

Section 4. Subsection (5) of section 320.0807, Florida Statutes, is amended to read:

320.0807 Special license plates for Governor and federal and state legislators.—

(5) Upon application by any current or former President of the Senate and payment of the fees prescribed by s. 320.0805, the department may issue a license plate stamped "Senate President" followed by the number assigned by the department or chosen by the applicant if it is not already in use. Upon application by any current or former Speaker of the House of Representatives and payment of the fees prescribed by s. 320.0805, the department may issue a license plate stamped "House Speaker" followed by the number assigned by the department or chosen by the applicant if it is not already in use. ~~The applicant must have served as President of the Senate or Speaker of the House of Representatives prior to January 1, 2021.~~

Section 5. Subsection (7) is added to section 320.089, Florida Statutes, to read:

320.089 Veterans of the United States Armed Forces; members of National Guard; survivors of Pearl Harbor; Purple Heart medal recipients; Bronze Star recipients; active or retired United States Armed Forces reservists; Combat Infantry Badge, Combat Medical Badge, or Combat Action Badge recipients; Combat Action Ribbon recipients; Air Force Combat Action Medal recipients; Distinguished Flying Cross recipients; former prisoners of war; Korean War Veterans; Vietnam War Veterans; Operation Desert Shield Veterans; Operation Desert Storm Veterans; Operation Enduring Freedom Veterans; Operation Iraqi Freedom Veterans; Women Veterans; World War II Veterans; ~~and~~ Navy Submariners; *and Army of Occupation Veterans;* special license plates; fee.—

(7) The owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d) which is not used for hire or commercial use who is a resident of this state and a current or former member of the United States military who was permanently assigned to occupation forces in specific overseas locations during the Cold War between May 9, 1945, and October 2, 1990, upon application to the department accompanied by proof of active membership or former active duty status during this period at one of these locations and payment of the license tax for the vehicle as provided in s. 320.08, shall be issued a license plate as provided by s. 320.06 which, in lieu of the registration license number prescribed by s. 320.06, is stamped with the words "Army of Occupation" and a likeness of the subject medal, followed by the registration license number of the plate. Proof that the applicant was awarded the Army of Occupation Medal is sufficient to establish eligibility for the license plate.

Section 6. This act shall take effect October 1, 2021.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to specialty and special license plates; amending s. 320.08053, F.S.; authorizing a credit for or refund of the annual use fee if a specified condition is met; providing that the Department of Highway Safety and Motor Vehicles may not issue any new specialty license plates until a sufficient number of plates are discontinued; 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 only be expended in this state; requiring the department to discontinue an independent college or university's existing specialty license plate if the college or university elects to use the standard template specialty license plate; amending s. 320.08058, F.S.; providing legislative intent regarding the Florida Indian River Lagoon license plate; revising the design of such plate; revising distribution and application of annual use fees from the sale of such plates; revising distribution and use 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 to develop specified 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 such license plates; providing an effective date.

Senator Stewart moved the following Senate amendment to **House Amendment 1 (937939)** which failed:

Senate Amendment 1 (588400) (with directory amendment) to House Amendment 1 (937939)—Between lines 458 and 459 insert:

(119) ORLANDO UNITED LICENSE PLATES.—

(a) The department shall develop an Orlando United license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Orlando United" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed as follows:

1. Five percent shall be distributed to the Mental Health Association of Central Florida, Inc., to be used for marketing of the license plate.

2. Thirty-one percent shall be distributed to the Mental Health Association of Central Florida, Inc. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used to offer free personalized counseling to any person affected by the shooting at the Pulse nightclub in Orlando on June 12, 2016.

3. Two percent shall be distributed to onePULSE Foundation, Inc., a charitable, nonprofit organization under s. 501(c)(3) of the Internal Revenue Code, to be used for marketing of the license plate.

4. Thirty-one percent shall be distributed to onePULSE Foundation, Inc. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used to support the construction and maintenance of the onePULSE Foundation Memorial.

5. Thirty-one percent shall be distributed to 26 Health, Inc. Of this amount, up to 5 percent may be used for administrative expenses, and the remainder shall be used to offer free personalized counseling to any person affected by the shooting at the Pulse nightclub in Orlando on June 12, 2016.

(120) GOPHER TORTOISE LICENSE PLATES.—

(a) The department shall develop a Gopher Tortoise license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "Protect the Gopher Tortoise" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate shall be distributed to Wildlands Conservation, Inc., a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code, to fund gopher tortoise and commensal species research, education, and conservation, as well as upland habitat protection, restoration, and management in this state. Up to 10 percent of the funds received by Wildlands Conservation, Inc., may be used for marketing of the plate and costs directly associated with the administration of the gopher tortoise protection program. Wildlands Conservation, Inc., shall use and distribute the funds to eligible Florida-based scientific, conservation, and educational organizations for gopher tortoise and upland habitat research, conservation, and management.

And the directory clause is amended as follows:

Delete line 76 and insert: through (120) are added to that section, to read:

On motion by Senator Baxley, the Senate concurred in **House Amendment 1 (937939)**.

CS for CS for SB 676 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Albritton	Cruz	Perry
Ausley	Diaz	Pizzo
Baxley	Farmer	Polsky
Bean	Gainer	Powell
Berman	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—None

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 7022, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

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.

House Amendment 1 (126189) (with title amendment)—Remove lines 40-42 and insert: serve subscribers, technology descriptions, *or* technical information, ~~or trade secrets, including trade secrets as defined in s. 812.081,~~ and the actual or developmental costs of

And the title is amended as follows:

Remove line 9 and insert: Department of Revenue; amending the definition of the term "proprietary confidential business information"; removing the scheduled repeal

On motion by Senator Hutson, the Senate concurred in **House Amendment 1 (126189)**.

SB 7022 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	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—None

Vote after roll call:

Nay—Berman

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 7028, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

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.

House Amendment 1 (417125) (with title amendment)—Remove lines 19-22 and insert:

(f) ~~Data processing software obtained by an agency under a licensing agreement that prohibits its disclosure and which software is a trade secret, as defined in s. 812.081, and~~ Agency-produced data processing software that is sensitive *is* ~~are~~

And the title is amended as follows:

Remove line 9 and insert: sensitive; removing the public record exemption for certain trade secret information; removing the scheduled repeal of the

On motion by Senator Hutson, the Senate concurred in **House Amendment 1 (417125)**.

SB 7028 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

Mr. President	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

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1786, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

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. 766.303, 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.

House Amendment 1 (401309) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (n) is added to subsection (2) of section 11.45, Florida Statutes, to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(n) At least once every 3 years, conduct an operational audit of the Florida Birth-Related Neurological Injury Compensation Association. Each operational audit shall include, at a minimum, an assessment of compliance with ss. 766.303-766.315, and compliance with the public records and public meetings laws of this state. The first operational audit must be completed by August 15, 2021.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

Section 2. Subsection (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 association shall administer the plan in a manner that promotes and protects the health and best interests of children with birth-related neurological injuries.

Section 3. Paragraphs (a) and (b) of subsection (1) of section 766.31, Florida Statutes, 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. However, 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.

Expenses included under this paragraph 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. *The parents or legal guardians receiving benefits under the plan may file a petition with the Division of Administrative Hearings to dispute the amount of actual expenses reimbursed or the denial of reimbursement.*

(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 award authorized under this paragraph shall increase by 3 percent.*

2. Death benefit for the infant in an amount of *$50,000* ~~$10,000~~.

Section 4. 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, 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 responsible 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 5. Section 766.315, Florida Statutes, is amended to read:

766.315 Florida Birth-Related Neurological Injury Compensation Association; board of directors*; notice of meetings; report*.—

(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.

(b) The directors shall be appointed for staggered terms of 3 years or until their successors are appointed and have qualified*; however, a director may not serve for more than 6 consecutive years*.

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

1. One citizen representative *who is not affiliated with any of the groups identified in subparagraphs 2.-7.*

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 is named in the petition for the claim.*

(b) *If applicable,* the Chief Financial Officer shall promptly notify the appropriate ~~medical~~ association *or person identified in paragraph (a) to make recommendations* upon the occurrence of any vacancy, and like nominations may be made for the filling of the vacancy.

(c) The Governor or the Chief Financial Officer may remove a director from office for misconduct, malfeasance, misfeasance, or neglect of duty in office. Any vacancy so created shall be filled as provided in paragraph (a).

(3) The directors *may* ~~shall~~ not transact any business or exercise any power of the plan except upon the affirmative vote of *four* ~~three~~ directors. The directors shall serve without salary, but *are entitled to receive reimbursement* ~~each director shall be reimbursed~~ for actual and necessary expenses incurred in the performance of his or her official duties as a director of the plan in accordance with s. 112.061. The directors *are* ~~shall~~ not ~~be~~ subject to any liability with respect to the administration of the plan.

(4) The board of directors *has* ~~shall have~~ the power to:

(a) Administer the plan.

(b) Administer the funds collected on behalf of the plan.

(c) Administer the payment of claims on behalf of the plan.

(d) Direct the investment and reinvestment of any surplus funds over losses and expenses, *if* ~~provided that~~ any investment income generated thereby remains credited to the plan.

(e) Reinsure the risks of the plan in whole or in part.

(f) Sue and be sued, and appear and defend, in all actions and proceedings in its name to the same extent as a natural person.

(g) Have and exercise all powers necessary or convenient to effect any or all of the purposes for which the plan is created.

(h) Enter into such contracts as are necessary or proper to administer the plan.

(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.

(j) Take such legal action as may be necessary to avoid payment of improper claims.

(k) Indemnify any employee, agent, member of the board of directors or alternate thereof, or person acting on behalf of the plan in an official capacity, for expenses, including *attorney* ~~attorney's~~ fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred in connection with any action, suit, or proceeding, including any appeal thereof, arising out of such person's capacity *to act* ~~acting~~ on behalf of the plan*, if*~~; provided that~~ such person acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interests of the plan *and the health and best interest of the child*

having birth-related neurological injuries, and *if* ~~provided that~~, with respect to any criminal action or proceeding, *such* ~~the~~ person had reasonable cause to believe his or her conduct was lawful.

(5)(a) Money may be withdrawn on account of the plan only upon a voucher as authorized by the association.

(b) All *meetings of the board of directors are subject to the requirements of s. 286.011, and all* books, records, and audits of the plan are open *to the public* for reasonable inspection ~~to the general public~~, except that a claim file in the possession of the association or its representative is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution until termination of litigation or settlement of the claim, although medical records and other portions of the claim file may remain confidential and exempt as otherwise provided by law. Any book, record, document, audit, or asset acquired by, prepared for, or paid for by the association is subject to the authority of the board of directors, which is responsible therefor.

(c) *Except in the case of emergency meetings, the association shall give notice of any board meeting by publication on the association's website not fewer than 7 days before the meeting. The association shall prepare an agenda in time to ensure that a copy of the agenda may be received at least 7 days before the meeting by any person who requests a copy and who pays the reasonable cost of the copy. The agenda, along with any meeting materials available in electronic form, excluding confidential and exempt information, shall be published on the association's website. The agenda shall contain the items to be considered in order of presentation and a telephone number for members of the public to participate telephonically at the board meeting. After the agenda has been made available, a change shall be made only for good cause, as determined by the person designated to preside, and must be stated in the record. Notification of such change shall be at the earliest practicable time.*

(d) Each person authorized to receive deposits, issue vouchers, or withdraw or otherwise disburse any funds shall post a blanket fidelity bond in an amount reasonably sufficient to protect plan assets, as determined by the plan of operation. The cost of such bond will be paid from the assets of the plan.

(e)~~(d)~~ Annually, the association shall furnish audited financial reports to any plan participant upon request, to the Office of Insurance Regulation of the Financial Services Commission, and to the Joint Legislative Auditing Committee. The reports must be prepared in accordance with accepted accounting procedures and must include such information as may be required by the Office of Insurance Regulation or the Joint Legislative Auditing Committee. At any time determined to be necessary, the Office of Insurance Regulation or the Joint Legislative Auditing Committee may conduct an audit of the plan.

(f)~~(e)~~ Funds held on behalf of the plan are funds of the State of Florida. The association may only invest plan funds in the investments and securities described in s. 215.47, and shall be subject to the limitations on investments contained in that section. All income derived from such investments will be credited to the plan. The State Board of Administration may invest and reinvest funds held on behalf of the plan in accordance with the trust agreement approved by the association and the State Board of Administration and within the provisions of ss. 215.44-215.53.

(6) The association shall furnish annually to each parent and legal guardian receiving benefits under the plan either by mail or electronically a list of expenses compensable under the plan.

(7) The association shall publish a report on its website by January 1, 2022, and every January 1 thereafter. The report shall include:

(a) The names and terms of each board member and executive staff member.

(b) The amount of compensation paid to each association employee.

(c) A summary of reimbursement disputes and resolutions.

(d) A list of expenditures for attorney fees and lobbying fees.

(e) Other expenses to oppose each plan claim. Any personal identifying information of the parent, legal guardian, or child involved in the claim must be removed from this list.

(8) On or before November 1, 2021, and by each November 1 thereafter, the association shall submit a 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 of 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 6. *The amendments made to s. 766.31, Florida Statutes, by this act, apply to petitions pending or filed under s. 766.305, Florida Statutes, on or after January 1, 2021.*

Section 7. *The Agency for Health Care Administration must 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. The agency shall develop policies and procedures to ensure robust implementation of agency functions and rights relative to the primacy of the plan's third-party benefits payable under s. 766.31(1)(a)1. and 3., Florida Statutes, and recoveries due the agency under s. 409.910, Florida Statutes. 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 8. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Birth-Related Neurological Injury Compensation Plan; amending s. 11.45, F.S.; requiring the Auditor General to audit the Florida Birth-Related Neurological Injury Compensation Association at least once every 3 years; providing requirements for such audit; amending s. 766.303, F.S.; requiring that the association administer the Florida Birth-Related Neurological Injury Compensation Plan in a manner that promotes and protects the health and best interests of children with birth-related neurological injuries; amending s. 766.31, F.S.; authorizing parents or legal guardians receiving benefits under the plan to file a petition with the Division of

Administrative Hearings to dispute the denial or amount of reimbursement of actual expenses; increasing the amount that may be awarded to the parents or legal guardians of an infant found to have sustained a birth-related neurological injury; requiring that such amount be increased annually; increasing the death benefit for an infant found to have sustained a birth-related neurological injury; 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, senior managers, and members of 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 and entities; 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 the membership of the board of directors of the association; prohibiting certain appointed directors from voting on board matters relating to a claim if they were named in the petition for the claim; providing a term limit for directors; revising the process for recommending new directors; authorizing removal of a director from office for specified reasons; revising the powers of the directors; providing that meetings of the board of directors are subject to the public meetings and records law; specifying notice and agenda requirements for board meetings; requiring the association to furnish a list of compensable expenses to parents and legal guardians receiving benefits; requiring the association to publish a report on its website by a specified date annually; providing requirements for such report; requiring the association to submit a report to the Governor, Legislature, and Chief Financial Officer by a specified date annually; providing requirements for such report; providing applicability; requiring the Agency for Health Care Administration to conduct a review and develop policies and procedures regarding Medicaid third-party benefits payable by and recoverable from the Florida Birth-Related Neurological Injury Compensation 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.

Senator Burgess moved the following Senate amendment to **House Amendment 1 (401309)** which was adopted:

Senate Amendment 1 (126068) (with title amendment) to House Amendment 1 (401309)—Delete lines 44-349 and insert:
At a minimum, compensation must be provided for the following actual expenses:

1. 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.

2. 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.

3. Housing assistance of up to $100,000 for the life 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) are* ~~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. *The parents or legal guardians receiving benefits under the plan may file a petition with the Division of Administrative Hearings to dispute the amount of actual expenses reimbursed or a denial of reimbursement.*

(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 and must be paid by July 1, 2021.

2.*a.* Death benefit for the infant in an amount of *$50,000.*

b. 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 sub-subparagraph a. 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 and must be paid by July 1, 2021 ~~$10,000~~.

Section 4. 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, 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 responsible 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 5. Section 766.315, Florida Statutes, is amended to read:

766.315 Florida Birth-Related Neurological Injury Compensation Association; board of directors*; notice of meetings; report*.—

(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.

(b) The directors shall be appointed for staggered terms of 3 years or until their successors are appointed and have qualified*; however, a director may not serve for more than 6 consecutive years*.

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

1. One citizen representative *who is not affiliated with any of the groups identified in subparagraphs 2.-7.*

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 is named in the petition for the claim.*

(b) *If applicable,* the Chief Financial Officer shall promptly notify the appropriate ~~medical~~ association *or person identified in paragraph (a) to make recommendations* upon the occurrence of any vacancy, and like nominations may be made for the filling of the vacancy.

(c) The Governor or the Chief Financial Officer may remove a director from office for misconduct, malfeasance, misfeasance, or neglect of duty in office. Any vacancy so created shall be filled as provided in paragraph (a).

(3) The directors *may* ~~shall~~ not transact any business or exercise any power of the plan except upon the affirmative vote of *four* ~~three~~ directors. The directors shall serve without salary~~,~~ but *are entitled to receive reimbursement* ~~each director shall be reimbursed~~ for actual and necessary expenses incurred in the performance of his or her official duties as a director of the plan in accordance with s. 112.061. The directors *are* ~~shall~~ not ~~be~~ subject to any liability with respect to the administration of the plan.

(4) The board of directors *has* ~~shall have~~ the power to:

(a) Administer the plan.

(b) Administer the funds collected on behalf of the plan.

(c) Administer the payment of claims on behalf of the plan.

(d) Direct the investment and reinvestment of any surplus funds over losses and expenses, *if* ~~provided that~~ any investment income generated thereby remains credited to the plan.

(e) Reinsure the risks of the plan in whole or in part.

(f) Sue and be sued, and appear and defend, in all actions and proceedings in its name to the same extent as a natural person.

(g) Have and exercise all powers necessary or convenient to effect any or all of the purposes for which the plan is created.

(h) Enter into such contracts as are necessary or proper to administer the plan.

(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.

(j) Take such legal action as may be necessary to avoid payment of improper claims.

(k) Indemnify any employee, agent, member of the board of directors or alternate thereof, or person acting on behalf of the plan in an official capacity, for expenses, including *attorney* ~~attorney's~~ fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred in connection with any action, suit, or proceeding, including any appeal thereof, arising out of such person's capacity *to act* ~~acting~~ on behalf of the plan*, if*~~; provided that~~ such person acted in good faith and in a manner he or she reasonably believed to be in, or not opposed to, the best interests of the plan *and the health and best interest of the child having birth-related neurological injuries,* and *if* ~~provided that~~, with respect to any criminal action or proceeding, *such* ~~the~~ person had reasonable cause to believe his or her conduct was lawful.

(5)(a) Money may be withdrawn on account of the plan only upon a voucher as authorized by the association.

(b) All *meetings of the board of directors are subject to the requirements of s. 286.011, and all* books, records, and audits of the plan are open *to the public* for reasonable inspection ~~to the general public~~, except that a claim file in the possession of the association or its representative is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution until termination of litigation or settlement of the claim, although medical records and other portions of the claim file may remain confidential and exempt as otherwise provided by law. Any book, record, document, audit, or asset acquired by, prepared for, or paid for by the association is subject to the authority of the board of directors, which is responsible therefor.

(c) *Except in the case of emergency meetings, the association shall give notice of any board meeting by publication on the association's website not fewer than 7 days before the meeting. The association shall prepare an agenda in time to ensure that a copy of the agenda may be received at least 7 days before the meeting by any person who requests a copy and who pays the reasonable cost of the copy. The agenda, along with any meeting materials available in electronic form, excluding confidential and exempt information, shall be published on the asso-*

ciation's website. The agenda shall contain the items to be considered in order of presentation and a telephone number for members of the public to participate telephonically at the board meeting. After the agenda has been made available, a change shall be made only for good cause, as determined by the person designated to preside, and must be stated in the record. Notification of such change shall be at the earliest practicable time.

(d) Each person authorized to receive deposits, issue vouchers, or withdraw or otherwise disburse any funds shall post a blanket fidelity bond in an amount reasonably sufficient to protect plan assets, as determined by the plan of operation. The cost of such bond will be paid from the assets of the plan.

(e)~~(d)~~ Annually, the association shall furnish audited financial reports to any plan participant upon request, to the Office of Insurance Regulation of the Financial Services Commission, and to the Joint Legislative Auditing Committee. The reports must be prepared in accordance with accepted accounting procedures and must include such information as may be required by the Office of Insurance Regulation or the Joint Legislative Auditing Committee. At any time determined to be necessary, the Office of Insurance Regulation or the Joint Legislative Auditing Committee may conduct an audit of the plan.

(f)~~(e)~~ Funds held on behalf of the plan are funds of the State of Florida. The association may only invest plan funds in the investments and securities described in s. 215.47, and shall be subject to the limitations on investments contained in that section. All income derived from such investments will be credited to the plan. The State Board of Administration may invest and reinvest funds held on behalf of the plan in accordance with the trust agreement approved by the association and the State Board of Administration and within the provisions of ss. 215.44-215.53.

(6) The association shall furnish annually to each parent and legal guardian receiving benefits under the plan either by mail or electronically a list of expenses compensable under the plan.

(7) The association shall publish a report on its website by January 1, 2022, and every January 1 thereafter. The report shall include:

(a) The names and terms of each board member and executive staff member.

(b) The amount of compensation paid to each association employee.

(c) A summary of reimbursement disputes and resolutions.

(d) A list of expenditures for attorney fees and lobbying fees.

(e) Other expenses to oppose each plan claim. Any personal identifying information of the parent, legal guardian, or child involved in the claim must be removed from this list.

(8) On or before November 1, 2021, and by each November 1 thereafter, the association shall submit a 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 of 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 6. *The amendments made to s. 766.31, Florida Statutes, by this act, apply to petitions pending or filed under s. 766.305, Florida Statutes, on or after January 1, 2021. However, s. 766.31(1)(d)1.b. and 2.b., Florida Statutes, as created by this act, apply retroactively.*

Section 7. *The Agency for Health Care Administration must 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. Based on its findings, the agency shall provide recommendations regarding the development of*

And the title is amended as follows:

Delete lines 376-427 and insert: 766.31, F.S.; revising requirements for the award for compensation for claims under the plan; authorizing parents or legal guardians receiving benefits under the plan to file a petition with the Division of Administrative Hearings to dispute the denial or amount of reimbursement of actual expenses; increasing the amount that may be awarded to the parents or legal guardians of an infant found to have sustained a birth-related neurological injury; requiring that such amount be increased 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; requiring the plan to make such payments by a specified date; increasing the death benefit for an infant found to have sustained a birth-related neurological injury; 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 the plan to make such payments by a specified date; 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, senior managers, and members of 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 and entities; 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 the membership of the board of directors of the association; prohibiting certain appointed directors from voting on board matters relating to a claim if they were named in the petition for the claim; providing a term limit for directors; revising the process for recommending new directors; authorizing removal of a director from office for specified reasons; revising the powers of the directors; providing that meetings of the board of directors are subject to the public meetings and records law; specifying notice and agenda requirements for board meetings; requiring the association to furnish a list of compensable expenses to parents and legal guardians receiving benefits; requiring the association to publish a report on its website by a specified date annually; providing requirements for such report; requiring the association to submit a report to the Governor, Legislature, and Chief Financial Officer by a specified date annually; providing requirements for such report; providing applicability; requiring the Agency for Health Care Administration to conduct a review and provide certain recom-

mendations regarding Medicaid third-party benefits payable by and recoverable from the plan;

On motion by Senator Burgess, the Senate concurred in **House Amendment 1 (401309)**, as amended by **Senate Amendment 1 (126068)**, and requested the House to concur in the Senate amendment to the House amendment.

CS for CS for SB 1786 passed, as amended, and the action of the Senate was 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

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1568, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

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; revising an exemption from telehealth registration requirements; 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; amending s. 381.986, F.S.; prohibiting the department from renewing a medical marijuana treatment center's license under certain circumstances; providing effective dates.

House Amendment 1 (527309) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsections (2) and (3) of section 381.0045, Florida Statutes, are amended to read:

381.0045 Targeted outreach for pregnant women.—

(2) It is the purpose of this section to establish a targeted outreach program for high-risk pregnant women who may not seek proper prenatal care, who suffer from substance abuse *or mental health* problems, or who *have* ~~are infected with~~ human immunodeficiency virus (HIV), and to provide these women with links to much needed services and information.

(3) The department shall:

(a) Conduct outreach programs through contracts with, grants to, or other working relationships with persons or entities where the target population is likely to be found.

(b) Provide outreach that is peer-based, culturally sensitive, and performed in a nonjudgmental manner.

(c) Encourage high-risk pregnant women of unknown status to be tested for HIV *and other sexually transmissible diseases as specified by department rule*.

(d) Educate women not receiving prenatal care as to the benefits of such care.

(e) Provide ~~HIV-infected~~ pregnant women *who have HIV* with information *on the need for antiretroviral medication for their newborn, their medication options, and how they can access the medication after*

their discharge from the hospital ~~so they can make an informed decision about the use of Zidovudine (AZT)~~.

(f) Link women with substance abuse treatment *and mental health services*, when available, and act as a liaison with Healthy Start coalitions, children's medical services, Ryan White-funded providers, and other services of the Department of Health.

(g) *Educate pregnant women who have HIV on the importance of engaging in and continuing HIV care.*

(h) Provide continued oversight *of* ~~to HIV exposed~~ newborns *exposed to HIV to determine the newborn's final HIV status and ensure continued linkage to care if the newborn is diagnosed with HIV*.

Section 2. Paragraph (e) of subsection (8) of section 381.986, Florida Statutes, is amended, and paragraph (i) is added to subsection (14) of that section, to read:

381.986 Medical use of marijuana.—

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(e) A licensed medical marijuana treatment center shall cultivate, process, transport, and dispense marijuana for medical use. A licensed medical marijuana treatment center may not contract for services directly related to the cultivation, processing, and dispensing of marijuana or marijuana delivery devices, except that a medical marijuana treatment center licensed pursuant to subparagraph (a)1. may contract with a single entity for the cultivation, processing, transporting, and dispensing of marijuana and marijuana delivery devices. A licensed medical marijuana treatment center must, at all times, maintain compliance with the criteria demonstrated and representations made in the initial application and the criteria established in this subsection. Upon request, the department may grant a medical marijuana treatment center a variance from the representations made in the initial application. Consideration of such a request shall be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting medical marijuana treatment center can demonstrate to the department that it has a proposed alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower standard than the specific representation in the application. A variance may not be granted from the requirements in subparagraph 2. and subparagraphs (b)1. and 2.

1. A licensed medical marijuana treatment center may transfer ownership to an individual or entity who meets the requirements of this section. A publicly traded corporation or publicly traded company that meets the requirements of this section is not precluded from ownership of a medical marijuana treatment center. To accommodate a change in ownership:

a. The licensed medical marijuana treatment center shall notify the department in writing at least 60 days before the anticipated date of the change of ownership.

b. The individual or entity applying for initial licensure due to a change of ownership must submit an application that must be received by the department at least 60 days before the date of change of ownership.

c. Upon receipt of an application for a license, the department shall examine the application and, within 30 days after receipt, notify the applicant in writing of any apparent errors or omissions and request any additional information required.

d. Requested information omitted from an application for licensure must be filed with the department within 21 days after the department's request for omitted information or the application shall be deemed incomplete and shall be withdrawn from further consideration and the fees shall be forfeited.

Within 30 days after the receipt of a complete application, the department shall approve or deny the application.

2. A medical marijuana treatment center, and any individual or entity who directly or indirectly owns, controls, or holds with power to vote 5 percent or more of the voting shares of a medical marijuana treatment center, may not acquire direct or indirect ownership or control of any voting shares or other form of ownership of any other medical marijuana treatment center.

3. A medical marijuana treatment center may not enter into any form of profit-sharing arrangement with the property owner or lessor of any of its facilities where cultivation, processing, storing, or dispensing of marijuana and marijuana delivery devices occurs.

4. All employees of a medical marijuana treatment center must be 21 years of age or older and have passed a background screening pursuant to subsection (9).

5. Each medical marijuana treatment center must adopt and enforce policies and procedures to ensure employees and volunteers receive training on the legal requirements to dispense marijuana to qualified patients.

6. When growing marijuana, a medical marijuana treatment center:

a. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to s. 487.042.

b. Must grow marijuana within an enclosed structure and in a room separate from any other plant.

c. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state in accordance with chapter 581 and any rules adopted thereunder.

d. Must perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

7. Each medical marijuana treatment center must produce and make available for purchase at least one low-THC cannabis product.

8. A medical marijuana treatment center that produces edibles must hold a permit to operate as a food establishment pursuant to chapter 500, the Florida Food Safety Act, and must comply with all the requirements for food establishments pursuant to chapter 500 and any rules adopted thereunder. Edibles may not contain more than 200 milligrams of tetrahydrocannabinol, and a single serving portion of an edible may not exceed 10 milligrams of tetrahydrocannabinol. Edibles may have a potency variance of no greater than 15 percent. Edibles may not be attractive to children; be manufactured in the shape of humans, cartoons, or animals; be manufactured in a form that bears any reasonable resemblance to products available for consumption as commercially available candy; or contain any color additives. To discourage consumption of edibles by children, the department shall determine by rule any shapes, forms, and ingredients allowed and prohibited for edibles. Medical marijuana treatment centers may not begin processing or dispensing edibles until after the effective date of the rule. The department shall also adopt sanitation rules providing the standards and requirements for the storage, display, or dispensing of edibles.

9. Within 12 months after licensure, a medical marijuana treatment center must demonstrate to the department that all of its processing facilities have passed a Food Safety Good Manufacturing Practices, such as Global Food Safety Initiative or equivalent, inspection by a nationally accredited certifying body. A medical marijuana treatment center must immediately stop processing at any facility which fails to pass this inspection until it demonstrates to the department that such facility has met this requirement.

10. A medical marijuana treatment center that produces prerolled marijuana cigarettes may not use wrapping paper made with tobacco or hemp.

11. When processing marijuana, a medical marijuana treatment center must:

a. Process the marijuana within an enclosed structure and in a room separate from other plants or products.

b. Comply with department rules when processing marijuana with hydrocarbon solvents or other solvents or gases exhibiting potential toxicity to humans. The department shall determine by rule the requirements for medical marijuana treatment centers to use such solvents or gases exhibiting potential toxicity to humans.

c. Comply with federal and state laws and regulations and department rules for solid and liquid wastes. The department shall determine by rule procedures for the storage, handling, transportation, management, and disposal of solid and liquid waste generated during marijuana production and processing. The Department of Environmental Protection shall assist the department in developing such rules.

d. Test ~~the processed~~ marijuana using a medical marijuana testing laboratory before it is dispensed. Results must be verified and signed by two medical marijuana treatment center employees. Before dispensing, the medical marijuana treatment center must determine that the test results indicate that low-THC cannabis meets the definition of low-THC cannabis, the concentration of tetrahydrocannabinol meets the potency requirements of this section, the labeling of the concentration of tetrahydrocannabinol and cannabidiol is accurate, and all marijuana is safe for human consumption and free from contaminants that are unsafe for human consumption. The department shall determine by rule which contaminants must be tested for and the maximum levels of each contaminant which are safe for human consumption. The Department of Agriculture and Consumer Services shall assist the department in developing the testing requirements for contaminants that are unsafe for human consumption in edibles. The department shall also determine by rule the procedures for the treatment of marijuana that fails to meet the testing requirements of this section, s. 381.988, or department rule. The department may select *samples of marijuana* ~~a random sample from edibles~~ available *in a cultivation facility, processing facility, or* for purchase in a dispensing facility which shall be tested by the department to determine that the *marijuana* ~~edible~~ meets the potency requirements of this section, is safe for human consumption, and the labeling of the tetrahydrocannabinol and cannabidiol concentration is accurate *or to verify medical marijuana testing laboratory results. The department may also sample marijuana delivery devices from a dispensing facility to determine whether the marijuana delivery device is safe for use by qualified patients*. A medical marijuana treatment center may not require payment from the department for the sample. A medical marijuana treatment center must recall *all marijuana that fails* ~~edibles, including all edibles made from the same batch of marijuana, which fail~~ to meet the potency requirements of this section, which *is* ~~are~~ unsafe for human consumption, or for which the labeling of the tetrahydrocannabinol and cannabidiol concentration is inaccurate. The medical marijuana treatment center must retain records of all testing and samples of each homogenous batch of marijuana for at least 9 months. The medical marijuana treatment center must contract with a marijuana testing laboratory to perform audits on the medical marijuana treatment center's standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana or low-THC cannabis meets the requirements of this section and that the marijuana or low-THC cannabis is safe for human consumption. A medical marijuana treatment center shall reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of such audits. A medical marijuana treatment center may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification, but in no event later than July 1, 2018.

e. Package the marijuana in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

f. Package the marijuana in a receptacle that has a firmly affixed and legible label stating the following information:

(I) The marijuana or low-THC cannabis meets the requirements of sub-subparagraph d.

(II) The name of the medical marijuana treatment center from which the marijuana originates.

(III) The batch number and harvest number from which the marijuana originates and the date dispensed.

(IV) The name of the physician who issued the physician certification.

(V) The name of the patient.

(VI) The product name, if applicable, and dosage form, including concentration of tetrahydrocannabinol and cannabidiol. The product name may not contain wording commonly associated with products marketed by or to children.

(VII) The recommended dose.

(VIII) A warning that it is illegal to transfer medical marijuana to another person.

(IX) A marijuana universal symbol developed by the department.

12. The medical marijuana treatment center shall include in each package a patient package insert with information on the specific product dispensed related to:

a. Clinical pharmacology.

b. Indications and use.

c. Dosage and administration.

d. Dosage forms and strengths.

e. Contraindications.

f. Warnings and precautions.

g. Adverse reactions.

13. In addition to the packaging and labeling requirements specified in subparagraphs 11. and 12., marijuana in a form for smoking must be packaged in a sealed receptacle with a legible and prominent warning to keep away from children and a warning that states marijuana smoke contains carcinogens and may negatively affect health. Such receptacles for marijuana in a form for smoking must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol.

14. The department shall adopt rules to regulate the types, appearance, and labeling of marijuana delivery devices dispensed from a medical marijuana treatment center. The rules must require marijuana delivery devices to have an appearance consistent with medical use.

15. Each edible shall be individually sealed in plain, opaque wrapping marked only with the marijuana universal symbol. Where practical, each edible shall be marked with the marijuana universal symbol. In addition to the packaging and labeling requirements in subparagraphs 11. and 12., edible receptacles must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol. The receptacle must also include a list of all the edible's ingredients, storage instructions, an expiration date, a legible and prominent warning to keep away from children and pets, and a warning that the edible has not been produced or inspected pursuant to federal food safety laws.

16. When dispensing marijuana or a marijuana delivery device, a medical marijuana treatment center:

a. May dispense any active, valid order for low-THC cannabis, medical cannabis and cannabis delivery devices issued pursuant to former s. 381.986, Florida Statutes 2016, which was entered into the medical marijuana use registry before July 1, 2017.

b. May not dispense more than a 70-day supply of marijuana within any 70-day period to a qualified patient or caregiver. May not dispense more than one 35-day supply of marijuana in a form for smoking within any 35-day period to a qualified patient or caregiver. A 35-day supply of marijuana in a form for smoking may not exceed 2.5 ounces unless an exception to this amount is approved by the department pursuant to paragraph (4)(f).

c. Must have the medical marijuana treatment center's employee who dispenses the marijuana or a marijuana delivery device enter into

the medical marijuana use registry his or her name or unique employee identifier.

d. Must verify that the qualified patient and the caregiver, if applicable, each have an active registration in the medical marijuana use registry and an active and valid medical marijuana use registry identification card, the amount and type of marijuana dispensed matches the physician certification in the medical marijuana use registry for that qualified patient, and the physician certification has not already been filled.

e. May not dispense marijuana to a qualified patient who is younger than 18 years of age. If the qualified patient is younger than 18 years of age, marijuana may only be dispensed to the qualified patient's caregiver.

f. May not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes or wrapping papers made with tobacco or hemp, other than a marijuana delivery device required for the medical use of marijuana and which is specified in a physician certification.

g. Must, upon dispensing the marijuana or marijuana delivery device, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.

h. Must ensure that patient records are not visible to anyone other than the qualified patient, his or her caregiver, and authorized medical marijuana treatment center employees.

(14) EXCEPTIONS TO OTHER LAWS.—

(i) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, the department, including an employee of the department acting within the scope of his or her employment, may acquire, possess, test, transport, and lawfully dispose of marijuana as provided in this section.

Section 3. 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 4. Subsection (12) is added to of section 381.988, Florida Statutes, to read:

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

(12) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other provision of law, but subject to the requirements of this section, the department, including an employee of the department acting within the scope of his or her employment, may acquire, possess, test, transport, and lawfully dispose of marijuana as provided in this section.

Section 5. Section 395.3042, Florida Statutes, is created to read:

395.3042 Emergency medical services providers; triage and transportation of heart attack victims to an adult cardiovascular services provider.—

(1) By June 1 of each year, the department shall send a list of providers of Level I and Level II adult cardiovascular services to the medical director of each licensed emergency medical services provider in this state.

(2) The department shall develop a sample heart attack-triage assessment tool. The department must post this sample assessment tool on its website and provide a copy of the assessment tool to each licensed emergency medical services provider. Each licensed emergency medical services provider must use a heart attack-triage assessment tool that is substantially similar to the sample heart attack-triage assessment tool provided by the department.

(3) The medical director of each licensed emergency medical services provider shall develop and implement assessment, treatment, and transport-destination protocols for heart attack patients with the intent to assess, treat, and transport heart attack patients to the most appropriate hospital. Such protocols must include the development and implementation of plans for the triage and transport of patients with acute heart attack symptoms.

(4) Each emergency medical services provider licensed under chapter 401 must comply with this section.

Section 6. Subsection (7) of section 400.506, Florida Statutes, is amended to read:

400.506 Licensure of nurse registries; requirements; penalties.—

(7) A person who is referred by a nurse registry for contract in private residences and who is not a nurse licensed under part I of chapter 464 may perform only those services or care to clients that the person has been certified to perform or trained to perform as required by law or rules of the Agency for Health Care Administration or the Department of Business and Professional Regulation. Providing services beyond the scope authorized under this subsection constitutes the unauthorized practice of medicine or a violation of the Nurse Practice Act and is punishable as provided under chapter 458, chapter 459, or part I of chapter 464. *If a licensed nurse registry authorizes a registered nurse to delegate tasks, including medication administration, to a certified nursing assistant pursuant to chapter 464 or to a home health aide pursuant to s. 400.490, the licensed nurse registry must ensure that such delegation meets the requirements of this chapter and chapter 464 and the rules adopted thereunder.*

Section 7. Subsections (3) and (4) of section 401.465, Florida Statutes, are renumbered as subsections (4) and (5), respectively, paragraphs (d) and (j) of subsection (2) of that section are amended, paragraph (d) is added to subsection (1), and a new subsection (3) is added to that section, to read:

401.465 911 public safety telecommunicator certification.—

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

(d) "Telecommunicator cardiopulmonary resuscitation training" means specific training, including continuous education, that is evidence based and contains nationally accepted guidelines for high-quality telecommunicator cardiopulmonary resuscitation with the recognition of out-of-hospital cardiac arrest over the telephone and the delivery of telephonic instructions for treating cardiac arrest and performing compression-only cardiopulmonary resuscitation.

(2) PERSONNEL; STANDARDS AND CERTIFICATION.—

(d) The department shall determine whether the applicant meets the requirements specified in this section and in rules of the department and shall issue a certificate to any person who meets such requirements. Such requirements must include the following:

1. Completion of an appropriate 911 public safety telecommunication training program;

2. Certification under oath that the applicant is not addicted to alcohol or any controlled substance;

3. Certification under oath that the applicant is free from any physical or mental defect or disease that might impair the applicant's ability to perform his or her duties;

4. Submission of the application fee prescribed in subsection *(4)* ~~(3)~~;

5. Submission of a completed application to the department which indicates compliance with subparagraphs 1., 2., and 3.; and

6. Effective October 1, 2012, passage of an examination approved by the department which measures the applicant's competency and proficiency in the subject material of the public safety telecommunication training program.

(j)1. The requirement for certification as a 911 public safety telecommunicator is waived for a person employed as a sworn state-certified law enforcement officer, provided the officer:

a. Is selected by his or her chief executive to perform as a 911 public safety telecommunicator;

b. Performs as a 911 public safety telecommunicator on an occasional or limited basis; and

c. Passes the department-approved examination that measures the competency and proficiency of an applicant in the subject material comprising the public safety telecommunication program.

2. A sworn state-certified law enforcement officer who fails an examination taken under subparagraph 1. must take a department-approved public safety telecommunication training program prior to retaking the examination.

3. The testing required under this paragraph is exempt from the examination fee required under subsection *(4)* ~~(3)~~.

(3) TELECOMMUNICATOR CARDIOPULMONARY RESUSCITATION TRAINING.—In addition to the certification and recertification requirements contained in this section, 911 public safety telecommunicators who take telephone calls and provide dispatch functions for emergency medical conditions must complete telecommunicator cardiopulmonary resuscitation training every 2 years.

Section 8. Paragraph (h) is added to subsection (1) of section 408.033, Florida Statutes, to read:

408.033 Local and state health planning.—

(1) LOCAL HEALTH COUNCILS.—

(h) For the purpose of performing their duties under this section, local health councils may collect utilization data from each hospital licensed under chapter 395 which is located within their respective local health council districts.

Section 9. Paragraph (c) of subsection (2) of section 456.47, Florida Statutes, is amended to read:

456.47 Use of telehealth to provide services.—

(2) PRACTICE STANDARDS.—

(c) A telehealth provider may not use telehealth to prescribe a controlled substance *listed in Schedule II of s. 893.03* unless the controlled substance is prescribed for the following:

1. The treatment of a psychiatric disorder;

2. Inpatient treatment at a hospital licensed under chapter 395;

3. The treatment of a patient receiving hospice services as defined in s. 400.601; or

4. The treatment of a resident of a nursing home facility as defined in s. 400.021.

Section 10. Subsection (1) of section 460.406, Florida Statutes, is amended to read:

460.406 Licensure by examination.—

(1) Any person desiring to be licensed as a chiropractic physician must apply to the department to take the licensure examination. There shall be an application fee set by the board not to exceed $100 which shall be nonrefundable. There shall also be an examination fee not to exceed $500 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Board of Chiropractic Examiners or a similar national organization, which may be refundable if the applicant is found ineligible to take the examination. The department shall examine each applicant who the board certifies has *met all of the following criteria*:

(a) Completed the application form and remitted the appropriate fee.

(b) Submitted proof satisfactory to the department that he or she is not less than 18 years of age.

(c) Submitted proof satisfactory to the department that he or she is a graduate of a chiropractic college which is accredited by or has status with the Council on Chiropractic Education or its predecessor agency. However, any applicant who is a graduate of a chiropractic college that was initially accredited by the Council on Chiropractic Education in 1995, who graduated from such college within the 4 years immediately preceding such accreditation, and who is otherwise qualified *is* ~~shall be~~ eligible to take the examination. *An* ~~No~~ application for a license to practice chiropractic medicine *may not* ~~shall~~ be denied solely because the applicant is a graduate of a chiropractic college that subscribes to one philosophy of chiropractic medicine as distinguished from another.

(d)1. For an applicant who has matriculated in a chiropractic college *before* ~~prior to~~ July 2, 1990, completed at least 2 years of residence college work, consisting of a minimum of one-half the work acceptable for a bachelor's degree granted on the basis of a 4-year period of study, in a college or university accredited by an *institutional* accrediting agency recognized and approved by the United States Department of Education. However, *before* ~~prior to~~ being certified by the board to sit for the examination, each applicant who has matriculated in a chiropractic college after July 1, 1990, *must* ~~shall~~ have been granted a bachelor's degree, based upon 4 academic years of study, by a college or university accredited by *an institutional* ~~a regional~~ accrediting agency which is a member of the Commission on Recognition of Postsecondary Accreditation.

2. Effective July 1, 2000, completed, *before* ~~prior to~~ matriculation in a chiropractic college, at least 3 years of residence college work, consisting of a minimum of 90 semester hours leading to a bachelor's degree in a liberal arts college or university accredited by an *institutional* accrediting agency recognized and approved by the United States Department of Education. However, *before* ~~prior to~~ being certified by the board to sit for the examination, each applicant who has matriculated in a chiropractic college after July 1, 2000, *must* ~~shall~~ have been granted a bachelor's degree from an institution holding accreditation for that degree from *an institutional* ~~a regional~~ accrediting agency which is recognized by the United States Department of Education. The applicant's chiropractic degree must consist of credits earned in the chiropractic program and may not include academic credit for courses from the bachelor's degree.

(e) Successfully completed the National Board of Chiropractic Examiners certification examination in parts I, II, III, and IV, and the physiotherapy examination of the National Board of Chiropractic Examiners, with a score approved by the board.

(f) Submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

The board may require an applicant who graduated from an institution accredited by the Council on Chiropractic Education more than 10 years before the date of application to the board to take the National Board of Chiropractic Examiners Special Purposes Examination for Chiropractic, or its equivalent, as determined by the board. The board shall establish by rule a passing score.

Section 11. Subsection (4) of section 464.008, Florida Statutes, is amended to read:

464.008 Licensure by examination.—

~~(4) If an applicant who graduates from an approved program does not take the licensure examination within 6 months after graduation, he or she must enroll in and successfully complete a board approved licensure examination preparatory course. The applicant is responsible for all costs associated with the course and may not use state or federal financial aid for such costs. The board shall by rule establish guidelines for licensure examination preparatory courses.~~

Section 12. Subsection (2) of section 464.0156, Florida Statutes, is amended to read:

464.0156 Delegation of duties.—

(2) A registered nurse may delegate to a certified nursing assistant or a home health aide the administration of oral, transdermal, ophthalmic, otic, rectal, inhaled, enteral, or topical prescription medications to a patient of a home health agency *or nurse registry*~~,~~ if the certified nursing assistant or home health aide meets the requirements of s. 464.2035 or s. 400.489, respectively. A registered nurse may not delegate the administration of any controlled substance listed in Schedule II, Schedule III, or Schedule IV of s. 893.03 or 21 U.S.C. s. 812.

Section 13. Paragraph (e) of subsection (1) of section 464.018, Florida Statutes, is amended to read:

464.018 Disciplinary actions.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in ss. 456.072(2) and 464.0095:

(e) Having been found guilty of~~, regardless of adjudication,~~ or entered a plea of nolo contendere or guilty to,~~ regardless of adjudication,~~ any offense prohibited under s. 435.04 or similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in s. 741.28.

Section 14. Subsections (1) and (3) of section 464.2035, Florida Statutes, are amended to read:

464.2035 Administration of medication.—

(1) A certified nursing assistant may administer oral, transdermal, ophthalmic, otic, rectal, inhaled, enteral, or topical prescription medication to a patient of a home health agency *or nurse registry* if the certified nursing assistant has been delegated such task by a registered nurse licensed under part I of this chapter, has satisfactorily completed an initial 6-hour training course approved by the board, and has been found competent to administer medication to a patient in a safe and sanitary manner. The training, determination of competency, and initial and annual validation required under this section must be conducted by a registered nurse licensed under this chapter or a physician licensed under chapter 458 or chapter 459.

(3) The board, in consultation with the Agency for Health Care Administration, shall establish by rule standards and procedures that a certified nursing assistant must follow when administering medication to a patient of a home health agency *or nurse registry*. Such rules must, at a minimum, address qualification requirements for trainers, requirements for labeling medication, documentation and recordkeeping, the storage and disposal of medication, instructions concerning the safe administration of medication, informed-consent requirements and records, and the training curriculum and validation procedures.

Section 15. Paragraph (h) of subsection (1) of section 466.028, Florida Statutes, is amended to read:

466.028 Grounds for disciplinary action; action by the board.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(h) Being employed by any corporation, organization, group, or person other than a dentist*, a hospital,* or a professional corporation or limited liability company composed of dentists to practice dentistry.

Section 16. Section 466.0285, Florida Statutes, is amended to read:

466.0285 Proprietorship by nondentists.—

(1) *A person or an entity* ~~No person~~ other than a dentist licensed *under* ~~pursuant to~~ this chapter*, a specialty-licensed children's hospital licensed under chapter 395 as of January 1, 2021, or* ~~nor any entity other than~~ a professional corporation or limited liability company composed of dentists, may *not*:

(a) Employ a dentist or dental hygienist in the operation of a dental office.

(b) Control the use of any dental equipment or material while such equipment or material is being used for the provision of dental services, whether those services are provided by a dentist, a dental hygienist, or a dental assistant.

(c) Direct, control, or interfere with a dentist's clinical judgment. To direct, control, or interfere with a dentist's clinical judgment *does not mean* ~~may not be interpreted to mean~~ dental services contractually excluded, the application of alternative benefits that may be appropriate given the dentist's prescribed course of treatment, or the application of contractual provisions and scope of coverage determinations in comparison with a dentist's prescribed treatment on behalf of a covered person by an insurer, health maintenance organization, or a prepaid limited health service organization.

Any lease agreement, rental agreement, or other arrangement between a nondentist and a dentist whereby the nondentist provides the dentist with dental equipment or dental materials *must* ~~shall~~ contain a provision whereby the dentist expressly maintains complete care, custody, and control of the equipment or practice.

(2) The purpose of this section is to prevent a nondentist from influencing or otherwise interfering with the exercise of a dentist's independent professional judgment. In addition to the acts specified in subsection (1), *a* ~~no~~ person *or an entity that* ~~who~~ is not a dentist licensed *under* ~~pursuant to~~ this chapter*, a specialty-licensed children's hospital licensed under chapter 395 as of January 1, 2021, or* ~~nor any entity that is not~~ a professional corporation or limited liability company composed of dentists *may not* ~~shall~~ enter into a relationship with a licensee pursuant to which such unlicensed person or such entity exercises control over *any of* the following:

(a) The selection of a course of treatment for a patient, the procedures or materials to be used as part of such course of treatment, and the manner in which such course of treatment is carried out by the licensee.~~;~~

(b) The patient records of a dentist.~~;~~

(c) Policies and decisions relating to pricing, credit, refunds, warranties, and advertising.~~; and~~

(d) Decisions relating to office personnel and hours of practice.

(3) Any person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any contract or arrangement entered into or undertaken in violation of this section *is* ~~shall be~~ void as contrary to public policy. This section applies to contracts entered into or renewed on or after October 1, 1997.

Section 17. Subsections (13) and (14) of section 467.003, Florida Statutes, are renumbered as subsections (14) and (15), respectively, subsections (1) and (12) are amended, and a new subsection (13) is added to that section, to read:

467.003 Definitions.—As used in this chapter, unless the context otherwise requires:

(1) "Approved *midwifery* program" means ~~a midwifery school or~~ a midwifery training program *that* ~~which~~ is approved by the department pursuant to s. 467.205.

(12) "Preceptor" means a physician *licensed under chapter 458 or chapter 459*, a ~~licensed~~ midwife *licensed under this chapter*, or a certified nurse midwife *licensed under chapter 464*~~,~~ who has a minimum of 3 years' professional experience~~,~~ and who directs, teaches, supervises, and evaluates the learning experiences of *a* ~~the~~ student midwife *as part of an approved midwifery program*.

(13) "Prelicensure course" means a course of study, offered by an approved midwifery program and approved by the department, which an applicant for licensure must complete before a license may be issued and which provides instruction in the laws and rules of this state and demonstrates the student's competency to practice midwifery under this chapter.

Section 18. Section 467.009, Florida Statutes, is amended to read:

467.009 *Approved* midwifery programs; education and training requirements.—

(1) The department shall adopt standards for *approved* midwifery programs *which must include, but need not be limited to, standards for all of the following:*

(a) ~~. The standards shall encompass~~ Clinical and classroom instruction in all aspects of prenatal, intrapartal, and postpartal care, including *all of the following:*

1. Obstetrics.~~;~~

2. Neonatal pediatrics.~~;~~

3. Basic sciences.~~;~~

4. Female reproductive anatomy and physiology.~~;~~

5. Behavioral sciences.~~;~~

6. Childbirth education.~~;~~

7. Community care.~~;~~

8. Epidemiology.~~;~~

9. Genetics.~~;~~

10. Embryology.~~;~~

11. Neonatology.~~;~~

12. Applied pharmacology.~~;~~

13. The medical and legal aspects of midwifery.~~;~~

14. Gynecology and women's health.~~;~~

15. Family planning.~~;~~

16. Nutrition during pregnancy and lactation.~~;~~

17. Breastfeeding.~~; and~~

18. Basic nursing skills~~; and any other instruction determined by the department and council to be necessary~~.

(b) ~~The standards shall incorporate the~~ Core competencies *incorporating those* established by the American College of Nurse Midwives and the Midwives Alliance of North America, including knowledge, skills, and professional behavior in *all of* the following areas:

1. Primary management, collaborative management, referral, and medical consultation.~~;~~

2. Antepartal, intrapartal, postpartal, and neonatal care.~~;~~

3. Family planning and gynecological care.~~;~~

4. Common complications.~~; and~~

5. Professional responsibilities.

(c) Noncurricular ~~The standards shall include noncurriculum~~ matters under this section, including, but not limited to, staffing and teacher qualifications.

(2) An approved midwifery program *must offer* ~~shall include~~ a course of study ~~and clinical training~~ for a minimum of 3 years *which incorporates all of the standards, curriculum guidelines, and educational objectives provided in this section and the rules adopted hereunder*.

(3) An approved midwifery program may reduce ~~If the applicant is a registered nurse or a licensed practical nurse or has previous nursing or midwifery education,~~ the required period of training ~~may be reduced~~ to the extent of the *student's* ~~applicant's~~ qualifications *as a registered nurse or licensed practical nurse or based on prior completion of equivalent nursing or midwifery education*, as determined ~~under rules adopted~~ by ~~the~~ department *rule*~~. In no case shall the training be reduced to a period of less than 2 years~~.

(4)~~(3)~~ *An approved midwifery program may accept students who* ~~To be accepted into an approved midwifery program, an applicant shall~~ have *completed all of the following*:

(a) A high school diploma or its equivalent.

(b) ~~Taken~~ Three college-level credits each of math and English or demonstrated competencies in communication and computation.

(5)~~(4)~~ *As part of its course of study, an approved midwifery program must require clinical training that includes all of the following:*

(a) ~~A student midwife, during training, shall undertake, under the supervision of a preceptor,~~ The care of 50 women in each of the prenatal, intrapartal, and postpartal periods *under the supervision of a preceptor*.~~,~~ ~~but~~ The same women need not be seen through all three periods.

(b)~~(5)~~ *Observation of* ~~The student midwife shall observe~~ an additional 25 women in the intrapartal period ~~before qualifying for a license~~.

(6) *Clinical* ~~The~~ training required under this section *must include all of the following:*

(a) ~~shall include~~ Training in ~~either~~ hospitals*,* ~~or~~ alternative birth settings, or both.

(b) A requirement that students demonstrate competency in the assessment of and differentiation~~, with particular emphasis on learning the ability to differentiate~~ between low-risk pregnancies and high-risk pregnancies.

(7) A hospital or birthing center receiving public funds shall be required to provide student midwives access to observe labor, delivery, and postpartal procedures, provided the woman in labor has given informed consent. The Department of Health shall assist in facilitating access to hospital training for approved midwifery programs.

(8)~~(7)~~ The Department of Education shall adopt curricular frameworks for midwifery programs conducted within public educational institutions *under* ~~pursuant to~~ this section.

~~(8) Nonpublic educational institutions that conduct approved midwifery programs shall be accredited by a member of the Commission on Recognition of Postsecondary Accreditation and shall be licensed by the Commission for Independent Education.~~

Section 19. Section 467.011, Florida Statutes, is amended to read:

467.011 *Licensed midwives; qualifications; examination* ~~Licensure by examination~~.—

~~(1) The department shall administer an examination to test the proficiency of applicants in the core competencies required to practice midwifery as specified in s. 467.009.~~

~~(2) The department shall develop, publish, and make available to interested parties at a reasonable cost a bibliography and guide for the examination.~~

~~(3)~~ The department shall issue a license to practice midwifery to an applicant who *meets all of the following criteria:*

(1) Demonstrates that he or she has graduated from *one of the following:*

(a) An approved midwifery program.

(b) A medical or midwifery program offered in another state, jurisdiction, territory, or country whose graduation requirements were equivalent to or exceeded those required by s. 467.009 and the rules adopted thereunder at the time of graduation.

(2) Demonstrates that he or she has ~~and~~ successfully completed *a prelicensure course offered by an approved midwifery program. Students graduating from an approved midwifery program may meet this requirement by showing that the content requirements for the prelicensure course were covered as part of their course of study.*

(3) Submits an application for licensure on a form approved by the department and pays the appropriate fee.

(4) Demonstrates that he or she has received a passing score on an ~~the~~ examination *specified by the department*~~, upon payment of the required licensure fee~~.

Section 20. Section 467.0125, Florida Statutes, is amended to read:

467.0125 *Licensed midwives; qualifications;* ~~Licensure by~~ endorsement*; temporary certificates*.—

(1) The department shall issue a license by endorsement to practice midwifery to an applicant who, upon applying to the department, demonstrates to the department that she or he *meets all of the following criteria*:

(a)~~1. Holds a valid certificate or diploma from a foreign institution of medicine or midwifery or from a midwifery program offered in another state, bearing the seal of the institution or otherwise authenticated, which renders the individual eligible to practice midwifery in the country or state in which it was issued, provided the requirements therefor are deemed by the department to be substantially equivalent to, or to exceed, those established under this chapter and rules adopted under this chapter, and submits therewith a certified translation of the foreign certificate or diploma; or~~

~~2.~~ Holds *an active, unencumbered* ~~a valid certificate or~~ license to practice midwifery in another state*, jurisdiction, or territory* ~~issued by that state~~, provided the *licensing* requirements *of that state, jurisdiction, or territory at the time the license was issued were* ~~therefor are deemed by the department to be~~ substantially equivalent to~~,~~ or *exceeded* ~~to exceed,~~ those established under this chapter and *the* rules adopted *thereunder* ~~under this chapter~~.

(b) Has *successfully* completed a ~~4-month~~ prelicensure course conducted by an approved *midwifery* program ~~and has submitted documentation to the department of successful completion~~.

(c) *Submits an application for licensure on a form approved by the department and pays the appropriate fee* ~~Has successfully passed the licensed midwifery examination~~.

(2) The department may issue a temporary certificate to practice in areas of critical need to *an applicant* ~~any midwife~~ who is qualifying for *a midwifery license* ~~licensure by endorsement~~ under subsection (1) *who meets all of the following criteria*~~, with the following restrictions~~:

(a) *Submits an application for a temporary certificate on a form approved by the department and pays the appropriate fee, which may not exceed $50 and is in addition to the fee required for licensure by endorsement under subsection (1);*

(b) Specifies on the application that he or she will ~~The Department of Health shall determine the areas of critical need, and the midwife so certified shall~~ practice only in *one or more of the following locations:*

1. A county health department;

2. A correctional facility;

3. A Department of Veterans' Affairs clinic;

4. A community health center funded by s. 329, s. 330, or s. 340 of the United States Public Health Service Act; or

5. Any other agency or institution that is approved by the State Surgeon General and provides health care to meet the needs of an underserved population in this state; and ~~those specific areas,~~

(c) Will practice only under the *supervision* ~~auspices~~ of a physician licensed *under* ~~pursuant to~~ chapter 458 or chapter 459, a certified nurse midwife licensed *under* ~~pursuant to~~ part I of chapter 464, or a midwife licensed under this chapter~~,~~ who has a minimum of 3 years' professional experience.

(3) The department may issue a temporary certificate under this section with the following restrictions:

(a) A requirement that a temporary certificateholder practice only in areas of critical need. The State Surgeon General shall determine the areas of critical need, which ~~Such areas shall~~ include, but *are* not ~~be~~ limited to, health professional shortage areas designated by the United States Department of Health and Human Services.

(b) *A requirement that if a temporary certificateholder's practice area ceases to be an area of critical need, within 30 days after such change the certificateholder must either:*

1. Report a new practice area of critical need to the department; or

2. Voluntarily relinquish the temporary certificate.

(4) The department shall review a temporary certificateholder's practice at least annually to determine whether the certificateholder is meeting the requirements of subsections (2) and (3) and the rules adopted thereunder. If the department determines that a certificateholder is not meeting these requirements, the department must revoke the temporary certificate.

(5) A temporary certificate issued under this section *is* ~~shall be~~ valid ~~only as long as an area~~ for ~~which it is issued remains an area of critical need, but no longer than~~ 2 years~~,~~ and *is* ~~shall~~ not ~~be~~ renewable.

~~(c) The department may administer an abbreviated oral examination to determine the midwife's competency, but no written regular examination shall be necessary.~~

~~(d) The department shall not issue a temporary certificate to any midwife who is under investigation in another state for an act which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of this section shall apply.~~

~~(e) The department shall review the practice under a temporary certificate at least annually to ascertain that the minimum requirements of the midwifery rules promulgated under this chapter are being met. If it is determined that the minimum requirements are not being met, the department shall immediately revoke the temporary certificate.~~

~~(f) The fee for a temporary certificate shall not exceed $50 and shall be in addition to the fee required for licensure.~~

Section 21. Section 467.205, Florida Statutes, is amended to read:

467.205 Approval of midwifery programs.—

(1) *The department shall approve an accredited or state-licensed public or private institution seeking to provide midwifery education and training as an approved midwifery program in this state if the institution meets all of the following criteria:*

(a) Submits an application for approval on a form approved by the department.

(b) Demonstrates to the department's satisfaction that the proposed midwifery program complies with s. 467.009 and the rules adopted thereunder.

(c) For a private institution, demonstrates its accreditation by a member of the Council for Higher Education Accreditation or an accrediting agency approved by the United States Department of Education and its licensing or provisional licensing by the Commission for Independent Education ~~An organization desiring to conduct an approved program for the education of midwives shall apply to the department and submit such evidence as may be required to show that it complies with s. 467.009 and with the rules of the department. Any accredited or state licensed institution of higher learning, public or private, may provide midwifery education and training.~~

~~(2) The department shall adopt rules regarding educational objectives, faculty qualifications, curriculum guidelines, administrative procedures, and other training requirements as are necessary to ensure that approved programs graduate midwives competent to practice under this chapter.~~

~~(3) The department shall survey each organization applying for approval. If the department is satisfied that the program meets the requirements of s. 467.009 and rules adopted pursuant to that section, it shall approve the program~~.

(2)~~(4)~~ The department shall, at least once every 3 years, certify whether each approved midwifery program *is currently compliant, and has maintained compliance,* ~~complies~~ with the *requirements of* ~~standards developed under~~ s. 467.009 *and the rules adopted thereunder*.

(3)~~(5)~~ If the department finds that an approved *midwifery* program *is not in compliance with the requirements of s. 467.009 or the rules adopted thereunder, or has lost its accreditation status, the department must provide its finding to the program in writing and* ~~no longer meets the required standards, it~~ may place the program on probationary status *for a specified period of time, which may not exceed 3 years* ~~until such time as the standards are restored~~.

(4) If a program *on probationary status does not come into compliance with the requirements of s. 467.009 or the rules adopted thereunder, or regain its accreditation status, as applicable, within the period specified by the department* ~~fails to correct these conditions within a specified period of time~~, the department may rescind the *program's* approval.

(5) A ~~Any~~ program *that has* ~~having~~ its approval rescinded *has* ~~shall have~~ the right to reapply *for approval*.

(6) *The department may grant* provisional approval of a new program *seeking accreditation status, for a period not to exceed 5 years, provided that all other requirements of this section are met.*

(7) The department may rescind provisional approval of a program that fails to the meet the requirements of s. 467.009, this section, or the rules adopted thereunder, in accordance with procedures provided in subsections (3) and (4) ~~may be granted pending the licensure results of the first graduating class~~.

Section 22. Subsection (4) of section 468.203, Florida Statutes, is amended to read:

468.203 Definitions.—As used in this act, the term:

(4) "Occupational therapy" means the *therapeutic* use of *occupations through habilitation, rehabilitation, and the promotion of health and wellness with individuals, groups, or populations, along with their families or organizations to support participation, performance, and function in the home, school, workplace, community, and other settings for clients who have or are at risk of developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction* ~~purposeful activity or interventions to achieve functional outcomes~~.

(a) For the purposes of this subsection:

1. *"Activities of daily living" means functions and tasks for self-care which are performed on a daily or routine basis, including functional mobility, bathing, dressing, eating and swallowing, personal hygiene*

and grooming, toileting, and other similar tasks. ~~"Achieving functional outcomes" means to maximize the independence and the maintenance of health of any individual who is limited by a physical injury or illness, a cognitive impairment, a psychosocial dysfunction, a mental illness, a developmental or a learning disability, or an adverse environmental condition.~~

2. "Assessment" means the use of skilled observation or the administration and interpretation of standardized or nonstandardized tests and measurements to identify areas for occupational therapy services.

3. "Behavioral health services" means the promotion of occupational performance through services to support positive mental health by providing direct individual and group interventions to improve the client's participation in daily occupations.

4. "Health management" means activities related to developing, managing, and maintaining health and wellness, including self-management, with the goal of improving or maintaining health to support participation in occupations.

5. "Instrumental activities of daily living" means daily or routine activities a person must perform to live independently within the home and community.

6. "Mental health services" means the promotion of occupational performance related to mental health, coping, resilience, and well-being by providing individual, group, and population level supports and services to improve the client's participation in daily occupations for those who are at risk of, experiencing, or in recovery from these conditions, along with their families and communities.

7. "Occupations" means meaningful and purposeful everyday activities performed and engaged in by individuals, groups, populations, families, or communities which occur in contexts and over time, such as activities of daily living, instrumental activities of daily living, health management, rest and sleep, education, work, play, leisure, and social participation. The term includes more specific occupations and execution of multiple activities that are influenced by performance patterns, performance skills, and client factors, resulting in varied outcomes.

8. "Occupational performance" means the ability to perceive, desire, recall, plan, and carry out roles, routines, tasks, and subtasks for the purpose of self-maintenance, self-preservation, productivity, leisure, and rest, for oneself or others, in response to internal or external demands of occupations and contexts.

(b) *The practice of* occupational therapy *includes* ~~services include~~, but *is* ~~are~~ not limited to:

1. *Assessment, treatment, education of, and consultation with, individuals, groups, and populations whose abilities to participate safely in occupations, including activities of daily living, instrumental activities of daily living, rest and sleep, education, work, play, leisure, and social participation are impaired or at risk for impairment due to issues related, but not limited, to developmental deficiencies, the aging process, learning disabilities, physical environment and sociocultural context, physical injury or disease, cognitive impairments, and psychological and social disabilities* ~~The assessment, treatment, and education of or consultation with the individual, family, or other persons~~.

2. *Methods or approaches to determine abilities and limitations related to performance of occupations, including, but not limited to, the identification of physical, sensory, cognitive, emotional, or social deficiencies* ~~Interventions directed toward developing daily living skills, work readiness or work performance, play skills or leisure capacities, or enhancing educational performance skills~~.

3. *Specific occupational therapy techniques used for treatment that involve, but are not limited to, training in activities of daily living; environmental modification; assessment of the need for the use of interventions such as the design, fabrication, and application of orthotics or orthotic devices; selecting, applying, and training in the use of assistive technology and adaptive devices; sensory, motor, and cognitive activities; therapeutic exercises; manual techniques; physical agent modalities; behavioral health services; and mental health services* ~~Providing for the development of: sensory motor, perceptual, or neuromuscular functioning; range of motion; or emotional, motivational, cognitive, or psychosocial components of performance~~.

~~These services may require assessment of the need for use of interventions such as the design, development, adaptation, application, or training in the use of assistive technology devices; the design, fabrication, or application of rehabilitative technology such as selected orthotic devices; training in the use of assistive technology; orthotic or prosthetic devices; the application of physical agent modalities as an adjunct to or in preparation for purposeful activity; the use of ergonomic principles; the adaptation of environments and processes to enhance functional performance; or the promotion of health and wellness.~~

(c) The use of devices subject to 21 C.F.R. s. 801.109 and identified by the board is expressly prohibited except by an occupational therapist or occupational therapy assistant who has received training as specified by the board. The board shall adopt rules to carry out the purpose of this provision.

Section 23. Subsection (2) of section 468.209, Florida Statutes, is amended to read:

468.209 Requirements for licensure.—

(2) An applicant who has practiced as a state-licensed or American Occupational Therapy Association-certified occupational therapy assistant for 4 years and who, *before* ~~prior to~~ January 24, 1988, completed a minimum of *24 weeks* ~~6 months~~ of supervised occupational-therapist-level fieldwork experience may take the examination to be licensed as an occupational therapist without meeting the educational requirements for occupational therapists made otherwise applicable under paragraph (1)(b).

Section 24. Subsection (2) of section 468.215, Florida Statutes, is amended to read:

468.215 Issuance of license.—

(2) Any person who is issued a license as an occupational therapist under the terms of this act may use the words "occupational therapist," "licensed occupational therapist," *"occupational therapist doctorate,"* or "occupational therapist registered," or he or she may use the letters "O.T.," "L.O.T.," *"O.T.D.,"* or "O.T.R.," in connection with his or her name or place of business to denote his or her registration hereunder.

Section 25. Section 468.223, Florida Statutes, is amended to read:

468.223 Prohibitions; penalties.—

(1) A person may not:

(a) Practice occupational therapy unless such person is licensed pursuant to ss. 468.201-468.225;

(b) Use, in connection with his or her name or place of business, the words "occupational therapist," "licensed occupational therapist," *"occupational therapist doctorate,"* "occupational therapist registered," "occupational therapy assistant," "licensed occupational therapy assistant," "certified occupational therapy assistant"; the letters "O.T.," "L.O.T.," *"O.T.D.,"* "O.T.R.," "O.T.A.," "L.O.T.A.," or "C.O.T.A."; or any other words, letters, abbreviations, or insignia indicating or implying that he or she is an occupational therapist or an occupational therapy assistant or, in any way, orally or in writing, in print or by sign, directly or by implication, to represent himself or herself as an occupational therapist or an occupational therapy assistant unless the person is a holder of a valid license issued pursuant to ss. 468.201-468.225;

(c) Present as his or her own the license of another;

(d) Knowingly give false or forged evidence to the board or a member thereof;

(e) Use or attempt to use a license *that* ~~which~~ has been suspended, revoked, or placed on inactive or delinquent status;

(f) Employ unlicensed persons to engage in the practice of occupational therapy; or

(g) Conceal information relative to any violation of ss. 468.201-468.225.

(2) Any person who violates any provision of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 26. Paragraph (e) is added to subsection (1) of section 468.225, Florida Statutes, to read:

468.225 Exemptions.—

(1) Nothing in this act shall be construed as preventing or restricting the practice, services, or activities of:

(e) Any person fulfilling an occupational therapy doctoral capstone experience that involves clinical practice or projects.

Section 27. Subsections (2), (3), and (4) and paragraphs (a) and (b) of subsection (5) of section 468.803, Florida Statutes, are amended to read:

468.803 License, registration, and examination requirements.—

(2) An applicant for registration, examination, or licensure must apply to the department on a form prescribed by the board for consideration of board approval. Each initial applicant shall submit ~~a set of~~ fingerprints to the department ~~on a form and~~ under procedures specified by the department~~, along with payment in an amount equal to the costs incurred by the department~~ for state and national criminal history checks of the applicant. ~~The department shall submit the fingerprints provided by an applicant to the Department of Law Enforcement for a statewide criminal history check, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant.~~ The board shall screen the results to determine if an applicant meets licensure requirements. The board shall consider for examination, registration, or licensure each applicant who the board verifies:

(a) Has submitted the completed application and *completed* the *fingerprinting requirements* ~~fingerprint forms~~ and has paid the applicable application fee, not to exceed $500~~, and the cost of the state and national criminal history checks~~. The application fee *is* ~~and cost of the criminal history checks shall be~~ nonrefundable;

(b) Is of good moral character;

(c) Is 18 years of age or older; and

(d) Has completed the appropriate educational preparation.

(3) A person seeking to attain the orthotics or prosthetics experience required for licensure in this state must be approved by the board and registered as a resident by the department. Although a registration may be held in both disciplines, for independent registrations the board may not approve a second registration until at least 1 year after the issuance of the first registration. Notwithstanding subsection (2), a person who has been approved by the board and registered by the department in one discipline may apply for registration in the second discipline without an additional state or national criminal history check during the period in which the first registration is valid. Each independent registration or dual registration is valid for 2 years after the date of issuance unless otherwise revoked by the department upon recommendation of the board. The board shall set a registration fee not to exceed $500 to be paid by the applicant. A registration may be renewed once by the department upon recommendation of the board for a period no longer than 1 year, as such renewal is defined by the board by rule. The renewal fee may not exceed one-half the current registration fee. To be considered by the board for approval of registration as a resident, the applicant must have one of the following:

(a) A Bachelor of Science or higher-level postgraduate degree in orthotics and prosthetics from *an* ~~a regionally~~ accredited college or university recognized by the Commission on Accreditation of Allied Health Education Programs.

(b) A minimum of a bachelor's degree from *an institutionally* ~~a regionally~~ accredited college or university and a certificate in orthotics or prosthetics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board.

(c) A minimum of a bachelor's degree from *an institutionally* ~~a regionally~~ accredited college or university and a dual certificate in both orthotics and prosthetics from programs recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board.

(4) The department may develop and administer a state examination for an orthotist or a prosthetist license, or the board may approve the existing examination of a national standards organization. The examination must be predicated on a minimum of a baccalaureate-level education and formalized specialized training in the appropriate field. Each examination must demonstrate a minimum level of competence in basic scientific knowledge, written problem solving, and practical clinical patient management. The board shall require an examination fee not to exceed the actual cost to the board in developing, administering, and approving the examination, which fee must be paid by the applicant. To be considered by the board for examination, the applicant must have:

(a) For an examination in orthotics:

1. A Bachelor of Science or higher-level postgraduate degree in orthotics and prosthetics from *an institutionally* ~~a regionally~~ accredited college or university recognized by the Commission on Accreditation of Allied Health Education Programs or, at a minimum, a bachelor's degree from *an institutionally* ~~a regionally~~ accredited college or university and a certificate in orthotics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board; and

2. An approved orthotics internship of 1 year of qualified experience, as determined by the board, or an orthotic residency or dual residency program recognized by the board.

(b) For an examination in prosthetics:

1. A Bachelor of Science or higher-level postgraduate degree in orthotics and prosthetics from *an institutionally* ~~a regionally~~ accredited college or university recognized by the Commission on Accreditation of Allied Health Education Programs or, at a minimum, a bachelor's degree from *an institutionally* ~~a regionally~~ accredited college or university and a certificate in prosthetics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board; and

2. An approved prosthetics internship of 1 year of qualified experience, as determined by the board, or a prosthetic residency or dual residency program recognized by the board.

(5) In addition to the requirements in subsection (2), to be licensed as:

(a) An orthotist, the applicant must pay a license fee not to exceed $500 and must have:

1. A Bachelor of Science or higher-level postgraduate degree in Orthotics and Prosthetics from *an institutionally* ~~a regionally~~ accredited college or university *recognized by the Commission on Accreditation of Allied Health Education Programs*, or a bachelor's degree *from an institutionally accredited college or university and* ~~with~~ a certificate in orthotics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board;

2. An *approved* ~~appropriate~~ internship of 1 year of qualified experience, as determined by the board, or a residency program recognized by the board;

3. Completed the mandatory courses; and

4. Passed the state orthotics examination or the board-approved orthotics examination.

(b) A prosthetist, the applicant must pay a license fee not to exceed $500 and must have:

1. A Bachelor of Science or higher-level postgraduate degree in Orthotics and Prosthetics from *an institutionally* ~~a regionally~~ accredited college or university *recognized by the Commission on Accreditation of Allied Health Education Programs*, or a bachelor's degree *from an institutionally accredited college or university and* ~~with~~ a certificate in prosthetics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board;

2. An internship of 1 year of qualified experience, as determined by the board, or a residency program recognized by the board;

3. Completed the mandatory courses; and

4. Passed the state prosthetics examination or the board-approved prosthetics examination.

Section 28. For the purpose of incorporating the amendment made by this act to section 468.203, Florida Statutes, in a reference thereto, paragraph (c) of subsection (5) of section 1002.385, Florida Statutes, is reenacted to read:

1002.385 The Gardiner Scholarship.—

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be used to meet the individual educational needs of an eligible student and may be spent for the following purposes:

(c) Specialized services by approved providers or by a hospital in this state which are selected by the parent. These specialized services may include, but are not limited to:

1. Applied behavior analysis services as provided in ss. 627.6686 and 641.31098.

2. Services provided by speech-language pathologists as defined in s. 468.1125.

3. Occupational therapy services as defined in s. 468.203.

4. Services provided by physical therapists as defined in s. 486.021.

5. Services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing and who has received an implant or assistive hearing device.

A provider of any services receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the Gardiner Scholarship with the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using Gardiner Scholarship funds.

Section 29. For the purpose of incorporating the amendment made by this act to section 468.203, Florida Statutes, in a reference thereto, paragraph (c) of subsection (2) of section 1002.66, Florida Statutes, is reenacted to read:

1002.66 Specialized instructional services for children with disabilities.—

(2) The parent of a child who is eligible for the prekindergarten program for children with disabilities may select one or more specialized instructional services that are consistent with the child's individual educational plan. These specialized instructional services may include, but are not limited to:

(c) Occupational therapy as defined in s. 468.203.

Section 30. Subsection (7) is added to section 483.801, Florida Statutes, to read:

483.801 Exemptions.—This part applies to all clinical laboratories and clinical laboratory personnel within this state, except:

(7) A registered nurse licensed under chapter 464 performing alternate-site testing within a hospital or offsite emergency department licensed under chapter 395.

Section 31. Section 483.824, Florida Statutes, is amended to read:

483.824 Qualifications of clinical laboratory director.—A clinical laboratory director must have 4 years of clinical laboratory experience with 2 years of experience in the specialty to be directed or be nationally board certified in the specialty to be directed, and must meet one of the following requirements:

(1) Be a physician licensed under chapter 458 or chapter 459;

(2) Hold an earned doctoral degree in a chemical, physical, or biological science from *an* ~~a regionally~~ accredited institution and maintain national certification requirements equal to those required by the federal Health Care Financing Administration; or

(3) For the subspecialty of oral pathology, be a physician licensed under chapter 458 or chapter 459 or a dentist licensed under chapter 466.

Section 32. Subsection (3) of section 490.003, Florida Statutes, is amended to read:

490.003 Definitions.—As used in this chapter:

(3)*(a) "Doctoral degree from an American Psychological Association accredited program" means* ~~Effective July 1, 1999, "doctoral level psychological education" and "doctoral degree in psychology" mean~~ a Psy.D., an Ed.D. in psychology, or a Ph.D. in psychology from a psychology program at an educational institution that, at the time the applicant was enrolled and graduated:

1.~~(a)~~ Had institutional accreditation from an agency recognized and approved by the United States Department of Education or was recognized as a member in good standing with the Association of Universities and Colleges of Canada; and

2.~~(b)~~ Had programmatic accreditation from the American Psychological Association.

(b) "Doctoral degree in psychology" means a Psy.D., an Ed.D. in psychology, or a Ph.D. in psychology from a psychology program at an educational institution that, at the time the applicant was enrolled and graduated, had institutional accreditation from an agency recognized and approved by the United States Department of Education or was recognized as a member in good standing with the Association of Universities and Colleges of Canada.

Section 33. Subsection (1) of section 490.005, Florida Statutes, is amended to read:

490.005 Licensure by examination.—

(1) Any person desiring to be licensed as a psychologist shall apply to the department to take the licensure examination. The department shall license each applicant who the board certifies has *met all of the following requirements*:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed $500 and an examination fee set by the board sufficient to cover the actual per applicant cost to the department for development, purchase, and administration of the examination, but not to exceed $500.

(b) Submitted proof satisfactory to the board that the applicant has received:

1. *A doctoral degree from an American Psychological Association accredited program* ~~Doctoral level psychological education~~; or

2. The equivalent of a *doctoral degree from an American Psychological Association accredited program* ~~doctoral level psychological education, as defined in s. 490.003(3),~~ from a program at a school or university located outside the United States of America which was officially recognized by the government of the country in which it is located as an institution or program to train students to practice professional psychology. The applicant has the burden of establishing that this requirement has been met.

(c) Had at least 2 years or 4,000 hours of experience in the field of psychology in association with or under the supervision of a licensed psychologist meeting the academic and experience requirements of this chapter or the equivalent as determined by the board. The experience requirement may be met by work performed on or off the premises of the supervising psychologist if the off-premises work is not the independent, private practice rendering of psychological services that does not have a psychologist as a member of the group actually rendering psychological services on the premises.

(d) Passed the examination. However, an applicant who has obtained a passing score, as established by the board by rule, on the psychology licensure examination designated by the board as the national licensure examination need only pass the Florida law and rules portion of the examination.

Section 34. Subsection (1) of section 490.0051, Florida Statutes, is amended to read:

490.0051 Provisional licensure; requirements.—

(1) The department shall issue a provisional psychology license to each applicant who the board certifies has:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed $250, as set by board rule.

(b) Earned a doctoral degree *from an American Psychological Association accredited program* ~~in psychology as defined in s. 490.003(3)~~.

(c) Met any additional requirements established by board rule.

Section 35. Subsections (1), (3), and (4) of section 491.005, Florida Statutes, are amended to read:

491.005 Licensure by examination.—

(1) CLINICAL SOCIAL WORK.—Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, ~~plus the actual per applicant cost to the department for purchase of the examination from the American Association of State Social Worker's Boards or a similar national organization,~~ the department shall issue a license as a clinical social worker to an applicant who the board certifies *has met all of the following criteria*:

(a) ~~Has~~ Submitted an application and paid the appropriate fee.

(b)1. ~~Has~~ Received a doctoral degree in social work from a graduate school of social work which at the time the applicant graduated was accredited by an accrediting agency recognized by the United States Department of Education or ~~has~~ received a master's degree in social work from a graduate school of social work which at the time the applicant graduated:

a. Was accredited by the Council on Social Work Education;

b. Was accredited by the Canadian Association of Schools of Social Work; or

c. Has been determined to have been a program equivalent to programs approved by the Council on Social Work Education by the Foreign Equivalency Determination Service of the Council on Social Work Education. An applicant who graduated from a program at a university or college outside of the United States or Canada must present documentation of the equivalency determination from the council in order to qualify.

2. The applicant's graduate program must have emphasized direct clinical patient or client health care services, including, but not limited to, coursework in clinical social work, psychiatric social work, medical social work, social casework, psychotherapy, or group therapy. The applicant's graduate program must have included all of the following coursework:

a. A supervised field placement which was part of the applicant's advanced concentration in direct practice, during which the applicant provided clinical services directly to clients.

b. Completion of 24 semester hours or 32 quarter hours in theory of human behavior and practice methods as courses in clinically oriented services, including a minimum of one course in psychopathology, and no more than one course in research, taken in a school of social work accredited or approved pursuant to subparagraph 1.

3. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

(c) ~~Has~~ Had at least 2 years of clinical social work experience, which took place subsequent to completion of a graduate degree in social work at an institution meeting the accreditation requirements of this section, under the supervision of a licensed clinical social worker or the equivalent who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy clinical experience requirements must register pursuant to s. 491.0045 before commencing practice. If the applicant's graduate program was not a program which emphasized direct clinical patient or client health care services as described in subparagraph (b)2., the supervised experience requirement must take place after the applicant has completed a minimum of 15 semester hours or 22 quarter hours of the coursework required. A doctoral internship may be applied toward the clinical social work experience requirement. A licensed mental health professional must be on the premises when clinical services are provided by a registered intern in a private practice setting.

(d) ~~Has~~ Passed a theory and practice examination *designated by board rule* ~~provided by the department for this purpose~~.

(e) ~~Has~~ Demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

(3) MARRIAGE AND FAMILY THERAPY.—Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, ~~plus the actual cost of the purchase of the examination from the Association of Marital and Family Therapy Regulatory Board, or similar national organization,~~ the department shall issue a license as a marriage and family therapist to an applicant who the board certifies *has met all of the following criteria*:

(a) ~~Has~~ Submitted an application and paid the appropriate fee.

(b)*1. Obtained one of the following:*

a. ~~Has~~ A minimum of a master's degree with major emphasis in marriage and family therapy or a closely related field from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education or from a Florida university program accredited by the Council for Accreditation of Counseling and Related Educational Programs.

b. A minimum of a master's degree with an emphasis in marriage and family therapy with a degree conferred date before July 1, 2026, from an institutionally accredited Florida college or university that is not yet accredited by the Commission on Accreditation for Marriage and Family Therapy Education or the Council for Accreditation of Counseling and Related Educational Programs.

2. Completed ~~and~~ graduate courses approved by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling.

If the course title that appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course. The required master's degree must have been received in an institution of higher education that, at the time the applicant graduated, was fully accredited by *an institutional* ~~a regional~~ accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation or publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada, or an institution of higher education located outside the United States and Canada which, at the time the applicant was enrolled and at the time the applicant graduated, maintained a standard of training substantially equivalent to the standards of training of

those institutions in the United States which are accredited by *an institutional* ~~a regional~~ accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as professional marriage and family therapists or psychotherapists. The applicant has the burden of establishing that the requirements of this provision have been met, and the board shall require documentation, such as an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country. An applicant with a master's degree from a program that did not emphasize marriage and family therapy may complete the coursework requirement in a training institution fully accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education.

(c) ~~Has~~ Had at least 2 years of clinical experience during which 50 percent of the applicant's clients were receiving marriage and family therapy services, which must *have been* ~~be~~ at the post-master's level under the supervision of a licensed marriage and family therapist with at least 5 years of experience, or the equivalent, who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy the clinical experience requirements must register pursuant to s. 491.0045 before commencing practice. If a graduate has a master's degree with a major emphasis in marriage and family therapy or a closely related field which did not include all of the coursework required by paragraph (b), credit for the post-master's level clinical experience may not commence until the applicant has completed a minimum of 10 of the courses required by paragraph (b), as determined by the board, and at least 6 semester hours or 9 quarter hours of the course credits must have been completed in the area of marriage and family systems, theories, or techniques. Within the 2 years of required experience, the applicant *must* ~~shall~~ provide direct individual, group, or family therapy and counseling to cases including those involving unmarried dyads, married couples, separating and divorcing couples, and family groups that include children. A doctoral internship may be applied toward the clinical experience requirement. A licensed mental health professional must be on the premises when clinical services are provided by a registered intern in a private practice setting.

(d) ~~Has~~ Passed a theory and practice examination *designated by board rule* ~~provided by the department~~.

(e) ~~Has~~ Demonstrated, in a manner designated by board rule, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

For the purposes of dual licensure, the department shall license as a marriage and family therapist any person who meets the requirements of s. 491.0057. Fees for dual licensure may not exceed those stated in this subsection.

(4) MENTAL HEALTH COUNSELING.—Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, ~~plus the actual per applicant cost of purchase of the examination from the National Board for Certified Counselors or its successor organization,~~ the department shall issue a license as a mental health counselor to an applicant who the board certifies *has met all of the following criteria*:

(a) ~~Has~~ Submitted an application and paid the appropriate fee.

(b)1. *Obtained* ~~Has~~ a minimum of an earned master's degree from a mental health counseling program accredited by the Council for the Accreditation of Counseling and Related Educational Programs which consists of at least 60 semester hours or 80 quarter hours of clinical and didactic instruction, including a course in human sexuality and a course in substance abuse. If the master's degree is earned from a program related to the practice of mental health counseling which is not accredited by the Council for the Accreditation of Counseling and Related Educational Programs, then the coursework and practicum, internship, or fieldwork must consist of at least 60 semester hours or 80 quarter hours and meet all of the following requirements:

a. Thirty-three semester hours or 44 quarter hours of graduate coursework, which must include a minimum of 3 semester hours or 4 quarter hours of graduate-level coursework in each of the following 11 content areas: counseling theories and practice; human growth and development; diagnosis and treatment of psychopathology; human sexuality; group theories and practice; individual evaluation and assessment; career and lifestyle assessment; research and program evaluation; social and cultural foundations; substance abuse; and legal, ethical, and professional standards issues in the practice of mental health counseling. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

b. A minimum of 3 semester hours or 4 quarter hours of graduate-level coursework addressing diagnostic processes, including differential diagnosis and the use of the current diagnostic tools, such as the current edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders. The graduate program must have emphasized the common core curricular experience.

c. The equivalent, as determined by the board, of at least 700 hours of university-sponsored supervised clinical practicum, internship, or field experience that includes at least 280 hours of direct client services, as required in the accrediting standards of the Council for Accreditation of Counseling and Related Educational Programs for mental health counseling programs. This experience may not be used to satisfy the post-master's clinical experience requirement.

2. ~~Has~~ Provided additional documentation if a course title that appears on the applicant's transcript does not clearly identify the content of the coursework. The documentation must include, but is not limited to, a syllabus or catalog description published for the course.

Education and training in mental health counseling must have been received in an institution of higher education that, at the time the applicant graduated, was fully accredited by *an institutional* ~~a regional~~ accrediting body recognized by the Council for Higher Education Accreditation or its successor organization or publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada, or an institution of higher education located outside the United States and Canada which, at the time the applicant was enrolled and at the time the applicant graduated, maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by *an institutional* ~~a regional~~ accrediting body recognized by the Council for Higher Education Accreditation or its successor organization. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as mental health counselors. The applicant has the burden of establishing that the requirements of this provision have been met, and the board shall require documentation, such as an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country. Beginning July 1, 2025, an applicant must have a master's degree from a program that is accredited by the Council for Accreditation of Counseling and Related Educational Programs*, the Masters in Psychology and Counseling Accreditation Council, or an equivalent accrediting body* which consists of at least 60 semester hours or 80 quarter hours to apply for licensure under this paragraph.

(c) ~~Has~~ Had at least 2 years of clinical experience in mental health counseling, which must be at the post-master's level under the supervision of a licensed mental health counselor or the equivalent who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy the clinical experience requirements must register pursuant to s. 491.0045 before commencing practice. If a graduate has a master's degree with a major related to the practice of mental health counseling which did not include all the coursework required under sub-subparagraphs (b)1.a. and b., credit for the post-master's level clinical experience may not commence until the applicant has completed a minimum of seven of the courses required under sub-subparagraphs (b)1.a. and b., as determined by the board, one of which must be a course in psychopathology or abnormal psychology. A doctoral internship may be applied toward the clinical experience requirement. A licensed mental health professional must be on the premises when clinical services are provided by a registered intern in a private practice setting.

(d) ~~Has~~ Passed a theory and practice examination *designated by department rule* ~~provided by the department for this purpose~~.

(e) ~~Has~~ Demonstrated, in a manner designated by board rule, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

Section 36. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2021.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to the 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. 381.986, F.S.; authorizing the Department of Health to select samples of marijuana available in certain facilities for testing for specified purposes; authorizing the department to sample marijuana delivery devices from a dispensing facility to determine safety; requiring that a medical marijuana treatment center recall all marijuana, rather than only edibles, under certain circumstances; authorizing the department and certain employees to acquire, possess, test, transport, and dispose of marijuana; prohibiting the department from renewing a medical marijuana treatment center's license under certain circumstances; amending s. 381.988, F.S.; authorizing the department and certain employees to acquire, possess, test, transport, and dispose of marijuana; creating s. 395.3042, F.S.; requiring the Department of Health to send a list of certain providers of adult cardiovascular services to specified persons and entities annually; requiring the department to develop a sample heart attack-triage assessment tool to be posted on its website and distributed to licensed emergency medical services providers; requiring such providers to use the assessment tool; requiring medical directors of such providers to develop and implement certain specified protocols; requiring that such protocols include the development and implementation of certain plans; requiring the compliance of certain licensed emergency medical services providers; amending s. 400.506, F.S.; requiring a licensed nurse registry that authorizes a registered nurse to delegate tasks to a certified nursing assistant or a home health aide to ensure that certain requirements are met; amending s. 401.465, F.S.; defining the term "telecommunicator cardiopulmonary resuscitation training"; conforming cross-references; requiring certain 911 public safety telecommunicators to complete biennial 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.; revising the prohibition on prescribing controlled substances through the use of telehealth to include only specified controlled substances; 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. 464.0156, F.S.; authorizing a registered nurse to delegate the administration of certain duties for the care of a patient of a nurse registry; amending s. 464.018, F.S.; revising grounds for disciplinary action against licensed nurses; amending s. 464.2035, F.S.; authorizing certified nursing assistants to administer certain medication to patients of nurse registries under certain circumstances; conforming a provision to changes made by the act; 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. 468.203, F.S.; revising and providing definitions; amending s. 468.209, F.S.; revising the fieldwork experience requirement for certain persons to take the examination for licensure as an occupational therapist; amending s. 468.215, F.S.; authorizing licensed occupational therapists to use a specified title and initials in accordance with the rules of a national certifying organization; amending s. 468.223, F.S.; prohibiting certain persons from using a specified title and initials; providing criminal penalties; amending s. 468.225, F.S.; providing construction; amending s. 468.803, F.S.; revising provisions related to orthotist and prosthetist registration, examination, and licensing; reenacting ss. 1002.385(5)(c) and 1002.66(2)(c), amending s. 468.203, F.S.; revising and providing definitions; amending s. 468.209, F.S.; revising the fieldwork experience requirement for certain persons to take the examination for licensure as an occupational therapist; amending s. 468.215, F.S.; authorizing licensed occupational therapists to use a specified title and initials in accordance with the rules of a national certifying organization; amending s. 468.223, F.S.; prohibiting certain persons from using a specified title and initials; providing criminal penalties; amending s. 468.225, F.S.; providing construction; amending s. 468.803, F.S.; revising provisions related to orthotist and prosthetist registration, examination, and licensing; reenacting ss. 1002.385(5)(c) and 1002.66(2)(c), F.S., relating to the Gardiner Scholarship and specialized instructional services for children with disabilities, respectively, to incorporate the amendments made by the act; 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 effective dates.

Senator Rodriguez moved the following Senate amendment to **House Amendment 1 (527309)** which was adopted:

Senate Amendment 1 (535476) (with title amendment) to House Amendment 1 (527309)—Delete lines 483-1483 and insert:

Section 6. Subsections (3) and (4) of section 401.465, Florida Statutes, are renumbered as subsections (4) and (5), respectively, paragraphs (d) and (j) of subsection (2) of that section are amended, paragraph (d) is added to subsection (1), and a new subsection (3) is added to that section, to read:

401.465 911 public safety telecommunicator certification.—

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

(d) "Telecommunicator cardiopulmonary resuscitation training" means specific training, including continuous education, that is evidence based and contains nationally accepted guidelines for high-quality telecommunicator cardiopulmonary resuscitation with the recognition of out-of-hospital cardiac arrest over the telephone and the delivery of telephonic instructions for treating cardiac arrest and performing compression-only cardiopulmonary resuscitation.

(2) PERSONNEL; STANDARDS AND CERTIFICATION.—

(d) The department shall determine whether the applicant meets the requirements specified in this section and in rules of the department and shall issue a certificate to any person who meets such requirements. Such requirements must include the following:

1. Completion of an appropriate 911 public safety telecommunication training program;

2. Certification under oath that the applicant is not addicted to alcohol or any controlled substance;

3. Certification under oath that the applicant is free from any physical or mental defect or disease that might impair the applicant's ability to perform his or her duties;

4. Submission of the application fee prescribed in subsection *(4)* ~~(3)~~;

5. Submission of a completed application to the department which indicates compliance with subparagraphs 1., 2., and 3.; and

6. Effective October 1, 2012, passage of an examination approved by the department which measures the applicant's competency and proficiency in the subject material of the public safety telecommunication training program.

(j)1. The requirement for certification as a 911 public safety telecommunicator is waived for a person employed as a sworn state-certified law enforcement officer, provided the officer:

a. Is selected by his or her chief executive to perform as a 911 public safety telecommunicator;

b. Performs as a 911 public safety telecommunicator on an occasional or limited basis; and

c. Passes the department-approved examination that measures the competency and proficiency of an applicant in the subject material comprising the public safety telecommunication program.

2. A sworn state-certified law enforcement officer who fails an examination taken under subparagraph 1. must take a department-approved public safety telecommunication training program prior to retaking the examination.

3. The testing required under this paragraph is exempt from the examination fee required under subsection *(4)* ~~(3)~~.

(3) TELECOMMUNICATOR CARDIOPULMONARY RESUSCITATION TRAINING.—In addition to the certification and recertification requirements contained in this section, 911 public safety telecommunicators who take telephone calls and provide dispatch functions for emergency medical conditions must complete telecommunicator cardiopulmonary resuscitation training every 2 years.

Section 7. Paragraph (h) is added to subsection (1) of section 408.033, Florida Statutes, to read:

408.033 Local and state health planning.—

(1) LOCAL HEALTH COUNCILS.—

(h) For the purpose of performing their duties under this section, local health councils may collect utilization data from each hospital licensed under chapter 395 which is located within their respective local health council districts.

Section 8. Paragraph (c) of subsection (2) of section 456.47, Florida Statutes, is amended to read:

456.47 Use of telehealth to provide services.—

(2) PRACTICE STANDARDS.—

(c) A telehealth provider may not use telehealth to prescribe a controlled substance *listed in Schedule II of s. 893.03* unless the controlled substance is prescribed for the following:

1. The treatment of a psychiatric disorder;

2. Inpatient treatment at a hospital licensed under chapter 395;

3. The treatment of a patient receiving hospice services as defined in s. 400.601; or

4. The treatment of a resident of a nursing home facility as defined in s. 400.021.

Section 9. Subsection (1) of section 460.406, Florida Statutes, is amended to read:

460.406 Licensure by examination.—

(1) Any person desiring to be licensed as a chiropractic physician must apply to the department to take the licensure examination. There shall be an application fee set by the board not to exceed $100 which shall be nonrefundable. There shall also be an examination fee not to exceed $500 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Board of Chiropractic Examiners or a similar national organization, which may be refundable if the applicant is found ineligible to take the examination. The department shall examine each applicant who the board certifies has *met all of the following criteria*:

(a) Completed the application form and remitted the appropriate fee.

(b) Submitted proof satisfactory to the department that he or she is not less than 18 years of age.

(c) Submitted proof satisfactory to the department that he or she is a graduate of a chiropractic college which is accredited by or has status with the Council on Chiropractic Education or its predecessor agency. However, any applicant who is a graduate of a chiropractic college that was initially accredited by the Council on Chiropractic Education in 1995, who graduated from such college within the 4 years immediately preceding such accreditation, and who is otherwise qualified *is* ~~shall be~~ eligible to take the examination. *An* ~~No~~ application for a license to practice chiropractic medicine *may not* ~~shall~~ be denied solely because the applicant is a graduate of a chiropractic college that subscribes to one philosophy of chiropractic medicine as distinguished from another.

(d)1. For an applicant who has matriculated in a chiropractic college *before* ~~prior to~~ July 2, 1990, completed at least 2 years of residence college work, consisting of a minimum of one-half the work acceptable for a bachelor's degree granted on the basis of a 4-year period of study, in a college or university accredited by an *institutional* accrediting agency recognized and approved by the United States Department of Education. However, *before* ~~prior to~~ being certified by the board to sit for the examination, each applicant who has matriculated in a chiropractic college after July 1, 1990, *must* ~~shall~~ have been granted a bachelor's degree, based upon 4 academic years of study, by a college or university accredited by *an institutional* ~~a regional~~ accrediting agency which is a member of the Commission on Recognition of Postsecondary Accreditation.

2. Effective July 1, 2000, completed, *before* ~~prior to~~ matriculation in a chiropractic college, at least 3 years of residence college work, consisting of a minimum of 90 semester hours leading to a bachelor's degree in a liberal arts college or university accredited by an *institutional* accrediting agency recognized and approved by the United States Department of Education. However, *before* ~~prior to~~ being certified by the board to sit for the examination, each applicant who has matriculated in a chiropractic college after July 1, 2000, *must* ~~shall~~ have been granted a bachelor's degree from an institution holding accreditation for that degree from *an institutional* ~~a regional~~ accrediting agency which is recognized by the United States Department of Education. The applicant's chiropractic degree must consist of credits earned in the chiropractic program and may not include academic credit for courses from the bachelor's degree.

(e) Successfully completed the National Board of Chiropractic Examiners certification examination in parts I, II, III, and IV, and the physiotherapy examination of the National Board of Chiropractic Examiners, with a score approved by the board.

(f) Submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

The board may require an applicant who graduated from an institution accredited by the Council on Chiropractic Education more than 10 years before the date of application to the board to take the National Board of Chiropractic Examiners Special Purposes Examination for Chiropractic, or its equivalent, as determined by the board. The board shall establish by rule a passing score.

Section 10. Subsection (4) of section 464.008, Florida Statutes, is amended to read:

464.008 Licensure by examination.—

~~(4) If an applicant who graduates from an approved program does not take the licensure examination within 6 months after graduation, he or she must enroll in and successfully complete a board approved licensure examination preparatory course. The applicant is responsible for all costs associated with the course and may not use state or federal financial aid for such costs. The board shall by rule establish guidelines for licensure examination preparatory courses.~~

Section 11. Paragraph (e) of subsection (1) of section 464.018, Florida Statutes, is amended to read:

464.018 Disciplinary actions.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in ss. 456.072(2) and 464.0095:

(e) Having been found guilty of~~, regardless of adjudication,~~ or entered a plea of nolo contendere or guilty to,~~ regardless of adjudication,~~ any offense prohibited under s. 435.04 or similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in s. 741.28.

Section 12. Section 465.1893, Florida Statutes, is amended to read:

465.1893 Administration of *long-acting* ~~antipsychotic~~ medication by injection.—

(1)(a) A pharmacist, at the direction of a physician licensed under chapter 458 or chapter 459, may administer a long-acting antipsychotic medication *or an extended-release medication indicated to treat opioid use disorder, alcohol use disorder, or other substance use disorders or dependencies, including, but not limited to, buprenorphine, naltrexone, or other medications that have been* approved by the United States Food and Drug Administration by injection to a patient if the pharmacist:

1. Is authorized by and acting within the framework of an established protocol with the prescribing physician.

2. Practices at a facility that accommodates privacy for nondeltoid injections and conforms with state rules and regulations regarding the appropriate and safe disposal of medication and medical waste.

3. Has completed the course required under subsection (2).

(b) A separate prescription from a physician is required for each injection administered by a pharmacist under this subsection.

(2)(a) A pharmacist seeking to administer a ~~long-acting antipsychotic~~ medication *described in paragraph (1)(a)* ~~by injection~~ must complete an 8-hour continuing education course offered by:

1. A statewide professional association of physicians in this state accredited to provide educational activities designated for the American Medical Association Physician's Recognition Award (AMA PRA) Category 1 Credit or the American Osteopathic Association (AOA) Category 1-A continuing medical education (CME) credit; and

2. A statewide association of pharmacists.

(b) The course may be offered in a distance learning format and must be included in the 30 hours of continuing professional pharmaceutical education required under s. 465.009(1). The course shall have a curriculum of instruction that concerns the safe and effective administration of behavioral health*, addiction,* and antipsychotic medications by injection, including, but not limited to, potential allergic reactions to such medications.

Section 13. Paragraph (h) of subsection (1) of section 466.028, Florida Statutes, is amended to read:

466.028 Grounds for disciplinary action; action by the board.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(h) Being employed by any corporation, organization, group, or person other than a dentist*, a hospital,* or a professional corporation or limited liability company composed of dentists to practice dentistry.

Section 14. Section 466.0285, Florida Statutes, is amended to read:

466.0285 Proprietorship by nondentists.—

(1) *A person or an entity* ~~No person~~ other than a dentist licensed *under* ~~pursuant to~~ this chapter*, a specialty-licensed children's hospital licensed under chapter 395 as of January 1, 2021, or* ~~nor any entity other than~~ a professional corporation or limited liability company composed of dentists, may *not*:

(a) Employ a dentist or dental hygienist in the operation of a dental office.

(b) Control the use of any dental equipment or material while such equipment or material is being used for the provision of dental services, whether those services are provided by a dentist, a dental hygienist, or a dental assistant.

(c) Direct, control, or interfere with a dentist's clinical judgment. To direct, control, or interfere with a dentist's clinical judgment *does not mean* ~~may not be interpreted to mean~~ dental services contractually excluded, the application of alternative benefits that may be appropriate given the dentist's prescribed course of treatment, or the application of contractual provisions and scope of coverage determinations in comparison with a dentist's prescribed treatment on behalf of a covered person by an insurer, health maintenance organization, or a prepaid limited health service organization.

Any lease agreement, rental agreement, or other arrangement between a nondentist and a dentist whereby the nondentist provides the dentist with dental equipment or dental materials *must* ~~shall~~ contain a provision whereby the dentist expressly maintains complete care, custody, and control of the equipment or practice.

(2) The purpose of this section is to prevent a nondentist from influencing or otherwise interfering with the exercise of a dentist's independent professional judgment. In addition to the acts specified in subsection (1), *a* ~~no~~ person *or an entity that* ~~who~~ is not a dentist licensed *under* ~~pursuant to~~ this chapter*, a specialty-licensed children's hospital licensed under chapter 395 as of January 1, 2021, or* ~~nor any entity that is not~~ a professional corporation or limited liability company composed of dentists *may not* ~~shall~~ enter into a relationship with a licensee pursuant to which such unlicensed person or such entity exercises control over *any of* the following:

(a) The selection of a course of treatment for a patient, the procedures or materials to be used as part of such course of treatment, and the manner in which such course of treatment is carried out by the licensee.~~;~~

(b) The patient records of a dentist.~~;~~

(c) Policies and decisions relating to pricing, credit, refunds, warranties, and advertising.~~; and~~

(d) Decisions relating to office personnel and hours of practice.

(3) Any person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) Any contract or arrangement entered into or undertaken in violation of this section *is* ~~shall be~~ void as contrary to public policy. This section applies to contracts entered into or renewed on or after October 1, 1997.

Section 15. Subsections (13) and (14) of section 467.003, Florida Statutes, are renumbered as subsections (14) and (15), respectively, subsections (1) and (12) are amended, and a new subsection (13) is added to that section, to read:

467.003 Definitions.—As used in this chapter, unless the context otherwise requires:

(1) "Approved *midwifery* program" means ~~a midwifery school or~~ a midwifery training program *that* ~~which~~ is approved by the department pursuant to s. 467.205.

(12) "Preceptor" means a physician *licensed under chapter 458 or chapter 459*, a ~~licensed~~ midwife *licensed under this chapter*, or a certified nurse midwife *licensed under chapter 464*~~,~~ who has a minimum of 3 years' professional experience~~,~~ and who directs, teaches, supervises, and evaluates the learning experiences of *a* ~~the~~ student midwife *as part of an approved midwifery program*.

(13) "Prelicensure course" means a course of study, offered by an approved midwifery program and approved by the department, which an applicant for licensure must complete before a license may be issued and which provides instruction in the laws and rules of this state and demonstrates the student's competency to practice midwifery under this chapter.

Section 16. Section 467.009, Florida Statutes, is amended to read:

467.009 *Approved* midwifery programs; education and training requirements.—

(1) The department shall adopt standards for *approved* midwifery programs *which must include, but need not be limited to, standards for all of the following:*

(a) ~~. The standards shall encompass~~ Clinical and classroom instruction in all aspects of prenatal, intrapartal, and postpartal care, including *all of the following:*

1. Obstetrics.~~;~~

2. Neonatal pediatrics.~~;~~

3. Basic sciences.~~;~~

4. Female reproductive anatomy and physiology.~~;~~

5. Behavioral sciences.~~;~~

6. Childbirth education.~~;~~

7. Community care.~~;~~

8. Epidemiology.~~;~~

9. Genetics.~~;~~

10. Embryology.~~;~~

11. Neonatology.~~;~~

12. Applied pharmacology.~~;~~

13. The medical and legal aspects of midwifery.~~;~~

14. Gynecology and women's health.~~;~~

15. Family planning.~~;~~

16. Nutrition during pregnancy and lactation.~~;~~

17. Breastfeeding.~~; and~~

18. Basic nursing skills~~; and any other instruction determined by the department and council to be necessary~~.

(b) ~~The standards shall incorporate the~~ Core competencies *incorporating those* established by the American College of Nurse Midwives and the Midwives Alliance of North America, including knowledge, skills, and professional behavior in *all of* the following areas:

1. Primary management, collaborative management, referral, and medical consultation.~~;~~

2. Antepartal, intrapartal, postpartal, and neonatal care.~~;~~

3. Family planning and gynecological care.~~;~~

4. Common complications.~~; and~~

5. Professional responsibilities.

(c) Noncurricular ~~The standards shall include noncurriculum~~ matters under this section, including, but not limited to, staffing and teacher qualifications.

(2) An approved midwifery program *must offer* ~~shall include~~ a course of study ~~and clinical training~~ for a minimum of 3 years *which incorporates all of the standards, curriculum guidelines, and educational objectives provided in this section and the rules adopted hereunder*.

(3) An approved midwifery program may reduce ~~If the applicant is a registered nurse or a licensed practical nurse or has previous nursing or midwifery education,~~ the required period of training ~~may be reduced~~ to the extent of the *student's* ~~applicant's~~ qualifications *as a registered nurse or licensed practical nurse or based on prior completion of equivalent nursing or midwifery education*, as determined ~~under rules adopted~~ by ~~the~~ department *rule*~~. In no case shall the training be reduced to a period of less than 2 years~~.

(4)~~(3)~~ *An approved midwifery program may accept students who* ~~To be accepted into an approved midwifery program, an applicant shall~~ have *completed all of the following*:

(a) A high school diploma or its equivalent.

(b) ~~Taken~~ Three college-level credits each of math and English or demonstrated competencies in communication and computation.

(5)~~(4)~~ *As part of its course of study, an approved midwifery program must require clinical training that includes all of the following:*

(a) ~~A student midwife, during training, shall undertake, under the supervision of a preceptor,~~ The care of 50 women in each of the prenatal, intrapartal, and postpartal periods *under the supervision of a preceptor.*~~, but~~ The same women need not be seen through all three periods.

(b)~~(5)~~ *Observation of* ~~The student midwife shall observe~~ an additional 25 women in the intrapartal period ~~before qualifying for a license~~.

(6) *Clinical* ~~The~~ training required under this section *must include all of the following:*

(a) ~~shall include~~ Training in ~~either~~ hospitals*,* ~~or~~ alternative birth settings, or both.

(b) A requirement that students demonstrate competency in the assessment of and differentiation~~, with particular emphasis on learning the ability to differentiate~~ between low-risk pregnancies and high-risk pregnancies.

(7) A hospital or birthing center receiving public funds shall be required to provide student midwives access to observe labor, delivery, and postpartal procedures, provided the woman in labor has given informed consent. The Department of Health shall assist in facilitating access to hospital training for approved midwifery programs.

(8)~~(7)~~ The Department of Education shall adopt curricular frameworks for midwifery programs conducted within public educational institutions *under* ~~pursuant to~~ this section.

~~(8) Nonpublic educational institutions that conduct approved midwifery programs shall be accredited by a member of the Commission on Recognition of Postsecondary Accreditation and shall be licensed by the Commission for Independent Education.~~

Section 17. Section 467.011, Florida Statutes, is amended to read:

467.011 *Licensed midwives; qualifications; examination* ~~Licensure by examination~~.—

~~(1) The department shall administer an examination to test the proficiency of applicants in the core competencies required to practice midwifery as specified in s. 467.009.~~

~~(2) The department shall develop, publish, and make available to interested parties at a reasonable cost a bibliography and guide for the examination.~~

~~(3)~~ The department shall issue a license to practice midwifery to an applicant who *meets all of the following criteria:*

(1) Demonstrates that he or she has graduated from *one of the following:*

(a) An approved midwifery program.

(b) A medical or midwifery program offered in another state, jurisdiction, territory, or country whose graduation requirements were equivalent to or exceeded those required by s. 467.009 and the rules adopted thereunder at the time of graduation.

(2) Demonstrates that he or she has ~~and~~ successfully completed *a prelicensure course offered by an approved midwifery program. Students graduating from an approved midwifery program may meet this requirement by showing that the content requirements for the prelicensure course were covered as part of their course of study.*

(3) Submits an application for licensure on a form approved by the department and pays the appropriate fee.

(4) Demonstrates that he or she has received a passing score on an ~~the~~ examination *specified by the department*~~, upon payment of the required licensure fee~~.

Section 18. Section 467.0125, Florida Statutes, is amended to read:

467.0125 *Licensed midwives; qualifications;* ~~Licensure by~~ endorsement*; temporary certificates*.—

(1) The department shall issue a license by endorsement to practice midwifery to an applicant who, upon applying to the department, demonstrates to the department that she or he *meets all of the following criteria*:

(a)~~1. Holds a valid certificate or diploma from a foreign institution of medicine or midwifery or from a midwifery program offered in another state, bearing the seal of the institution or otherwise authenticated, which renders the individual eligible to practice midwifery in the country or state in which it was issued, provided the requirements therefor are deemed by the department to be substantially equivalent to, or to exceed, those established under this chapter and rules adopted under this chapter, and submits therewith a certified translation of the foreign certificate or diploma; or~~

~~2.~~ Holds *an active, unencumbered* ~~a valid certificate or~~ license to practice midwifery in another state, *jurisdiction, or territory* ~~issued by that state~~, provided the *licensing* requirements *of that state, jurisdiction, or territory at the time the license was issued were* ~~therefor are deemed by the department to be~~ substantially equivalent to~~,~~ or *exceeded* ~~to exceed,~~ those established under this chapter and *the* rules adopted *thereunder* ~~under this chapter~~.

(b) Has *successfully* completed a ~~4-month~~ prelicensure course conducted by an approved *midwifery* program ~~and has submitted documentation to the department of successful completion~~.

(c) *Submits an application for licensure on a form approved by the department and pays the appropriate fee* ~~Has successfully passed the licensed midwifery examination~~.

(2) The department may issue a temporary certificate to practice in areas of critical need to *an applicant* ~~any midwife~~ who is qualifying for *a midwifery license* ~~licensure by endorsement~~ under subsection (1) *who meets all of the following criteria*~~, with the following restrictions~~:

(a) *Submits an application for a temporary certificate on a form approved by the department and pays the appropriate fee, which may not exceed $50 and is in addition to the fee required for licensure by endorsement under subsection (1);*

(b) Specifies on the application that he or she will ~~The Department of Health shall determine the areas of critical need, and the midwife so certified shall~~ practice only in *one or more of the following locations:*

1. A county health department;

2. A correctional facility;

3. A Department of Veterans' Affairs clinic;

4. A community health center funded by s. 329, s. 330, or s. 340 of the United States Public Health Service Act; or

5. Any other agency or institution that is approved by the State Surgeon General and provides health care to meet the needs of an underserved population in this state; and ~~those specific areas,~~

(c) Will practice only under the *supervision* ~~auspices~~ of a physician licensed *under* ~~pursuant to~~ chapter 458 or chapter 459, a certified nurse midwife licensed *under* ~~pursuant to~~ part I of chapter 464, or a midwife licensed under this chapter~~,~~ who has a minimum of 3 years' professional experience.

(3) The department may issue a temporary certificate under this section with the following restrictions:

(a) A requirement that a temporary certificateholder practice only in areas of critical need. The State Surgeon General shall determine the areas of critical need, which ~~Such areas shall~~ include, but *are* not ~~be~~ limited to, health professional shortage areas designated by the United States Department of Health and Human Services.

(b) *A requirement that if a temporary certificateholder's practice area ceases to be an area of critical need, within 30 days after such change the certificateholder must either:*

1. Report a new practice area of critical need to the department; or

2. Voluntarily relinquish the temporary certificate.

(4) The department shall review a temporary certificateholder's practice at least annually to determine whether the certificateholder is meeting the requirements of subsections (2) and (3) and the rules adopted thereunder. If the department determines that a certificateholder is not meeting these requirements, the department must revoke the temporary certificate.

(5) A temporary certificate issued under this section *is* ~~shall be~~ valid ~~only as long as an area~~ for ~~which it is issued remains an area of critical need, but no longer than~~ 2 years~~,~~ and *is* ~~shall~~ not ~~be~~ renewable.

~~(c) The department may administer an abbreviated oral examination to determine the midwife's competency, but no written regular examination shall be necessary.~~

~~(d) The department shall not issue a temporary certificate to any midwife who is under investigation in another state for an act which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of this section shall apply.~~

~~(e) The department shall review the practice under a temporary certificate at least annually to ascertain that the minimum requirements of the midwifery rules promulgated under this chapter are being met. If it is determined that the minimum requirements are not being met, the department shall immediately revoke the temporary certificate.~~

~~(f) The fee for a temporary certificate shall not exceed $50 and shall be in addition to the fee required for licensure.~~

Section 19. Section 467.205, Florida Statutes, is amended to read:

467.205 Approval of midwifery programs.—

(1) *The department shall approve an accredited or state-licensed public or private institution seeking to provide midwifery education and training as an approved midwifery program in this state if the institution meets all of the following criteria:*

(a) Submits an application for approval on a form approved by the department.

(b) Demonstrates to the department's satisfaction that the proposed midwifery program complies with s. 467.009 and the rules adopted thereunder.

(c) For a private institution, demonstrates its accreditation by a member of the Council for Higher Education Accreditation or an accrediting agency approved by the United States Department of Education and its licensing or provisional licensing by the Commission for Independent Education ~~An organization desiring to conduct an approved program for the education of midwives shall apply to the department and submit such evidence as may be required to show that it complies with s. 467.009 and with the rules of the department. Any accredited or state-licensed institution of higher learning, public or private, may provide midwifery education and training.~~

~~(2) The department shall adopt rules regarding educational objectives, faculty qualifications, curriculum guidelines, administrative procedures, and other training requirements as are necessary to ensure that approved programs graduate midwives competent to practice under this chapter.~~

~~(3) The department shall survey each organization applying for approval. If the department is satisfied that the program meets the requirements of s. 467.009 and rules adopted pursuant to that section, it shall approve the program~~.

(2)~~(4)~~ The department shall, at least once every 3 years, certify whether each approved midwifery program *is currently compliant, and has maintained compliance,* ~~complies~~ with the *requirements of* ~~standards developed under~~ s. 467.009 *and the rules adopted thereunder*.

(3)~~(5)~~ If the department finds that an approved *midwifery* program *is not in compliance with the requirements of s. 467.009 or the rules adopted thereunder, or has lost its accreditation status, the department must provide its finding to the program in writing and* ~~no longer meets the required standards, it~~ may place the program on probationary status *for a specified period of time, which may not exceed 3 years* ~~until such time as the standards are restored~~.

(4) If a program *on probationary status does not come into compliance with the requirements of s. 467.009 or the rules adopted thereunder, or regain its accreditation status, as applicable, within the period specified by the department* ~~fails to correct these conditions within a specified period of time~~, the department may rescind the *program's* approval.

(5) A ~~Any~~ program *that has* ~~having~~ its approval rescinded *has* ~~shall have~~ the right to reapply *for approval*.

(6) *The department may grant* provisional approval of a new program *seeking accreditation status, for a period not to exceed 5 years, provided that all other requirements of this section are met.*

(7) The department may rescind provisional approval of a program that fails to the meet the requirements of s. 467.009, this section, or the rules adopted thereunder, in accordance with procedures provided in subsections (3) and (4) ~~may be granted pending the licensure results of the first graduating class~~.

Section 20. Subsections (2), (3), and (4) and paragraphs (a) and (b) of subsection (5) of section 468.803, Florida Statutes, are amended to read:

468.803 License, registration, and examination requirements.—

(2) An applicant for registration, examination, or licensure must apply to the department on a form prescribed by the board for consideration of board approval. Each initial applicant shall submit ~~a set of~~ fingerprints to the department ~~on a form and~~ under procedures specified by the department~~, along with payment in an amount equal to the costs incurred by the department~~ for state and national criminal history checks of the applicant. ~~The department shall submit the fingerprints provided by an applicant to the Department of Law Enforcement for a statewide criminal history check, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant.~~ The board shall screen the results to determine if an applicant meets licensure requirements. The board shall consider for examination, registration, or licensure each applicant who the board verifies:

(a) Has submitted the completed application and *completed* the *fingerprinting requirements* ~~fingerprint forms~~ and has paid the applicable application fee, not to exceed $500~~, and the cost of the state and national criminal history checks~~. The application fee *is* ~~and cost of the criminal history checks shall be~~ nonrefundable;

(b) Is of good moral character;

(c) Is 18 years of age or older; and

(d) Has completed the appropriate educational preparation.

(3) A person seeking to attain the orthotics or prosthetics experience required for licensure in this state must be approved by the board and registered as a resident by the department. Although a registration may be held in both disciplines, for independent registrations the board may not approve a second registration until at least 1 year after the issuance of the first registration. Notwithstanding subsection (2), a person who has been approved by the board and registered by the department in one discipline may apply for registration in the second discipline without an additional state or national criminal history check during the period in which the first registration is valid. Each independent registration or dual registration is valid for 2 years after the date of issuance unless otherwise revoked by the department upon recommendation of the board. The board shall set a registration fee not to exceed $500 to be paid by the applicant. A registration may be renewed once by the department upon recommendation of the board for a period no longer than 1 year, as such renewal is defined by the board by rule. The renewal fee may not exceed one-half the current registration fee. To be considered by the board for approval of registration as a resident, the applicant must have one of the following:

(a) A Bachelor of Science or higher-level postgraduate degree in orthotics and prosthetics from *an* ~~a regionally~~ accredited college or university recognized by the Commission on Accreditation of Allied Health Education Programs.

(b) A minimum of a bachelor's degree from *an institutionally* ~~a regionally~~ accredited college or university and a certificate in orthotics or prosthetics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board.

(c) A minimum of a bachelor's degree from *an institutionally* ~~a regionally~~ accredited college or university and a dual certificate in both orthotics and prosthetics from programs recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board.

(4) The department may develop and administer a state examination for an orthotist or a prosthetist license, or the board may approve the existing examination of a national standards organization. The examination must be predicated on a minimum of a baccalaureate-level education and formalized specialized training in the appropriate field. Each examination must demonstrate a minimum level of competence in basic scientific knowledge, written problem solving, and practical clinical patient management. The board shall require an examination fee not to exceed the actual cost to the board in developing, administering, and approving the examination, which fee must be paid by the applicant. To be considered by the board for examination, the applicant must have:

(a) For an examination in orthotics:

1. A Bachelor of Science or higher-level postgraduate degree in orthotics and prosthetics from *an institutionally* ~~a regionally~~ accredited college or university recognized by the Commission on Accreditation of Allied Health Education Programs or, at a minimum, a bachelor's degree from *an institutionally* ~~a regionally~~ accredited college or university and a certificate in orthotics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board; and

2. An approved orthotics internship of 1 year of qualified experience, as determined by the board, or an orthotic residency or dual residency program recognized by the board.

(b) For an examination in prosthetics:

1. A Bachelor of Science or higher-level postgraduate degree in orthotics and prosthetics from *an institutionally* ~~a regionally~~ accredited college or university recognized by the Commission on Accreditation of Allied Health Education Programs or, at a minimum, a bachelor's degree from *an institutionally* ~~a regionally~~ accredited college or university and a certificate in prosthetics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board; and

2. An approved prosthetics internship of 1 year of qualified experience, as determined by the board, or a prosthetic residency or dual residency program recognized by the board.

(5) In addition to the requirements in subsection (2), to be licensed as:

(a) An orthotist, the applicant must pay a license fee not to exceed $500 and must have:

1. A Bachelor of Science or higher-level postgraduate degree in Orthotics and Prosthetics from *an institutionally* ~~a regionally~~ accredited college or university *recognized by the Commission on Accreditation of Allied Health Education Programs*, or a bachelor's degree *from an institutionally accredited college or university and* ~~with~~ a certificate in orthotics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board;

2. An *approved* ~~appropriate~~ internship of 1 year of qualified experience, as determined by the board, or a residency program recognized by the board;

3. Completed the mandatory courses; and

4. Passed the state orthotics examination or the board-approved orthotics examination.

(b) A prosthetist, the applicant must pay a license fee not to exceed $500 and must have:

1. A Bachelor of Science or higher-level postgraduate degree in Orthotics and Prosthetics from *an institutionally* ~~a regionally~~ accredited college or university *recognized by the Commission on Accreditation of Allied Health Education Programs*, or a bachelor's degree *from an institutionally accredited college or university and* ~~with~~ a certificate in prosthetics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board;

2. An internship of 1 year of qualified experience, as determined by the board, or a residency program recognized by the board;

3. Completed the mandatory courses; and

4. Passed the state prosthetics examination or the board-approved prosthetics examination.

Section 21. Subsection (7) is added to section 483.801, Florida Statutes, to read:

483.801 Exemptions.—This part applies to all clinical laboratories and clinical laboratory personnel within this state, except:

(7) A registered nurse licensed under chapter 464 performing alternate-site testing within a hospital or hospital-based off-campus emergency department licensed under chapter 395.

And the title is amended as follows:

Delete lines 1917-2002 and insert: medical services providers; amending s. 401.465, F.S.; defining the term "telecommunicator cardiopulmonary resuscitation training"; conforming cross-references; requiring certain 911 public safety telecommunicators to complete biennial 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.; revising the prohibition on prescribing controlled substances through the use of telehealth to include only specified controlled substances; 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

On motion by Senator Rodriguez, the Senate concurred in **House Amendment 1 (527309)**, as amended by **Senate Amendment 1 (535476)**, and requested the House to concur in the Senate amendment to the House amendment.

CS for CS for SB 1568 passed, as amended, and the action of the Senate was 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

SENATOR STARGEL PRESIDING

SENATOR MAYFIELD PRESIDING

SPECIAL GUESTS

Senator Mayfield recognized former Senator Rob Bradley who was present in the gallery.

LOCAL BILL CALENDAR

SENATOR BEAN PRESIDING

MOTIONS

On motion by Senator Passidomo, the rules were waived and **CS for HB 385**, **HB 751**, **CS for HB 787**, **CS for HB 915**, **HB 979**, **CS for HB 1035**, **CS for HB 1185**, **HB 1213**, **HB 1251**, **CS for HB 1495**, **CS for HB 1499**, **CS for CS for HB 1501**, **CS for CS for HB 1503**, **CS for HB**

1587, **HB 1589**, **HB 1591**, **HB 1593**, **HB 1631**, **CS for HB 1633**, **HB 1637**, **CS for HB 1645**, and **HB 1647** on the Local Bill Calendar were withdrawn from the Committee on Rules, read a second and third time by title, and passed this day.

CS for HB 385—A bill to be entitled An act relating to alcoholic beverage licenses, Lake and Sumter Counties; amending ch. 2002-334, Laws of Florida, as amended; revising criteria for special alcoholic beverage licenses for certain entities operating within Lake and Sumter Counties; revising boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Baxley, by two-thirds vote, **CS for HB 385** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

HB 751—A bill to be entitled An act relating to City of Gainesville, Alachua County; providing an exception to general law; authorizing the issuance of a special license to mobile food dispensing vehicles to sell alcoholic beverages for the consumption of alcoholic beverages within a specified area; providing requirements; prohibiting a licensee from selling alcoholic beverages by the package for consumption outside the specified area; providing for the issuance of an unlimited number of licenses within specified area; providing that an operator is not exempt from meeting requirements to hold a license; providing boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Perry, by two-thirds vote, **HB 751** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

CS for HB 787—A bill to be entitled An act relating to the St. Augustine-St. Johns County Airport Authority, St. Johns County; amending chapter 2002-347, Laws of Florida; renaming the St. Augustine-St. Johns County Airport Authority as the St. Johns County Airport Authority; authorizing the authority to conduct airport operations under a specified name; making a technical change; providing an effective date.

—was read the second time by title. On motion by Senator Hutson, by two-thirds vote, **CS for HB 787** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

CS for HB 915—A bill to be entitled An act relating to the Port of Palm Beach District, Palm Beach County; amending chapter 2017-199, Laws of Florida; deleting provisions requiring certain persons to execute and deliver a bond within a specified time period after assuming office; revising the annual salary of commissioners; revising the term "port manager" to "port director"; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title. On motion by Senator Powell, by two-thirds vote, **CS for HB 915** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

HB 979—A bill to be entitled An act relating to the Village of Wellington, Palm Beach County; providing an exception to general law; prohibiting the sale and use of fireworks located within the Equestrian Preserve of the Village of Wellington except under specified circumstances; providing applicability; providing an effective date.

—was read the second time by title. On motion by Senator Powell, by two-thirds vote, **HB 979** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

CS for HB 1035—A bill to be entitled An act relating to the Loxahatchee River Environmental Control District, Martin and Palm Beach Counties; providing legislative intent; codifying, amending, repealing, and reenacting special acts relating to the district; providing purpose and construction; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Powell, by two-thirds vote, **CS for HB 1035** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

CS for HB 1185—A bill to be entitled An act relating to Indian Trail Improvement District, Palm Beach County; amending ch. 2002-330, Laws of Florida, as amended; authorizing the district to study the feasibility of an elector-initiated conversion of the district to a municipality; providing a procedure for such study; providing for a transition date and permitting continuation of the district; providing an effective date.

—was read the second time by title. On motion by Senator Powell, by two-thirds vote, **CS for HB 1185** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

HB 1213—A bill to be entitled An act relating to Homosassa Special Water District, Citrus County; amending ch. 2003-354, Laws of Florida; revising requirements to fill a vacancy on the Board of Commissioners; increasing the threshold cost of work for which the district must use the competitive bid process; authorizing the governing board of District to procure contractual services without receiving competitive sealed bids under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Baxley, by two-thirds vote, **HB 1213** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

HB 1251—A bill to be entitled An act relating to the Water Street Tampa Improvement District, Hillsborough County; amending ch. 2018-183, Laws of Florida; revising the boundaries of the Water Street Tampa Improvement District; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Cruz, by two-thirds vote, **HB 1251** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

Vote after roll call:

Yea—Brandes

CS for HB 1495—A bill to be entitled An act relating to the Coral Springs Improvement District, Broward County; amending ch. 2004-469, Laws of Florida; providing an exception to general law; revising the number of board members; requiring members of the Board of Supervisors of the Coral Springs Improvement District to be elected by qualified electors of the district; providing for staggered terms of office for the board; providing requirements for elections of board members and for candidates seeking election; providing duties of the Supervisor of Elections of Broward County; providing a definition; providing for a referendum; providing effective dates.

—was read the second time by title. On motion by Senator Book, by two-thirds vote, **CS for HB 1495** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

CS for HB 1499—A bill to be entitled An act relating to the Pine Tree Water Control District, Broward County; amending ch. 2001-320, Laws of Florida; providing an exception to general law; requiring members of the Board of Supervisors be elected through a general election; providing for staggered terms; providing requirements for elections of the board and candidates seeking election; requiring the Supervisor of Elections of Broward County to appoint certain persons, prepare and furnish ballots, designate polling places, and canvass the returns; providing definitions; providing for declaration and certification of election results; providing requirements for a referendum; providing effective dates.

—was read the second time by title. On motion by Senator Polsky, by two-thirds vote, **CS for HB 1499** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Brandes

CS for CS for HB 1501—A bill to be entitled An act relating to the Sunshine Drainage District, Broward County; amending ch. 63-609, Laws of Florida; revising the number of members of the board of supervisors; providing an exception to general law; providing for members of the board of supervisors to be elected by qualified electors of the district; providing for staggered terms; requiring nonpartisan elections; providing requirements for candidates; providing election duties of the supervisor of elections; providing a definition; providing requirements for a referendum; providing effective dates.

—was read the second time by title. On motion by Senator Polsky, by two-thirds vote, **CS for CS for HB 1501** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

CS for CS for HB 1503—A bill to be entitled An act relating to North Springs Improvement District, Broward County; amending ch. 2005-341, Laws of Florida, as amended; revising a definition; revising the number of board members; requiring members to be residents of the district; providing designated seats for supervisors; providing for repeal unless reviewed and saved from repeal by the Legislature; providing an exception to general law; requiring that the board of supervisors be elected by the qualified electors of the district; providing definitions; providing requirements for a referendum; providing effective dates.

—was read the second time by title. On motion by Senator Polsky, by two-thirds vote, **CS for CS for HB 1503** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Bean	Bracy
Albritton	Berman	Bradley
Ausley	Book	Brodeur
Baxley	Boyd	Broxson

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

Nays—None

Vote after roll call:

Yea—Brandes

CS for HB 1587—A bill to be entitled An act relating to the East Manatee Fire Rescue District, Manatee County; providing for the merger of the Myakka City Fire Control District into the East Manatee Fire Rescue District; revising boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Boyd, by two-thirds vote, **CS for HB 1587** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

HB 1589—A bill to be entitled An act relating to the City of Key West, Monroe County; amending ch. 69-1191, Laws of Florida, as amended; revising the sum an elector shall pay to the Supervisor of Elections of Monroe County to qualify to appear on the election ballot; revising the date on which such sum must be deposited; prohibiting a candidate from using certain words or logos on specified campaign materials; clarifying the term of service for board members; removing provisions relating to printing addresses on ballots and the election of watchers and challengers; providing that a member of the board shall forfeit his office if he fails to reside within specified areas; providing that a designee of the City Commission of the City of Key West may be the judge of the election and qualification of the members of the board; revising the time period that the original contract may be exempt from the competitive procurement requirements; providing that the sale, transfer, or other disposition of any ownership interest in the electric utility, or any other utility, owned or operated by the board is effective only by resolution adopted by a specified number of affirmative votes of the board and a specified percentage of certain qualified electors of Monroe County; making technical changes; providing an effective date.

—was read the second time by title. On motion by Senator Rodriguez, by two-thirds vote, **HB 1589** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

HB 1591—A bill to be entitled An act relating to the South Seminole and North Orange County Wastewater Transmission Authority; amending ch. 78-617, Laws of Florida; designating the regional sewage treatment plant as the Orlando Iron Bridge Wastewater Treatment Facility; revising boundaries; revising provisions relating to the selection of governing board members and officers; revising and providing definitions; authorizing the authority to contract with an entity for certain purposes and to amend a definition under certain circumstances; removing provisions relating to the governing board, private utility flow and votes apportioned by flow, appointment of alternate governing board members, required connection, contracts with private utilities, lift stations, the facility plan, indebtedness, and collection of transmission charges; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title. On motion by Senator Brodeur, by two-thirds vote, **HB 1591** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

HB 1593—A bill to be entitled An act relating to Seminole County; providing an exception to general law; providing an exception for specified cemeteries in the unincorporated areas of Seminole County; providing an effective date.

—was read the second time by title. On motion by Senator Brodeur, by two-thirds vote, **HB 1593** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

HB 1631—A bill to be entitled An act relating to the Trailer Estates Park and Recreation District, Manatee County; amending ch. 2002-361, Laws of Florida; providing purpose; revising district boundaries; revising powers and duties for the trustees; providing for the qualification of electors and annual election of trustees; providing for removal of trustees and appointment to fill vacancies; providing for the assessment and collection of a recreation district assessment; providing that such assessment shall be a lien against each parcel of land so assessed and for the method of collecting such assessment; providing for the deposit and disbursement of funds of the district; establishing a fiscal year and providing for annual financial statements; authorizing the trustees to issue bonds and other obligations of the district; authorizing the trustees to acquire and dispose of real and personal property for certain purposes; authorizing the trustees to adopt and enforce rules and regulations; authorizing the assessment of penalties related to the use of facilities of the district; providing for the abolishment of the district; providing conditions precedent to the filing of suit against the district or any of the trustees thereof, and relieving individual trustees from personal liability for obligations of the district; providing definitions; revising requirements to amend the charter; providing referendum requirements; providing severability; providing construction; providing an effective date.

—was read the second time by title. On motion by Senator Boyd, by two-thirds vote, **HB 1631** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

CS for HB 1633—A bill to be entitled An act relating to Okaloosa Gas District, Okaloosa, Santa Rosa, and Walton Counties; amending ch. 2000-443, Laws of Florida; revising the territorial limits and area of service of the district to include all of Santa Rosa County and all of Walton County; providing exceptions; revising the membership of the Board of Directors to include one member appointed by each of the Board of County Commissioners of Santa Rosa and Walton Counties; revising the director's fee for each meeting attended by a member of the Board of Directors; providing an effective date.

—was read the second time by title. On motion by Senator Gainer, by two-thirds vote, **CS for HB 1633** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

HB 1637—A bill to be entitled An act relating to the Immokalee Water and Sewer District, Collier County; amending ch. 98-495, Laws of Florida; providing that appointed members shall serve until a successor is appointed; removing obsolete language; providing an effective date.

—was read the second time by title. On motion by Senator Passidomo, by two-thirds vote, **HB 1637** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

CS for HB 1645—A bill to be entitled An act relating to the City of Freeport, Walton County; providing exceptions to general law; providing requirements for a specialty center designation; authorizing the sale of alcoholic beverages for consumption on the premises of a specialty center under certain conditions; providing that an applicant for an alcoholic beverage license to be located in a specialty center may not be denied licensure under certain conditions; providing an effective date.

—was read the second time by title. On motion by Senator Gainer, by two-thirds vote, **CS for HB 1645** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

HB 1647—A bill to be entitled An act relating to the City of Orlando, Orange County; creating special zones in the City of Orlando; providing boundaries; providing an exception to general law; providing space, seating, and minimum gross revenue requirements for special alcoholic beverage licenses for restaurants in described areas; providing an effective date.

—was read the second time by title. On motion by Senator Stewart, by two-thirds vote, **HB 1647** 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
Bradley	Hutson	Taddeo
Brodeur	Jones	Thurston
Broxson	Mayfield	Torres
Burgess	Passidomo	Wright

Nays—None

Vote after roll call:

Yea—Brandes

RECESS

The President declared the Senate in recess at 2:28 p.m. to reconvene at 3:30 p.m. or upon his call.

AFTERNOON SESSION

The Senate was called to order by President Simpson at 3:35 p.m. A quorum present—37:

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/SB 90, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

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; 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 canvas-

sing 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.

House Amendment 1 (107453) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 97.029, Florida Statutes, is created to read:

97.029 Civil actions challenging the validity of election laws.—

(1) In a civil action challenging the validity of a provision of the Florida Election Code in which a state or county agency or officer is a party in state or federal court, the officer, agent, official, or attorney who represents or is acting on behalf of such agency or officer may not settle such action, consent to any condition, or agree to any order in connection therewith if the settlement, condition, or order nullifies, suspends, or is in conflict with any provision of the Florida Election Code, unless:

(a) At the time settlement negotiations have begun in earnest, written notification is given to the President of the Senate, the Speaker of the House of Representatives, and the Attorney General.

(b) Any proposed settlement, consent decree, or order that is proposed or received and would nullify, suspend, or conflict with any provision of the Florida Election Code is promptly reported in writing to the President of the Senate, the Speaker of the House of Representatives, and the Attorney General.

(c) At least 10 days before the date a settlement or presettlement agreement or order is to be made final, written notification is given to the President of the Senate, the Speaker of the House of Representatives, and the Attorney General.

(2) If any notification required by this section is precluded by federal law, federal regulation, court order, or court rule, the officer, agent, official, or attorney representing such agency or officer, or the Attorney General, shall challenge the constitutionality of such preclusion in the civil suit affected and give prompt notice thereof to the President of the Senate, the Speaker of the House of Representatives, and the Attorney General.

(3) If, after a court has entered an order or judgment that nullifies or suspends, or orders or justifies official action that is in conflict with, a provision of the Florida Election Code, the Legislature amends the general law to remove the invalidity or unenforceability, the officer, agent, official, or attorney who represents or is acting on behalf of the agency or officer bound by such order or judgment must promptly after such amendment of the general law move to dismiss or otherwise terminate any ongoing jurisdiction of such case.

Section 2. Paragraph (t) of subsection (2) of section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

(t)~~1.~~ Whether the applicant has ~~never~~ been convicted of a felony *and, if convicted, has had his or her voting rights restored* by including the statement "I affirm *that I am not a convicted felon or, if I am, my right to vote has been restored* ~~I have never been convicted of a felony~~." and providing a box for the applicant to check to affirm the statement.

~~2. Whether the applicant has been convicted of a felony, and if convicted, has had his or her civil rights restored through executive clemency, by including the statement "If I have been convicted of a felony, I affirm my voting rights have been restored by the Board of Executive Clemency." and providing a box for the applicant to check to affirm the statement.~~

~~3. Whether the applicant has been convicted of a felony and, if convicted, has had his or her voting rights restored pursuant s. 4, Art. VI of the State Constitution, by including the statement "If I have been convicted of a felony, I affirm my voting rights have been restored pursuant to s. 4, Art. VI of the State Constitution upon the completion of all terms of my sentence, including parole or probation." and providing a box for the applicant to check to affirm the statement.~~

Section 3. Subsections (1) and (2) and paragraph (b) of subsection (3) of section 97.0525, Florida Statutes, are amended to read:

97.0525 Online voter registration.—

(1) ~~Beginning October 1, 2017,~~ An applicant may submit an online voter registration application using the procedures set forth in this section.

(2) The division shall establish *and maintain* a secure Internet website that safeguards an applicant's information to ensure data integrity and permits an applicant to:

(a) Submit a voter registration application, including first-time voter registration applications and updates to current voter registration records.

(b) Submit information necessary to establish an applicant's eligibility to vote, pursuant to s. 97.041, which includes the information required for the uniform statewide voter registration application pursuant to s. 97.052(2).

(c) Swear to the oath required pursuant to s. 97.051.

(3)

(b) The division shall conduct a comprehensive risk assessment of the online voter registration system ~~before making the system publicly available and~~ every 2 years ~~thereafter~~. The comprehensive risk assessment must comply with the risk assessment methodology developed

by the Department of Management Services for identifying security risks, determining the magnitude of such risks, and identifying areas that require safeguards. *In addition, the comprehensive risk assessment must incorporate all of the following:*

1. Load testing and stress testing to ensure that the online voter registration system has sufficient capacity to accommodate foreseeable use, including during periods of high volume of website users in the week immediately preceding the book-closing deadline for an election.

2. Screening of computers and networks used to support the online voter registration system for malware and other vulnerabilities.

3. Evaluation of database infrastructure, including software and operating systems, in order to fortify defenses against cyberattacks.

4. Identification of any anticipated threats to the security and integrity of data collected, maintained, received, or transmitted by the online voter registration system.

Section 4. 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 5. Subsection (13) is added to section 97.057, Florida Statutes, to read:

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

(13) The Department of Highway Safety and Motor Vehicles must assist the Department of State in regularly identifying changes in residence address on the driver license or identification card of a voter. The Department of State must report each such change to the appropriate supervisor of elections who must change the voter's registration records in accordance with s. 98.065(4).

Section 6. Paragraphs (c) and (d) of subsection (1), paragraph (a) of subsection (3), and subsection (5) of section 97.0575, Florida Statutes, are amended to read:

97.0575 Third-party voter registrations.—

(1) Before engaging in any voter registration activities, a third-party voter registration organization must register and provide to the division, in an electronic format, the following information:

(c) The names, permanent addresses, and temporary addresses, if any, of each registration agent registering persons to vote in this state on behalf of the organization. *This paragraph does not apply to persons who only solicit applications and do not collect or handle voter registration applications.*

~~(d) A sworn statement from each registration agent employed by or volunteering for the organization stating that the agent will obey all state laws and rules regarding the registration of voters. Such statement must be on a form containing notice of applicable penalties for false registration.~~

(3)(a) A third-party voter registration organization that collects voter registration applications serves as a fiduciary to the applicant, ensuring that any voter registration application entrusted to the organization, irrespective of party affiliation, race, ethnicity, or gender, *must* ~~shall~~ be promptly delivered to the division or the supervisor of elections *in the county in which the elector resides* within *14 days after completed by the applicant, but not after registration closes for the next ensuing election. A third-party voter registration organization must notify the applicant at the time the application is collected that the organization might not deliver the application to the division or the supervisor of elections in the county in which the elector resides in less than 14 days or before registration closes for the next ensuing election and must advise the applicant that he or she may deliver the application in person or by mail. The third-party voter registration organization must also inform the applicant how to register online with the division and how to determine whether the application has been delivered* ~~48 hours after the applicant completes it or the next business day if the appropriate office is closed for that 48-hour period~~. If a voter registration application collected by any third-party voter registration organization is not promptly delivered to the division or supervisor of elections *in the county in which the elector resides*, the third-party voter registration organization is liable for the following fines:

1. A fine in the amount of $50 for each application received by the division or the supervisor of elections *in the county which the elector resides* more than *14 days* ~~48 hours~~ after the applicant delivered the completed voter registration application to the third-party voter registration organization or any person, entity, or agent acting on its behalf ~~or the next business day, if the office is closed~~. A fine in the amount of $250 for each application received if the third-party voter registration organization or person, entity, or agency acting on its behalf acted willfully.

2. A fine in the amount of $100 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, before book closing for any given election for federal or state office and received by the division or the supervisor of elections *in the county in which the elector resides* after the book-closing deadline for such election. A fine in the amount of $500 for each application received if the third-party registration organization or person, entity, or agency acting on its behalf acted willfully.

3. A fine in the amount of $500 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, which is not submitted to the division or supervisor of elections *in the county in which the elector resides*. A fine in the amount of $1,000 for any application not submitted if the third-party voter registration organization or person, entity, or agency acting on its behalf acted willfully.

The aggregate fine pursuant to this paragraph which may be assessed against a third-party voter registration organization, including affiliate organizations, for violations committed in a calendar year is $1,000.

(5) The division shall adopt by rule a form to elicit specific information concerning the facts and circumstances from a person who claims to have been registered to vote by a third-party voter registration organization but who does not appear as an active voter on the voter registration rolls. The division shall also adopt rules to ensure the integrity of the registration process, including *controls to ensure that all completed forms are promptly delivered to the division or an supervisor in the county in which the elector resides* ~~rules requiring third party voter registration organizations to account for all state and federal registration forms used by their registration agents. Such rules may require an organization to provide organization and form specific identification information on each form as determined by the department as needed to assist in the accounting of state and federal registration forms~~.

Section 7. Section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence, change of name, or change of party affiliation.—

(1)(a) When an elector changes his or her residence address, the elector must notify the supervisor of elections. Except as provided in paragraph (b), an address change must be submitted using a voter registration application.

(b) If the address change is within the state and notice is provided to the supervisor of elections of the county where the elector has moved, the elector may do so by:

1. Contacting the supervisor of elections via telephone or electronic means, in which case the elector must provide his or her date of birth *and the last four digits of his or her social security number, his or her Florida driver license number, or his or her Florida identification card number, whichever may be verified in the supervisor's records*; or

2. Submitting the change on a voter registration application or other signed written notice.

(2) When an elector seeks to change party affiliation, the elector shall notify his or her supervisor of elections or other voter registration official by *submitting a voter registration application* ~~using a signed written notice that contains the elector's date of birth or voter registration number~~. When an elector changes his or her name by marriage or other legal process, the elector shall notify his or her supervisor of elections or other voter registration official by *submitting a voter registration application* ~~using a signed written notice that contains the elector's date of birth or voter's registration number~~.

(3) The voter registration official shall make the necessary changes in the elector's records as soon as practical upon receipt of such notice of a change of address of legal residence, name, or party affiliation. The supervisor of elections shall issue the new voter information card.

Section 8. Section 97.106, Florida Statutes, is created to read:

97.106 Prohibition on use of private funds for election related expenses.—No agency or state or local official responsible for conducting elections, including, but not limited to, a supervisor of elections, may solicit, accept, use, or dispose of any donation in the form of money, grants, property, or personal services from an individual or a nongovernmental entity for the purpose of funding election-related expenses or voter education, voter outreach, or registration programs. This section does not prohibit the donation and acceptance of space to be used for a polling room or an early voting location.

Section 9. Subsections (4) and (5) of section 98.0981, Florida Statutes, are renumbered as subsections (5) and (6), respectively, paragraph (a) of subsection (2) is amended, and a new subsection (4) is added to that section, to read:

98.0981 Reports; voting history; statewide voter registration system information; precinct-level election results; book closing statistics.—

(2) PRECINCT-LEVEL ELECTION RESULTS.—

(a) Within 30 days after certification by the Elections Canvassing Commission of a presidential preference primary election, special election, primary election, or general election, the supervisors of elections shall collect and submit to the department precinct-level election results for the election in a uniform electronic format specified by paragraph (c). The precinct-level election results shall be compiled separately for the primary or special primary election that preceded the general or special general election, respectively. The results shall specifically include for each precinct the total of all ballots cast for each candidate or nominee to fill a national, state, county, or district office or proposed constitutional amendment, with subtotals for each candidate and ballot type. *However, ballot type or precinct subtotals in a race or question having fewer than 30 voters voting on the ballot type or in the precinct may not be reported in precinct results*~~, unless fewer than 30 voters voted a ballot type~~. "All ballots cast" means ballots cast by voters who cast a ballot whether at a precinct location, by vote-by-mail ballot including overseas vote-by-mail ballots, during the early voting period, or by provisional ballot.

(4) LIVE TURNOUT DATA.—On election day each supervisor of elections shall make live voter turnout data, updated at least once per hour, available on his or her website. Each supervisor shall transmit the live voter turnout data to the division, which must create and maintain a real-time statewide turnout dashboard that is available for viewing by the public on the division's website as the data becomes available.

Section 10. Paragraph (f) of subsection (3) and paragraph (g) of subsection (4) of section 99.012, Florida Statutes, are amended to read:

99.012 Restrictions on individuals qualifying for public office.—

(3)

(f)~~1. With regard to an elective office, the resignation creates a vacancy in office to be filled by election. Persons may qualify as candidates for nomination and election as if the public officer's term were otherwise scheduled to expire.~~

~~2. With regard to an elective charter county office or elective municipal office, the vacancy created by the officer's resignation may be filled for that portion of the officer's unexpired term in a manner provided by the respective charter.~~ The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation.

(4)

(g) ~~Notwithstanding the provisions of any special act to the contrary, with regard to an elective office, the resignation creates a vacancy in office to be filled by election, thereby authorizing persons to qualify as candidates for nomination and election as if the officer's term were otherwise scheduled to expire. With regard to an elective charter county~~

~~office or elective municipal office, the vacancy created by the officer's resignation may be filled for that portion of the officer's unexpired term in a manner provided by the respective charter.~~ The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation.

Section 11. Paragraph (a) of subsection (3) of section 100.111, Florida Statutes, is amended to read:

100.111 Filling vacancy.—

(3)(a) In the event that death, resignation, withdrawal, or removal should cause a party to have a vacancy in nomination which leaves no candidate for an office from such party, the filing officer before whom the candidate qualified shall notify the chair of the state and county political party executive committee of such party and:

1. If the vacancy in nomination is for a statewide office, the state party chair shall, within 5 days, call a meeting of his or her executive board to consider designation of a nominee to fill the vacancy.

2. If the vacancy in nomination is for the office of United States Representative, state senator, state representative, state attorney, or public defender, the state party chair shall ~~notify the appropriate county chair or chairs and~~, within 5 days, ~~the appropriate county chair or chairs shall~~ call a meeting of the *state executive committee members residing* ~~members of the executive committee~~ in the affected county or counties to consider designation of a nominee to fill the vacancy.

3. If the vacancy in nomination is for a county office, the state party chair shall notify the appropriate county chair and, within 5 days, the appropriate county chair shall call a meeting of his or her executive committee to consider designation of a nominee to fill the vacancy.

The name of any person so designated shall be submitted to the filing officer before whom the candidate qualified within 7 days after notice to the chair in order that the person designated may have his or her name on the ballot of the ensuing general election. If the name of the new nominee is submitted after the certification of results of the preceding primary election, however, the ballots shall not be changed and the former party nominee's name will appear on the ballot. Any ballots cast for the former party nominee will be counted for the person designated by the political party to replace the former party nominee. If there is no opposition to the party nominee, the person designated by the political party to replace the former party nominee will be elected to office at the general election.

Section 12. Subsection (2) of section 101.051, Florida Statutes, is amended to read:

101.051 Electors seeking assistance in casting ballots; oath to be executed; forms to be furnished.—

(2) It is unlawful for any person to be in the voting booth with any elector except as provided in subsection (1). A person at a polling place*, drop box site,* or early voting site, or within *150* ~~100~~ feet of the entrance of a polling place*, drop box site,* or early voting site, may not solicit any elector in an effort to provide assistance to vote pursuant to subsection (1). Any person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 13. Subsection (5) of section 101.131, Florida Statutes, is amended to read:

101.131 Watchers at polls.—

(5) The supervisor of elections shall provide to each designated poll watcher *an*~~, no later than 7 days before early voting begins, a poll watcher~~ identification badge *which* ~~that~~ identifies the poll watcher by name. Each poll watcher must wear his or her identification badge while *performing his or her duties* ~~in the polling room or early voting area~~.

Section 14. Section 101.545, Florida Statutes, is amended to read:

101.545 Retention and destruction of certain election materials.—All ballots, forms, and other election materials shall be retained in the custody of the supervisor of elections *for a minimum of 22 months after an election and* in accordance with the schedule approved by the Division of Library and Information Services of the Department of State. All unused ballots, forms, and other election materials may, with the approval of the Department of State, be destroyed by the supervisor after the election for which such ballots, forms, or other election materials were to be used.

Section 15. Paragraph (d) of subsection (2) of section 101.5605, Florida Statutes, is amended to read:

101.5605 Examination and approval of equipment.—

(2)

(d) The Department of State shall approve or disapprove any voting system submitted to it within *120* ~~90~~ days after the date of its initial submission.

Section 16. Paragraph (a) of subsection (4) of section 101.5614, Florida Statutes, is amended to read:

101.5614 Canvass of returns.—

(4)(a) If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the voting system's automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot *in an open and accessible room* in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot shall be made of a vote-by-mail ballot containing an overvoted race *if there is a clear indication on the ballot that the voter has made a definite choice in the overvoted race or ballot measure. A duplicate* ~~or a marked vote-by-mail ballot 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 be made of a ballot containing an undervoted race or ballot measure if there is a clear indication on the ballot that the voter has made a definite choice in the undervoted race or ballot measure. A duplicate may not include a vote if the voter's intent in such race or on such measure is not clear.* 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 allowed to observe the duplication of ballots in such a way that the observer is able to see the markings on each ballot and the duplication taking place.* All duplicate ballots *must* ~~shall~~ be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. *The duplication of ballots must happen in the presence of at least one canvassing board member.* After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct. *If any observer makes a reasonable objection to a duplicate of a ballot, the ballot must be presented to the canvassing board for a determination of the validity of the duplicate. The canvassing board must document the serial number of the ballot in the canvassing board's minutes. The canvassing board must decide whether the duplication is valid. If the duplicate ballot is determined to be valid, the duplicate ballot must be counted. If the duplicate ballot is determined to be invalid, the duplicate ballot must be rejected and a proper duplicate ballot must be made and counted in lieu of the original.*

Section 17. Section 101.572, Florida Statutes, is amended to read:

101.572 Public inspection of ballots.—

(1) The official ballots and ballot cards received from election boards and removed from vote-by-mail ballot mailing envelopes *and voter certificates on such mailing envelopes* shall be open for public inspection or examination while in the custody of the supervisor of elections or the county canvassing board at any reasonable time, under reasonable conditions; however, no persons other than the supervisor of elections or his or her employees or the county canvassing board shall handle any official ballot or ballot card. If the ballots are being examined prior to the end of the contest period in s. 102.168, the supervisor of elections shall make a reasonable effort to notify all candidates whose names appear on such ballots or ballot cards by telephone or otherwise of the time and place of the inspection or examination. All such candidates, or their representatives, shall be allowed to be present during the inspection or examination.

(2) A candidate, a political party official, or a political committee official, or an authorized designee thereof, shall be granted reasonable access upon request to review or inspect ballot materials before canvassing or tabulation, including voter certificates on vote-by-mail envelopes, cure affidavits, corresponding comparison signatures, duplicate ballots, and corresponding originals. Before the supervisor begins comparing signatures on vote-by-mail voter certificates, the supervisor must publish notice of the access to be provided under this section, which may be access to the documents or images thereof, and the method of requesting such access. During such review, no person granted access for review may make any copy of a signature.

Section 18. Subsection (5) of section 101.591, Florida Statutes, is amended to read:

101.591 Voting system audit.—

(5) *By December 15 of each general election year* ~~Within 15 days after completion of the audit~~, the county canvassing board or the board responsible for certifying the election shall provide a report with the results of the audit to the Department of State in a standard format as prescribed by the department. *The report must be consolidated into one report with the overvote and undervote report required under s. 101.595(1).* The report shall contain, but is not limited to, the following items:

(a) The overall accuracy of audit.

(b) A description of any problems or discrepancies encountered.

(c) The likely cause of such problems or discrepancies.

(d) Recommended corrective action with respect to avoiding or mitigating such circumstances in future elections.

Section 19. Subsections (1) and (3) of section 101.595, Florida Statutes, are amended to read:

101.595 Analysis and reports of voting problems.—

(1) No later than December 15 of each general election year, the supervisor of elections in each county shall report to the Department of State the total number of overvotes and undervotes in the "President and Vice President" or "Governor and Lieutenant Governor" race that appears first on the ballot or, if neither appears, the first race appearing on the ballot pursuant to s. 101.151(2), along with the likely reasons for such overvotes and undervotes and other information as may be useful in evaluating the performance of the voting system and identifying problems with ballot design and instructions which may have contributed to voter confusion. *This report must be consolidated into one report with the audit report required under s. 101.591(5).*

(3) The Department of State shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by *February 15* ~~January 31~~ of each year following a general election.

Section 20. Paragraphs (a) and (b) of subsection (1), subsection (3), and paragraph (c) of subsection (4) of section 101.62, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

101.62 Request for vote-by-mail ballots.—

(1)(a) The supervisor shall accept a request for a vote-by-mail ballot from an elector in person or in writing. One request *is* ~~shall be~~ deemed sufficient to receive a vote-by-mail ballot for all elections through the end of the calendar year of the *next* ~~second ensuing~~ regularly scheduled general election *provided that a request received after November 6, 2018, and before July 1, 2021, is deemed sufficient through the end of the calendar year of the second ensuing regularly scheduled general election*, unless the elector or the elector's designee indicates at the time the request is made the elections *within such period* for which the elector desires to receive a vote-by-mail ballot. Such request may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.

(b) The supervisor may accept a written*, an in person,* or *a* telephonic request for a vote-by-mail ballot to be mailed to an elector's address on file in the Florida Voter Registration System from the elector, or, if directly instructed by the elector, a member of the elector's immediate family, or the elector's legal guardian. *If an in person or a telephone request is made the elector must provide the elector's Florida driver license number, the elector's Florida identification card number, or the last four digits of the elector's social security number, whichever may be verified in the supervisor's records.*~~,~~ If the ballot is requested to be mailed to an address other than the elector's address on file in the Florida Voter Registration System, the request must be made in writing. *A written request must be* ~~and~~ signed by the elector *and include the elector's Florida driver license number, the elector's Florida identification card number, or the last four digits of the elector's social security number*. However, an absent uniformed service voter or an overseas voter seeking a vote-by-mail ballot is not required to submit a signed, written request for a vote-by-mail ballot that is being mailed to an address other than the elector's address on file in the Florida Voter Registration System. For purposes of this section, the term "immediate family" has the same meaning as specified in paragraph (4)(c). The person making the request must disclose:

1. The name of the elector for whom the ballot is requested.

2. The elector's address.

3. The elector's date of birth.

4. *The elector's Florida driver license number, the elector's Florida identification card number, or the last four digits of the elector's social security number, whichever may be verified in the supervisor's records.*

5. The requester's name.

6.~~5.~~ The requester's address.

7.~~6.~~ The requester's driver license number*, the requestor's identification card number, or the last four digits of the requester's social security number*, if available.

8.~~7.~~ The requester's relationship to the elector.

9.~~8.~~ The requester's signature (written requests only).

(3) For each request for a vote-by-mail ballot received, the supervisor shall record*:* the date the request was made*; the identity of the voter's designee making the request, if any; the Florida driver license number, Florida identification card number, or last four digits of the social security number of the elector provided with a written request;*~~,~~ the date the vote-by-mail ballot was delivered to the voter or the voter's designee or the date the vote-by-mail ballot was delivered to the post office or other carrier*; the address to which the ballot was mailed or the identity of the voter's designee to whom the ballot was delivered;*~~,~~ the date the ballot was received by the supervisor*;*~~,~~ the absence of the voter's signature on the voter's certificate, if applicable*; whether the voter's certificate contains a signature that does not match the elector's signature in the registration books or precinct register;*~~,~~ and such other information he or she may deem necessary. This information shall be provided in electronic format as provided by *division* rule ~~adopted by the division~~. The information shall be updated and made available no later than 8 a.m. of each day, including weekends, beginning 60 days before the primary until 15 days after the general election and shall be contemporaneously provided to the division. This information shall be confidential and exempt from s. 119.07(1) and shall be made available to or reproduced only for the voter requesting the ballot, a canvassing board, an election official, a political party or official thereof, a candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees for political purposes only.

(4)

(c) The supervisor shall provide a vote-by-mail ballot to each elector by whom a request for that ballot has been made by one of the following means:

1. By nonforwardable, return-if-undeliverable mail to the elector's current mailing address on file with the supervisor or any other address the elector specifies in the request.

2. By forwardable mail, e-mail, or facsimile machine transmission to absent uniformed services voters and overseas voters. The absent uniformed services voter or overseas voter may designate in the vote-by-

mail ballot request the preferred method of transmission. If the voter does not designate the method of transmission, the vote-by-mail ballot shall be mailed.

3. By personal delivery before 7 p.m. on election day to the elector, upon presentation of the identification required in s. 101.043.

4. By delivery to a designee on election day or up to 9 days *before* ~~prior to~~ the day of an election. Any elector may designate in writing a person to pick up the ballot for the elector; however, the person designated may not pick up more than two vote-by-mail ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family. For purposes of this section, "immediate family" means the designee's spouse or the parent, child, grandparent, *grandchild,* or sibling of the designee or of the designee's spouse. The designee shall provide to the supervisor the written authorization by the elector and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the elector to pick up that ballot and shall indicate if the elector is a member of the designee's immediate family and, if so, the relationship. The department shall prescribe the form of the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the elector on the written authorization matches the signature of the elector on file, the supervisor shall give the ballot to that designee for delivery to the elector.

5. ~~Except as provided in s. 101.655,~~ The supervisor may not deliver a vote-by-mail ballot to an elector or an elector's immediate family member on the day of the election unless there is an emergency, to the extent that the elector will be unable to go to his or her assigned polling place. If a vote-by-mail ballot is delivered, the elector or his or her designee shall execute an affidavit affirming to the facts which allow for delivery of the vote-by-mail ballot. The department shall adopt a rule providing for the form of the affidavit.

(7) Except as expressly authorized for voters having a disability under s. 101.662, for overseas voters under s. 101.697, or for local referenda under ss. 101.6102 and 101.6103, a county, municipality, or state agency may not send a vote-by-mail ballot to a voter unless the voter has requested a vote-by-mail ballot in the manner authorized under this section.

Section 21. Subsection (1) of section 101.64, Florida Statutes, is amended to read:

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

(1)*(a)* 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 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) _____

(b) Each return mailing envelope must bear the absent elector's name and any encoded mark used by the supervisor's office.

(c) A mailing envelope or secrecy envelope may not bear any indication of the political affiliation of an absent elector.

Section 22. Subsections (1) and (2) of section 101.68, Florida Statutes, are amended to read:

101.68 Canvassing of vote-by-mail ballot.—

(1) The supervisor of the county *in which* ~~where~~ the absent elector resides shall receive the voted ballot, at which time the supervisor shall compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books or the precinct register to determine whether the elector is duly registered in the county and *must* ~~may~~ record on the elector's registration *record* ~~certificate~~ that the elector has voted. *During the signature comparison process, the supervisor may not use any knowledge of the political affiliation of the voter whose signature is subject to verification.* An elector who dies after casting a vote-by-mail ballot but on or before election day shall remain listed in the registration books until the results have been certified for the election in which the ballot was cast. The supervisor shall safely keep the ballot unopened in his or her office until the county canvassing board canvasses the vote. Except as provided in subsection (4), after a vote-by-mail ballot is received by the supervisor, the ballot is deemed to have been cast, and changes or additions may not be made to the voter's certificate.

(2)(a) The county canvassing board may begin the canvassing of vote-by-mail ballots *upon the completion of the public testing of automatic tabulating equipment pursuant to s. 101.5612(2)* ~~at 7 a.m. on the 22nd day before the election~~, but *must begin such canvassing by* ~~not later than~~ noon on the day following the election. ~~In addition, for any county using electronic tabulating equipment, the processing of vote-by-mail ballots through such tabulating equipment may begin at 7 a.m. on the 22nd day before the election.~~ However, notwithstanding any such authorization to begin canvassing or otherwise processing vote-by-mail ballots early, no result shall be released until after the closing of the polls in that county on election day. Any supervisor, deputy supervisor, canvassing board member, election board member, or election employee who releases the results of a canvassing or processing of vote-by-mail ballots prior to the closing of the polls in that county on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) To ensure that all vote-by-mail ballots to be counted by the canvassing board are accounted for, the canvassing board shall compare the number of ballots in its possession with the number of requests for ballots received to be counted according to the supervisor's file or list.

(c)1. The canvassing board must, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate or on the vote-by-mail ballot cure affidavit as provided in subsection (4) with the signature of the elector in the registration books or the precinct register to see that the elector is duly registered in the county and to determine the legality of that vote-by-mail ballot. A vote-by-mail ballot may only be counted if:

a. The signature on the voter's certificate or the cure affidavit matches the elector's signature in the registration books or precinct register; however, in the case of a cure affidavit, the supporting identification listed in subsection (4) must also confirm the identity of the elector; or

b. The cure affidavit contains a signature that does not match the elector's signature in the registration books or precinct register, but the elector has submitted a current and valid Tier 1 identification pursuant to subsection (4) which confirms the identity of the elector.

For purposes of this subparagraph, any canvassing board finding that an elector's signatures do not match must be by majority vote and beyond a reasonable doubt.

2. The ballot of an elector who casts a vote-by-mail ballot shall be counted even if the elector dies on or before election day, as long as, before the death of the voter, the ballot was postmarked by the United States Postal Service, date-stamped with a verifiable tracking number by a common carrier, or already in the possession of the supervisor.

3. A vote-by-mail ballot is not considered illegal if the signature of the elector does not cross the seal of the mailing envelope.

4. If any elector or candidate present believes that a vote-by-mail ballot is illegal due to a defect apparent on the voter's certificate or the cure affidavit, he or she may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, *the voter's certificate or the cure affidavit* ~~the ballot~~, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voter's certificate or cure affidavit may not be accepted after the ballot has been removed from the mailing envelope.

5. If the canvassing board determines that a ballot is illegal, a member of the board must, without opening the envelope, mark across the face of the envelope: "rejected as illegal." The cure affidavit, if applicable, the envelope, and the ballot therein shall be preserved in the manner that official ballots are preserved.

(d) The canvassing board shall record the ballot upon the proper record, unless the ballot has been previously recorded by the supervisor. The mailing envelopes shall be opened and the secrecy envelopes shall be mixed so as to make it impossible to determine which secrecy envelope came out of which signed mailing envelope; however, in any county in which an electronic or electromechanical voting system is used, the ballots may be sorted by ballot styles and the mailing envelopes may be opened and the secrecy envelopes mixed separately for each ballot style. The votes on vote-by-mail ballots shall be included in the total vote of the county.

Section 23. Subsection (2) of section 101.69, Florida Statutes, is amended and subsection (3) is added to that section to read:

101.69 Voting in person; return of vote-by-mail ballot.—

(2)*(a)* The supervisor shall allow an elector who has received a vote-by-mail ballot to physically return a voted vote-by-mail ballot to the supervisor by placing the *return mail* envelope containing his or her marked ballot in a secure drop box. Secure drop boxes shall be placed at the main office of the supervisor, at each *permanent* branch office of the supervisor, and at each early voting site. Secure drop boxes may also be placed at any other site that would otherwise qualify as an early voting site under s. 101.657(1). *Drop boxes must be geographically located so as to provide all voters in the county with an equal opportunity to cast a ballot, insofar as is practicable. Except for secure drop boxes at an office of the supervisor, a secure drop box may only be used*~~; provided, however, that any such site must be staffed~~ during the county's early voting hours of operation *and must be monitored in person* by an employee of the supervisor's office*. A secure drop box at an office of the supervisor must be continuously monitored in person by an employee of the supervisor's office when the drop box is accessible for deposit of ballots* ~~or a sworn law enforcement officer~~.

(b) A supervisor shall designate each drop box site at least 30 days before an election. The supervisor shall provide the address of each drop box location to the division at least 30 days before an election. After a drop box location has been designated, it may not be moved or changed except as approved by the division to correct a violation of this subsection.

(c) An elector's designee designated under s. 104.0616 may also return the elector's ballot to a drop box if he or she has on his or her person the declaration described in s. 104.0616(4) or is otherwise expressly designated as required by s. 104.0616(3).

(d) A person returning a ballot by use of a drop box monitored by an employee of the supervisor's office must present one of the current and valid picture identifications authorized in s. 101.043(1)(a) for in person voting. The employee of the supervisor's office must ensure that the name on the identification provided matches the printed name on the mailing envelope or the name of the designee on the declaration described in s. 104.0616(4). If an elector returning the elector's own ballot is not in possession of the required identification, the elector must complete a signed attestation listing the elector's name and stating that the elector did not have identification on his or her person when returning his or her own ballot. If the name on the identification provided does not match the name printed on the mailing envelope, the person depositing the ballot must provide a declaration described in s. 104.0616(4) which names the person as designee if in their possession. If the person other than the elector whose ballot is being deposited does not have a declaration or required identification, the person may not deposit any ballot unless the person signs a designee's attestation under penalty of perjury listing the person's name, stating that the person is expressly designated to return each ballot deposited that is not his or her own, listing the person's driver license number, the person's Florida identification card number, or the last four digits of the person's social security number or stating that the person does not have or know any such number, and listing the names of each elector whose ballot is being deposited and the relationship of such elector to the person signing the attestation. The declaration and any attestation required in this subsection must be deposited into the drop box with the return mailing envelope. A copy of the declaration or attestation must be maintained with other election records. Any designee's attestation that does not list the driver license number or Florida identification card number of the designee must be segregated and available for inspection pursuant to s. 119.01(1) by the time the election is certified. On each day a drop box is in use, the drop box must be emptied at the end of the day's usage, and more frequently if usage requires, and all the ballots retrieved from each drop box must be promptly delivered to the supervisor's office.

(e) The Division of Elections may prescribe by rule forms of the attestations described in paragraph (d) which shall include notice that making false attestation is a felony of the third degree under s. 104.032. The division and each supervisor shall ensure that copies of the attestation forms described in paragraph (d) and the declaration form described in s. 104.0616(4) are available online and at each supervisor's office for the convenience of voters. Each supervisor shall ensure that copies of the attestation forms described in paragraph (d) are available at each drop box location.

(3) If any drop box is left accessible for ballot receipt other than as authorized by this section, the supervisor is subject to a civil penalty of $25,000. The Division of Elections is authorized to enforce this provision.

Section 24. Paragraphs (a), (b), and (e) of subsection (4) of section 102.031, Florida Statutes, are amended to read:

102.031 Maintenance of good order at polls; authorities; persons allowed in polling rooms and early voting areas; unlawful solicitation of voters.—

(4)(a) No person, political committee, or other group or organization may solicit voters inside the polling place or within 150 feet of *a drop box or* the entrance to any polling place, a polling room where the polling place is also a polling room, an early voting site, or an office of the supervisor where vote-by-mail ballots are requested and printed on demand for the convenience of electors who appear in person to request them. Before the opening of the polling place or early voting site, the clerk or supervisor shall designate the no-solicitation zone and mark the boundaries.

(b) For the purpose of this subsection, the terms "solicit" or "solicitation" shall include, but not be limited to, seeking or attempting to seek any vote, fact, opinion, or contribution; distributing or attempting to distribute any political or campaign material, leaflet, or handout; conducting a poll except as specified in this paragraph; seeking or attempting to seek a signature on any petition; ~~and~~ selling or attempting to sell any item*; and engaging in any activity with the intent to influence or effect of influencing a voter*. The terms "solicit" or "solicitation" may not be construed to *prohibit an employee of, or a volunteer with, the supervisor from providing nonpartisan assistance to voters within the no-solicitation zone, including, but not limited to, giving items to voters, or to* prohibit exit polling.

(e) The owner, operator, or lessee of the property on which a polling place or an early voting site is located, or an agent or employee thereof, may not prohibit the solicitation of voters *by a candidate or a candidate's designee* outside of the no-solicitation zone during polling hours.

Section 25. Section 102.07, Florida Statutes, is created to read:

102.07 Vote-by-mail count reporting.—Beginning at 7:00 p.m. 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.

Section 26. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 102.141, Florida Statutes, are amended to read:

102.141 County canvassing board; duties.—

(1) The county canvassing board shall be composed of the supervisor of elections; a county court judge, who shall act as chair; and the chair of the board of county commissioners. *The names of the canvassing board members must be published on the supervisor's website upon completion of the logic and accuracy test.* Alternate canvassing board members must be appointed pursuant to paragraph (e). In the event any member of the county canvassing board is unable to serve, is a candidate who has opposition in the election being canvassed, or is an active participant in the campaign or candidacy of any candidate who has opposition in the election being canvassed, such member shall be replaced as follows:

(a) If no county court judge is able to serve or if all are disqualified, the chief judge of the judicial circuit in which the county is located shall appoint as a substitute member a qualified elector of the county who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. In such event, the members of the county canvassing board shall meet and elect a chair.

(b) If the supervisor of elections is unable to serve or is disqualified, the chair of the board of county commissioners shall appoint as a substitute member a member of the board of county commissioners who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. The supervisor, however, shall act in an advisory capacity to the canvassing board.

(c) If the chair of the board of county commissioners is unable to serve or is disqualified, the board of county commissioners shall appoint as a substitute member one of its members who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed.

(d) If a substitute member or alternate member cannot be appointed as provided elsewhere in this subsection, or in the event of a vacancy in such office, the chief judge of the judicial circuit in which the county is located shall appoint as a substitute member or alternate member a qualified elector of the county who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed.

(e)1. The chief judge of the judicial circuit in which the county is located shall appoint a county court judge as an alternate member of the county canvassing board or, if each county court judge is unable to serve or is disqualified, shall appoint an alternate member who is qualified to serve as a substitute member under paragraph (a).

2. The chair of the board of county commissioners shall appoint a member of the board of county commissioners as an alternate member of the county canvassing board or, if each member of the board of county commissioners is unable to serve or is disqualified, shall appoint an alternate member who is qualified to serve as a substitute member under paragraph (d).

3. If a member of the county canvassing board is unable to participate in a meeting of the board, the chair of the county canvassing board or his or her designee shall designate which alternate member will serve as a member of the board in the place of the member who is unable to participate at that meeting.

4. If not serving as one of the three members of the county canvassing board, an alternate member may be present, observe, and communicate with the three members constituting the county canvassing board, but may not vote in the board's decisions or determinations.

(2)(a) The county canvassing board shall meet in a building accessible to the public in the county where the election occurred at a time and place to be designated by the supervisor to publicly canvass the absent electors' ballots as provided for in s. 101.68 and provisional ballots as provided by ss. 101.048, 101.049, and 101.6925. *During each meeting of the county canvassing board, each political party and each candidate may have one watcher able to view directly or on a display screen ballots being examined for signature matching and other processes.* Provisional ballots cast pursuant to s. 101.049 shall be canvassed in a manner that votes for candidates and issues on those ballots can be segregated from other votes. As soon as the absent electors' ballots and the provisional ballots are canvassed, the board shall proceed to publicly canvass the vote given each candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, as shown by the returns then on file in the office of the supervisor.

(b) Public notice of the *canvassing board members, alternates,* time, and place at which the county canvassing board shall meet to canvass the absent electors' ballots and provisional ballots must be given at least 48 hours prior thereto by publication on the supervisor's website and published in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. The time given in the notice as to the convening of the meeting of the county canvassing board must be specific and may not be a time period during which the board may meet.

Section 27. Section 104.032, Florida Statutes, is created to read:

104.032 False declaration or attestation regarding vote-by-mail ballots.—Any person who makes a false declaration under s. 104.0616(4) to distribute, order, request, collect, deliver, or possess the vote-by-mail ballot of another person or makes a false attestation under s. 101.69(2)(d) is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 28. Section 104.0616, Florida Statutes, is amended to read:

104.0616 Vote-by-mail ballots and voting; violations.—

(1) For purposes of this section, the term "immediate family" means a person's spouse or the parent, child, grandparent, *grandchild,* or sibling of the person or the person's spouse.

(2) Any person who *distributes, orders, requests, collects, delivers,* ~~provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering,~~ or otherwise physically *possesses a vote-by-mail ballot of another person, except for a designee as provided in subsection (3) or* ~~possessing more than two vote-by-mail ballots per election in addition to his or her own ballot or a ballot belonging to an immediate family member, except~~ as *authorized* ~~provided~~ in *s. 101.62 or s. 101.655* ~~ss. 101.6105-101.694~~, commits a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person may distribute, order, request, collect, deliver, or possess the vote-by-mail ballot of another person if expressly designated to do so for:

(a) An immediate family member.

(b) Two other voters in an election.

(4) An express designation may be evidenced through a declaration as provided in this subsection. A person designated to distribute, order, request, collect, deliver, or possess the vote-by-mail ballot of another person may carry with him or her a declaration for each ballot possessed, signed by the voter and the designee in substantially the following form:

DECLARATION TO POSSESS BALLOT BELONGING TO PERSON INCLUDING AN IMMEDIATE FAMILY MEMBER

I, (print name of designee), have been designated by (print name of voter whose ballot you are handling) to possess such individual's vote-by-mail ballot. I acknowledge that making a false declaration to distribute, order, request, collect, deliver, or possess the vote-by-mail ballot of another person is a felony of the third degree, punishable under s. 104.032, Florida Statutes.

...(signature of voter whose ballot is being carried)...

...(date voter signed declaration)...

...(signature of designee)...

...(date designee signed)...

...(relationship of designee to voter)...

Section 29. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to elections; creating s. 97.029, F.S.; prohibiting certain persons from settling certain actions, consenting to conditions, or agreeing to certain orders in certain circumstances; requiring certain persons to make certain legal challenges and move to dismiss or otherwise terminate a court's jurisdiction in certain circumstances; amending s. 97.052, F.S.; revising the information that the uniform statewide voter registration application must be designed to elicit from applicants; amending s. 97.0525, F.S.; requiring the Division of Elections to maintain a certain Internet website; providing additional requirements for a biennial comprehensive risk assessment of the online voter registration system; amending s. 97.053, F.S.; revising the criteria for determining if a voter registration application is complete; amending s. 97.057, F.S.; requiring the Department of Highway Safety and Motor Vehicle 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 the requirements for third-party voter registration organizations; providing applicability; revising the circumstances under which fines may be imposed for voter registration applications; revising the requirements for rules that the Division of Elections must adopt; amending s. 97.1031, F.S.; revising information that an elector must provide to a supervisor of elections when the elector changes his or her residence address, party affiliation, or name; creating s. 97.106, F.S.; prohibiting certain agencies and state and local officials from engaging in certain acts relating to elections; 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 of elections to make certain data available on their websites and transmit such data to the division; requiring the division to create and maintain a certain dashboard; amending s. 99.012, F.S.; removing provisions relating to the method of filling a vacancy created by an officer's resignation to qualify as a candidate for another public office; amending s. 100.111, F.S.; revising the method of filling a vacancy in nomination for a political party; amending s. 101.051, F.S.; revising the distance certain persons must maintain at a polling place, drop box site, or early voting site; amending s. 101.131, F.S.; revising requirements for poll watcher identification badges; amending s. 101.545, F.S.; requiring ballots, forms, and election materials to be retained for a specified minimum time; amending s. 101.5605, F.S.; revising the timeframe within which the department shall approve or disapprove a voting system that is submitted for approval; 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 that the duplication process must take place in the presence of a canvassing board member; requiring a canvassing board to make certain determinations; amending s. 101.572, F.S.; requiring that voter certificates be open for public inspection; providing certain persons with reasonable access to ballot materials; requiring a supervisor to publish notice of such access; amending s. 101.591, F.S.; revising the timeframe and requirements for the report of the results of the audit submitted to the department; amending s. 101.595, F.S.; providing additional requirements for a specified report; revising the date by which the report must be submitted; amending s. 101.62, F.S.; revising the effective length of time for requests for vote-by-mail ballots from electors; providing requirements for specified requests for vote-by-mail ballots; revising information that electors requesting such ballots must disclose; providing information that the supervisor of elections must record for each request for a vote-by-mail ballot; revising the list of people to whom the supervisor of elections may deliver vote-by-mail ballots; prohibiting counties, municipalities, and state agencies from sending vote-by-mail ballots unless specified requirements are met; providing an exception; amending s. 101.64, F.S.; revising the requirements for delivery of vote-by-mail ballots; amending s. 101.68, F.S.; providing requirements for a supervisor; revising the timeframe for the beginning of the canvassing of vote-by-mail ballots by the county canvassing board; revising the duties of the canvassing board under specified circumstances; amending s. 101.69, F.S.; revising the requirements for the return of vote-by-mail ballots; providing requirements for secure drop boxes; requiring a person returning a ballot by use of a drop box to present certain identification; requiring that certain persons provide a certain declaration or attestation with certain vote-by-mail ballots that are returned to a drop box; requiring that certain attestations be segregated by a certain time; requiring that copies of such declaration and attestation forms be made available in a certain manner; providing that a supervisor of elections is subject to a civil penalty in certain circumstances; amending s. 102.031, F.S.; prohibiting the solicitation of voters within a certain distance of a drop box; revising the definition of the terms "solicit" and "solicitation"; prohibiting certain persons from prohibiting the solicitation of voters by a candidate or a candidate's designee outside of a no-solicitation zone; creating s. 102.07, F.S.; requiring the supervisor of elections to post and update on his or her website certain information at specified intervals; amending s. 102.141, F.S.; requiring that certain information be published on the supervisor of election's website; providing that each political party and candidate may have one watcher able to view certain ballots during each meeting of a county canvassing board; requiring additional information to be made available for public notices of county canvassing board meetings; creating s. 104.032, F.S.; prohibiting the making of a false declaration or a false attestation for certain purposes; providing criminal penalties; amending s. 104.0616, F.S.; revising the definition of the term "immediate family"; revising the acts that result in a misdemeanor relating to vote-by-mail ballots; authorizing a person to distribute, order, request, collect, deliver, or possess the vote-by-mail ballot of another person in certain circumstances; providing that such person may carry a certain declaration; providing an effective date.

Senator Hutson moved the following Senate amendment to **House Amendment 1 (107453)**:

Senate Amendment 1 (910316) (with title amendment) to House Amendment 1 (107453)—Delete lines 6-1176 and insert:

Section 1. Section 97.029, Florida Statutes, is created to read:

97.029 Civil actions challenging the validity of election laws.—

(1) In a civil action challenging the validity of a provision of the Florida Election Code in which a state or county agency or officer is a party in state or federal court, the officer, agent, official, or attorney who represents or is acting on behalf of such agency or officer may not settle such action, consent to any condition, or agree to any order in connection therewith if the settlement, condition, or order nullifies, suspends, or is in conflict with any provision of the Florida Election Code, unless:

(a) At the time settlement negotiations have begun in earnest, written notification is given to the President of the Senate, the Speaker of the House of Representatives, and the Attorney General.

(b) Any proposed settlement, consent decree, or order that is proposed or received and would nullify, suspend, or conflict with any provision of the Florida Election Code is promptly reported in writing to the President of the Senate, the Speaker of the House of Representatives, and the Attorney General.

(c) At least 10 days before the date a settlement or presettlement agreement or order is to be made final, written notification is given to the President of the Senate, the Speaker of the House of Representatives, and the Attorney General.

(2) If any notification required by this section is precluded by federal law, federal regulation, court order, or court rule, the officer, agent, official, or attorney representing such agency or officer, or the Attorney General, shall challenge the constitutionality of such preclusion in the civil suit affected and give prompt notice thereof to the President of the Senate, the Speaker of the House of Representatives, and the Attorney General.

(3) If, after a court has entered an order or judgment that nullifies or suspends, or orders or justifies official action that is in conflict with, a provision of the Florida Election Code, the Legislature amends the general law to remove the invalidity or unenforceability, the officer, agent, official, or attorney who represents or is acting on behalf of the agency or officer bound by such order or judgment must promptly after such amendment of the general law move to dismiss or otherwise terminate any ongoing jurisdiction of such case.

Section 2. Section 97.0291, Florida Statutes, is created to read:

97.0291 Prohibition on use of private funds for election-related expenses.—No agency or state or local official responsible for conducting elections, including, but not limited to, a supervisor of elections, may

solicit, accept, use, or dispose of any donation in the form of money, grants, property, or personal services from an individual or a non-governmental entity for the purpose of funding election-related expenses or voter education, voter outreach, or registration programs. This section does not prohibit the donation and acceptance of space to be used for a polling room or an early voting site.

Section 3. Paragraph (t) of subsection (2) of section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:

(t)~~1.~~ Whether the applicant has ~~never~~ been convicted of a felony *and, if convicted, has had his or her voting rights restored* by including the statement "I affirm *that I am not a convicted felon or, if I am, my right to vote has been restored* ~~I have never been convicted of a felony~~." and providing a box for the applicant to check to affirm the statement.

~~2. Whether the applicant has been convicted of a felony, and if convicted, has had his or her civil rights restored through executive clemency, by including the statement "If I have been convicted of a felony, I affirm my voting rights have been restored by the Board of Executive Clemency." and providing a box for the applicant to check to affirm the statement.~~

~~3. Whether the applicant has been convicted of a felony and, if convicted, has had his or her voting rights restored pursuant s. 4, Art. VI of the State Constitution, by including the statement "If I have been convicted of a felony, I affirm my voting rights have been restored pursuant to s. 4, Art. VI of the State Constitution upon the completion of all terms of my sentence, including parole or probation." and providing a box for the applicant to check to affirm the statement.~~

Section 4. Subsections (1) and (2) and paragraph (b) of subsection (3) of section 97.0525, Florida Statutes, are amended to read:

97.0525 Online voter registration.—

(1) ~~Beginning October 1, 2017,~~ An applicant may submit an online voter registration application using the procedures set forth in this section.

(2) The division shall establish *and maintain* a secure Internet website that safeguards an applicant's information to ensure data integrity and permits an applicant to:

(a) Submit a voter registration application, including first-time voter registration applications and updates to current voter registration records.

(b) Submit information necessary to establish an applicant's eligibility to vote, pursuant to s. 97.041, which includes the information required for the uniform statewide voter registration application pursuant to s. 97.052(2).

(c) Swear to the oath required pursuant to s. 97.051.

(3)

(b) The division shall conduct a comprehensive risk assessment of the online voter registration system ~~before making the system publicly available and~~ every 2 years ~~thereafter~~. The comprehensive risk assessment must comply with the risk assessment methodology developed by the Department of Management Services for identifying security risks, determining the magnitude of such risks, and identifying areas that require safeguards. *In addition, the comprehensive risk assessment must incorporate all of the following:*

1. Load testing and stress testing to ensure that the online voter registration system has sufficient capacity to accommodate foreseeable use, including during periods of high volume of website users in the week immediately preceding the book-closing deadline for an election.

2. Screening of computers and networks used to support the online voter registration system for malware and other vulnerabilities.

3. Evaluation of database infrastructure, including software and operating systems, in order to fortify defenses against cyberattacks.

4. Identification of any anticipated threats to the security and integrity of data collected, maintained, received, or transmitted by the online voter registration system.

Section 5. 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 6. Subsection (13) is added to section 97.057, Florida Statutes, to read:

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

(13) The Department of Highway Safety and Motor Vehicles must assist the Department of State in regularly identifying changes in residence address on the driver license or identification card of a voter. The Department of State must report each such change to the appropriate supervisor of elections who must change the voter's registration records in accordance with s. 98.065(4).

Section 7. Paragraphs (c) and (d) of subsection (1), paragraph (a) of subsection (3), and subsection (5) of section 97.0575, Florida Statutes, are amended to read:

97.0575 Third-party voter registrations.—

(1) Before engaging in any voter registration activities, a third-party voter registration organization must register and provide to the division, in an electronic format, the following information:

(c) The names, permanent addresses, and temporary addresses, if any, of each registration agent registering persons to vote in this state on behalf of the organization. *This paragraph does not apply to persons who only solicit applications and do not collect or handle voter registration applications.*

~~(d) A sworn statement from each registration agent employed by or volunteering for the organization stating that the agent will obey all state laws and rules regarding the registration of voters. Such statement must be on a form containing notice of applicable penalties for false registration.~~

(3)(a) A third-party voter registration organization that collects voter registration applications serves as a fiduciary to the applicant, ensuring that any voter registration application entrusted to the organization, irrespective of party affiliation, race, ethnicity, or gender, *must* ~~shall~~ be promptly delivered to the division or the supervisor of elections *in the county in which the applicant resides* within *14 days after completed by the applicant, but not after registration closes for the next ensuing election. A third-party voter registration organization must notify the applicant at the time the application is collected that the organization might not deliver the application to the division or the supervisor of elections in the county in which the applicant resides in less than 14 days or before registration closes for the next ensuing election and must advise the applicant that he or she may deliver the application in person or by mail. The third-party voter registration organization must also inform the applicant how to register online with the division and how to determine whether the application has been delivered* ~~48 hours after the applicant completes it or the next business day if the appropriate office is closed for that 48 hour period~~. If a voter registration application collected by any third-party voter registration organization is not promptly delivered to the division or supervisor of elections *in the county in which the applicant resides*, the third-party voter registration organization is liable for the following fines:

1. A fine in the amount of $50 for each application received by the division or the supervisor of elections *in the county which the applicant resides* more than *14 days* ~~48 hours~~ after the applicant delivered the completed voter registration application to the third-party voter registration organization or any person, entity, or agent acting on its behalf ~~or the next business day, if the office is closed~~. A fine in the amount of $250 for each application received if the third-party voter registration organization or person, entity, or agency acting on its behalf acted willfully.

2. A fine in the amount of $100 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, before book closing for any given election for federal or state office and received by the division or the supervisor of elections *in the county in which the applicant resides* after the book-closing deadline for such election. A fine in the amount of $500 for each application received if the third-party registration organization or person, entity, or agency acting on its behalf acted willfully.

3. A fine in the amount of $500 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, which is not submitted to the division or supervisor of elections *in the county in which the applicant resides*. A fine in the amount of $1,000 for any application not submitted if the third-party voter registration organization or person, entity, or agency acting on its behalf acted willfully.

The aggregate fine pursuant to this paragraph which may be assessed against a third-party voter registration organization, including affiliate organizations, for violations committed in a calendar year is $1,000.

(5) The division shall adopt by rule a form to elicit specific information concerning the facts and circumstances from a person who claims to have been registered to vote by a third-party voter registration organization but who does not appear as an active voter on the voter registration rolls. The division shall also adopt rules to ensure the integrity of the registration process, including *controls to ensure that all completed forms are promptly delivered to the division or an supervisor in the county in which the applicant resides* ~~rules requiring third-party voter registration organizations to account for all state and federal registration forms used by their registration agents. Such rules may require an organization to provide organization and form specific identification information on each form as determined by the department as needed to assist in the accounting of state and federal registration forms~~.

Section 8. Paragraphs (d), (e), and (f) of subsection (1) of section 97.0585, Florida Statutes, are amended to read:

97.0585 Public records exemption; information regarding voters and voter registration; confidentiality.—

(1) The following information held by an agency, as defined in s. 119.011, and obtained for the purpose of voter registration is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and may be used only for purposes of voter registration:

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

~~(e)~~ All information concerning preregistered voter registration applicants who are 16 or 17 years of age. *This paragraph is*

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

Section 9. Section 97.1031, Florida Statutes, is amended to read:

97.1031 Notice of change of residence, change of name, or change of party affiliation.—

(1)(a) When an elector changes his or her residence address, the elector must notify the supervisor of elections. Except as provided in paragraph (b), an address change must be submitted using a voter registration application.

(b) If the address change is within the state and notice is provided to the supervisor of elections of the county where the elector has moved, the elector may do so by:

1. Contacting the supervisor of elections via telephone or electronic means, in which case the elector must provide his or her date of birth *and the last four digits of his or her social security number, his or her Florida driver license number, or his or her Florida identification card number, whichever may be verified in the supervisor's records*; or

2. Submitting the change on a voter registration application or other signed written notice.

(2) When an elector seeks to change party affiliation, the elector shall notify his or her supervisor of elections or other voter registration official by *submitting a voter registration application* ~~using a signed written notice that contains the elector's date of birth or voter registration number~~. When an elector changes his or her name by marriage or other legal process, the elector shall notify his or her supervisor of elections or other voter registration official by *submitting a voter registration application* ~~using a signed written notice that contains the elector's date of birth or voter's registration number~~.

(3) The voter registration official shall make the necessary changes in the elector's records as soon as practical upon receipt of such notice of a change of address of legal residence, name, or party affiliation. The supervisor of elections shall issue the new voter information card.

Section 10. Present subsections (4) and (5) of section 98.0981, Florida Statutes, are redesignated as subsections (5) and (6), respectively, a new subsection (4) is added to that section, and paragraph (a) of subsection (2) of that section is amended, to read:

98.0981 Reports; voting history; statewide voter registration system information; precinct-level election results; book closing statistics*; live turnout data*.—

(2) PRECINCT-LEVEL ELECTION RESULTS.—

(a) Within 30 days after certification by the Elections Canvassing Commission of a presidential preference primary election, special election, primary election, or general election, the supervisors of elections shall collect and submit to the department precinct-level election results for the election in a uniform electronic format specified by paragraph (c). The precinct-level election results shall be compiled separately for the primary or special primary election that preceded the general or special general election, respectively. The results shall specifically include for each precinct the total of all ballots cast for each candidate or nominee to fill a national, state, county, or district office or proposed constitutional amendment, with subtotals for each candidate and ballot type. *However, ballot type or precinct subtotals in a race or question having fewer than 30 voters voting on the ballot type or in the precinct may not be reported in precinct results*~~, unless fewer than 30 voters voted a ballot type~~. "All ballots cast" means ballots cast by voters who cast a ballot whether at a precinct location, by vote-by-mail ballot including overseas vote-by-mail ballots, during the early voting period, or by provisional ballot.

(4) LIVE TURNOUT DATA.—On election day, each supervisor of elections shall make live voter turnout data, updated at least once per hour, available on his or her website. Each supervisor shall transmit the live voter turnout data to the division, which must create and maintain a real-time statewide turnout dashboard that is available for viewing by the public on the division's website as the data becomes available.

Section 11. Paragraph (f) of subsection (3) and paragraph (g) of subsection (4) of section 99.012, Florida Statutes, are amended to read:

99.012 Restrictions on individuals qualifying for public office.—

(3)

(f)~~1. With regard to an elective office, the resignation creates a vacancy in office to be filled by election. Persons may qualify as candidates for nomination and election as if the public officer's term were otherwise scheduled to expire.~~

~~2. With regard to an elective charter county office or elective municipal office, the vacancy created by the officer's resignation may be filled for that portion of the officer's unexpired term in a manner provided by the respective charter.~~ The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation.

(4)

(g) ~~Notwithstanding the provisions of any special act to the contrary, with regard to an elective office, the resignation creates a vacancy in office to be filled by election, thereby authorizing persons to qualify as candidates for nomination and election as if the officer's term were otherwise scheduled to expire. With regard to an elective charter county office or elective municipal office, the vacancy created by the officer's resignation may be filled for that portion of the officer's unexpired term in a manner provided by the respective charter.~~ The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation.

Section 12. Present paragraph (c) of subsection (1) of section 99.021, Florida Statutes, is redesignated as paragraph (d), a new paragraph (c) is added to that subsection, and paragraph (b) of that subsection is amended, to read:

99.021 Form of candidate oath.—

(1)

(b) In addition, any person seeking to qualify for nomination as a candidate of any political party shall, at the time of subscribing to the oath or affirmation, state in writing:

1. The party of which the person is a member.

2. That the person has ~~not~~ been a registered member of *the* ~~any other~~ political party *for which he or she is seeking nomination as a candidate* for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.

3. That the person has paid the assessment levied against him or her, if any, as a candidate for said office by the executive committee of the party of which he or she is a member.

(c) In addition, any person seeking to qualify for office as a candidate with no party affiliation shall, at the time of subscribing to the oath or affirmation, state in writing that he or she is registered without any party affiliation and that he or she has not been a registered member of any political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.

Section 13. Paragraph (a) of subsection (7) of section 99.061, Florida Statutes, is amended to read:

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(7)(a) In order for a candidate to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. A properly executed check drawn upon the candidate's campaign account payable to the person or entity as prescribed by the filing officer in an amount not less than the fee required by s. 99.092, unless the candidate obtained the required number of signatures on petitions pursuant to s. 99.095. The filing fee for a special district candidate is not required to be drawn upon the candidate's campaign account. If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

2. The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a).

3. If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b)*; or if the candidate is running without party affiliation for a partisan office, the written statement required by s. 99.021(1)(c)*.

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021.

5. The full and public disclosure or statement of financial interests required by subsection (5). A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

Section 14. Paragraph (b) of subsection (2) of section 99.063, Florida Statutes, is amended to read:

99.063 Candidates for Governor and Lieutenant Governor.—

(2) No later than 5 p.m. of the 9th day following the primary election, each designated candidate for Lieutenant Governor shall file with the Department of State:

(b) If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b)*; or if the office sought is without party affiliation, the written statement required by s. 99.021(1)(c)*.

Section 15. Paragraph (a) of subsection (3) of section 100.111, Florida Statutes, is amended to read:

100.111 Filling vacancy.—

(3)(a) In the event that death, resignation, withdrawal, or removal should cause a party to have a vacancy in nomination which leaves no candidate for an office from such party, the filing officer before whom the candidate qualified shall notify the chair of the state and county political party executive committee of such party and:

1. If the vacancy in nomination is for a statewide office, the state party chair shall, within 5 days, call a meeting of his or her executive board to consider designation of a nominee to fill the vacancy.

2. If the vacancy in nomination is for the office of United States Representative, state senator, state representative, state attorney, or public defender, the state party chair shall ~~notify the appropriate county chair or chairs and~~, within 5 days, ~~the appropriate county chair or chairs shall~~ call a meeting of the *state executive committee members residing* ~~members of the executive committee~~ in the affected county or counties to consider designation of a nominee to fill the vacancy.

3. If the vacancy in nomination is for a county office, the state party chair shall notify the appropriate county chair and, within 5 days, the appropriate county chair shall call a meeting of his or her executive committee to consider designation of a nominee to fill the vacancy.

The name of any person so designated shall be submitted to the filing officer before whom the candidate qualified within 7 days after notice to the chair in order that the person designated may have his or her name on the ballot of the ensuing general election. If the name of the new nominee is submitted after the certification of results of the preceding primary election, however, the ballots shall not be changed and the former party nominee's name will appear on the ballot. Any ballots cast for the former party nominee will be counted for the person designated by the political party to replace the former party nominee. If there is no opposition to the party nominee, the person designated by the political party to replace the former party nominee will be elected to office at the general election.

Section 16. Subsections (2) and (5) of section 101.051, Florida Statutes, are amended to read:

101.051 Electors seeking assistance in casting ballots; oath to be executed; forms to be furnished.—

(2) It is unlawful for any person to be in the voting booth with any elector except as provided in subsection (1). A person at a polling place*, a drop box location,* or *an* early voting site, or within *150* ~~100~~ feet of *a drop box location or* the entrance of a polling place or *an* early voting site, may not solicit any elector in an effort to provide assistance to vote pursuant to subsection (1). Any person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) If an elector needing assistance requests that a person other than an election official provide him or her with assistance in voting, the clerk or one of the inspectors shall require the person providing assistance to take the following oath:

DECLARATION TO PROVIDE ASSISTANCE

State of Florida
County of ....
Date ....
Precinct ....

I, ____(Print name)____, have been requested by ____(print name of elector needing assistance)____ to provide him or her with assistance to vote. I swear or affirm that I am not the employer, an agent of the employer, or an officer or agent of the union of the voter and that I have not solicited this voter at the polling place*, drop box location,* or early voting site or within *150* ~~100~~ feet of such locations in an effort to provide assistance.

____(Signature of assistor)____

Sworn and subscribed to before me this .... day of ...., ____(year)____.

____(Signature of Official Administering Oath)____

Section 17. Subsection (5) of section 101.131, Florida Statutes, is amended to read:

101.131 Watchers at polls.—

(5) The supervisor of elections shall provide to each designated poll watcher *an*~~, no later than 7 days before early voting begins, a poll watcher~~ identification badge *which* ~~that~~ identifies the poll watcher by name. Each poll watcher must wear his or her identification badge while *performing his or her duties* ~~in the polling room or early voting area~~.

Section 18. Section 101.545, Florida Statutes, is amended to read:

101.545 Retention and destruction of certain election materials.—All ballots, forms, and other election materials shall be retained in the custody of the supervisor of elections *for a minimum of 22 months after an election and* in accordance with the schedule approved by the Division of Library and Information Services of the Department of State. All unused ballots, forms, and other election materials may, with the approval of the Department of State, be destroyed by the supervisor after the election for which such ballots, forms, or other election materials were to be used.

Section 19. Paragraph (d) of subsection (2) of section 101.5605, Florida Statutes, is amended to read:

101.5605 Examination and approval of equipment.—

(2)

(d) The Department of State shall approve or disapprove any voting system submitted to it within *120* ~~90~~ days after the date of its initial submission.

Section 20. Paragraph (a) of subsection (4) of section 101.5614, Florida Statutes, is amended to read:

101.5614 Canvass of returns.—

(4)(a) If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the voting system's automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot *in an open and accessible room* in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot shall be made of a vote-by-mail ballot containing an overvoted race *if there is a clear indication on the ballot that the voter has made a definite choice in the overvoted race or ballot measure. A duplicate* ~~or a marked vote-by-mail ballot 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 be made of a ballot containing an undervoted race or ballot measure if there is a clear indication on the ballot that the voter has made a definite choice in the undervoted race or ballot measure. A duplicate may not include a vote if the voter's intent in such race or on such measure is not clear.* 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 allowed to observe the duplication of ballots in such a way that the observer is able to see the markings on each ballot and the duplication taking place.* All duplicate ballots *must* ~~shall~~ be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. *The duplication of ballots must happen in the presence of at least one canvassing board member.* After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct. *If any observer*

makes a reasonable objection to a duplicate of a ballot, the ballot must be presented to the canvassing board for a determination of the validity of the duplicate. The canvassing board must document the serial number of the ballot in the canvassing board's minutes. The canvassing board must decide whether the duplication is valid. If the duplicate ballot is determined to be valid, the duplicate ballot must be counted. If the duplicate ballot is determined to be invalid, the duplicate ballot must be rejected and a proper duplicate ballot must be made and counted in lieu of the original.

Section 21. Section 101.572, Florida Statutes, is amended to read:

101.572 Public inspection of ballots.—

(1) The official ballots and ballot cards received from election boards and removed from vote-by-mail ballot mailing envelopes *and voter certificates on such mailing envelopes* shall be open for public inspection or examination while in the custody of the supervisor of elections or the county canvassing board at any reasonable time, under reasonable conditions; however, no persons other than the supervisor of elections or his or her employees or the county canvassing board shall handle any official ballot or ballot card. If the ballots are being examined prior to the end of the contest period in s. 102.168, the supervisor of elections shall make a reasonable effort to notify all candidates whose names appear on such ballots or ballot cards by telephone or otherwise of the time and place of the inspection or examination. All such candidates, or their representatives, shall be allowed to be present during the inspection or examination.

(2) A candidate, a political party official, or a political committee official, or an authorized designee thereof, shall be granted reasonable access upon request to review or inspect ballot materials before canvassing or tabulation, including voter certificates on vote-by-mail envelopes, cure affidavits, corresponding comparison signatures, duplicate ballots, and corresponding originals. Before the supervisor begins comparing signatures on vote-by-mail voter certificates, the supervisor must publish notice of the access to be provided under this section, which may be access to the documents or images thereof, and the method of requesting such access. During such review, no person granted access for review may make any copy of a signature.

Section 22. Subsection (5) of section 101.591, Florida Statutes, is amended to read:

101.591 Voting system audit.—

(5) *By December 15 of each general election year* ~~Within 15 days after completion of the audit~~, the county canvassing board or the board responsible for certifying the election shall provide a report with the results of the audit to the Department of State in a standard format as prescribed by the department. *The report must be consolidated into one report with the overvote and undervote report required under s. 101.595(1).* The report shall contain, but is not limited to, the following items:

(a) The overall accuracy of audit.

(b) A description of any problems or discrepancies encountered.

(c) The likely cause of such problems or discrepancies.

(d) Recommended corrective action with respect to avoiding or mitigating such circumstances in future elections.

Section 23. Subsections (1) and (3) of section 101.595, Florida Statutes, are amended to read:

101.595 Analysis and reports of voting problems.—

(1) No later than December 15 of each general election year, the supervisor of elections in each county shall report to the Department of State the total number of overvotes and undervotes in the "President and Vice President" or "Governor and Lieutenant Governor" race that appears first on the ballot or, if neither appears, the first race appearing on the ballot pursuant to s. 101.151(2), along with the likely reasons for such overvotes and undervotes and other information as may be useful in evaluating the performance of the voting system and identifying problems with ballot design and instructions which may have contributed to voter confusion. *This report must be consolidated into one report with the audit report required under s. 101.591(5).*

(3) The Department of State shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by *February 15* ~~January 31~~ of each year following a general election.

Section 24. Paragraphs (a) and (b) of subsection (1), subsection (3), and paragraph (c) of subsection (4) of section 101.62, Florida Statutes, are amended, and subsection (7) is added to that section, to read:

101.62 Request for vote-by-mail ballots.—

(1)(a) The supervisor shall accept a request for a vote-by-mail ballot from an elector in person or in writing. One request *is* ~~shall be~~ deemed sufficient to receive a vote-by-mail ballot for all elections through the end of the calendar year of the *next* ~~second ensuing~~ regularly scheduled general election, unless the elector or the elector's designee indicates at the time the request is made the elections *within such period* for which the elector desires to receive a vote-by-mail ballot. Such request may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.

(b) The supervisor may accept a written*, an in-person,* or *a* telephonic request for a vote-by-mail ballot to be mailed to an elector's address on file in the Florida Voter Registration System from the elector, or, if directly instructed by the elector, a member of the elector's immediate family, or the elector's legal guardian*. If an in-person or a telephonic request is made, the elector must provide the elector's Florida driver license number, the elector's Florida identification card number, or the last four digits of the elector's social security number, whichever may be verified in the supervisor's records.*~~,~~ If the ballot is requested to be mailed to an address other than the elector's address on file in the Florida Voter Registration System, the request must be made in writing*. A written request must be* ~~and~~ signed by the elector *and include the elector's Florida driver license number, the elector's Florida identification card number, or the last four digits of the elector's social security number*. However, an absent uniformed service voter or an overseas voter seeking a vote-by-mail ballot is not required to submit a signed, written request for a vote-by-mail ballot that is being mailed to an address other than the elector's address on file in the Florida Voter Registration System. For purposes of this section, the term "immediate family" has the same meaning as specified in paragraph (4)(c). The person making the request must disclose:

1. The name of the elector for whom the ballot is requested.

2. The elector's address.

3. The elector's date of birth.

4. *The elector's Florida driver license number, the elector's Florida identification card number, or the last four digits of the elector's social security number, whichever may be verified in the supervisor's records.*

5. The requester's name.

6.~~5.~~ The requester's address.

7.~~6.~~ The requester's driver license number*, the requester's identification card number, or the last four digits of the requester's social security number*, if available.

8.~~7.~~ The requester's relationship to the elector.

9.~~8.~~ The requester's signature (written requests only).

(3) For each request for a vote-by-mail ballot received, the supervisor shall record*:* the date the request was made*; the identity of the voter's designee making the request, if any; the Florida driver license number, Florida identification card number, or last four digits of the social security number of the elector provided with a written request;*~~,~~ the date the vote-by-mail ballot was delivered to the voter or the voter's designee or the date the vote-by-mail ballot was delivered to the post office or other carrier*; the address to which the ballot was mailed or the identity of the voter's designee to whom the ballot was delivered;*~~,~~ the date the ballot was received by the supervisor*;*~~,~~ the absence of the voter's signature on the voter's certificate, if applicable*; whether the voter's*

certificate contains a signature that does not match the elector's signature in the registration books or precinct register; ~~,~~ and such other information he or she may deem necessary. This information shall be provided in electronic format as provided by *division* rule ~~adopted by the division~~. The information shall be updated and made available no later than 8 a.m. of each day, including weekends, beginning 60 days before the primary until 15 days after the general election and shall be contemporaneously provided to the division. This information shall be confidential and exempt from s. 119.07(1) and shall be made available to or reproduced only for the voter requesting the ballot, a canvassing board, an election official, a political party or official thereof, a candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees for political purposes only.

(4)

(c) The supervisor shall provide a vote-by-mail ballot to each elector by whom a request for that ballot has been made by one of the following means:

1. By nonforwardable, return-if-undeliverable mail to the elector's current mailing address on file with the supervisor or any other address the elector specifies in the request.

2. By forwardable mail, e-mail, or facsimile machine transmission to absent uniformed services voters and overseas voters. The absent uniformed services voter or overseas voter may designate in the vote-by-mail ballot request the preferred method of transmission. If the voter does not designate the method of transmission, the vote-by-mail ballot shall be mailed.

3. By personal delivery before 7 p.m. on election day to the elector, upon presentation of the identification required in s. 101.043.

4. By delivery to a designee on election day or up to 9 days *before* ~~prior to~~ the day of an election. Any elector may designate in writing a person to pick up the ballot for the elector; however, the person designated may not pick up more than two vote-by-mail ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for members of the designee's immediate family. For purposes of this section, "immediate family" means the designee's spouse or the parent, child, grandparent, *grandchild,* or sibling of the designee or of the designee's spouse. The designee shall provide to the supervisor the written authorization by the elector and a picture identification of the designee and must complete an affidavit. The designee shall state in the affidavit that the designee is authorized by the elector to pick up that ballot and shall indicate if the elector is a member of the designee's immediate family and, if so, the relationship. The department shall prescribe the form of the affidavit. If the supervisor is satisfied that the designee is authorized to pick up the ballot and that the signature of the elector on the written authorization matches the signature of the elector on file, the supervisor shall give the ballot to that designee for delivery to the elector.

5. ~~Except as provided in s. 101.655,~~ The supervisor may not deliver a vote-by-mail ballot to an elector or an elector's immediate family member on the day of the election unless there is an emergency, to the extent that the elector will be unable to go to his or her assigned polling place. If a vote-by-mail ballot is delivered, the elector or his or her designee shall execute an affidavit affirming to the facts which allow for delivery of the vote-by-mail ballot. The department shall adopt a rule providing for the form of the affidavit.

(7) Except as expressly authorized for voters having a disability under s. 101.662, for overseas voters under s. 101.697, or for local referenda under ss. 101.6102 and 101.6103, a county, municipality, or state agency may not send a vote-by-mail ballot to a voter unless the voter has requested a vote-by-mail ballot in the manner authorized under this section.

Section 25. *Notwithstanding the amendments made to s. 101.62(1)(a), Florida Statutes, by this act, an existing vote-by-mail ballot request submitted before the effective date of this act is deemed sufficient for elections held through the end of the 2022 calendar year.*

Section 26. Subsection (1) of section 101.64, Florida Statutes, is amended to read:

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

(1)*(a)* 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 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) _____

(b) Each return mailing envelope must bear the absent elector's name and any encoded mark used by the supervisor's office.

(c) A mailing envelope or secrecy envelope may not bear any indication of the political affiliation of an absent elector.

Section 27. Subsections (1) and (2) of section 101.68, Florida Statutes, are amended to read:

101.68 Canvassing of vote-by-mail ballot.—

(1) The supervisor of the county where the absent elector resides shall receive the voted ballot, at which time the supervisor shall compare the signature of the elector on the voter's certificate with the signature of the elector in the registration books or the precinct register to determine whether the elector is duly registered in the county and *must* ~~may~~ record on the elector's registration *record* ~~certificate~~ that the elector has voted. *During the signature comparison process, the supervisor may not use any knowledge of the political affiliation of the voter whose signature is subject to verification.* An elector who dies after casting a vote-by-mail ballot but on or before election day shall remain listed in the registration books until the results have been certified for the election in which the ballot was cast. The supervisor shall safely keep the ballot unopened in his or her office until the county canvassing board canvasses the vote. Except as provided in subsection (4), after a vote-by-mail ballot is received by the supervisor, the ballot is deemed to have been cast, and changes or additions may not be made to the voter's certificate.

(2)(a) The county canvassing board may begin the canvassing of vote-by-mail ballots *upon the completion of the public testing of automatic tabulating equipment pursuant to s. 101.5612(2)* ~~at 7 a.m. on the 22nd day before the election~~, but *must begin such canvassing by no* ~~not~~ later than noon on the day following the election. ~~In addition, for any county using electronic tabulating equipment, the processing of vote-by-mail ballots through such tabulating equipment may begin at 7 a.m. on the 22nd day before the election.~~ However, notwithstanding any such authorization to begin canvassing or otherwise processing vote-by-mail ballots early, no result shall be released until after the closing of the polls in that county on election day. Any supervisor, deputy supervisor, canvassing board member, election board member, or election employee who releases the results of a canvassing or processing of vote-by-mail ballots prior to the closing of the polls in that county on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) To ensure that all vote-by-mail ballots to be counted by the canvassing board are accounted for, the canvassing board shall compare the number of ballots in its possession with the number of requests for ballots received to be counted according to the supervisor's file or list.

(c)1. The canvassing board must, if the supervisor has not already done so, compare the signature of the elector on the voter's certificate or on the vote-by-mail ballot cure affidavit as provided in subsection (4) with the signature of the elector in the registration books or the precinct register to see that the elector is duly registered in the county and to determine the legality of that vote-by-mail ballot. A vote-by-mail ballot may only be counted if:

a. The signature on the voter's certificate or the cure affidavit matches the elector's signature in the registration books or precinct register; however, in the case of a cure affidavit, the supporting identification listed in subsection (4) must also confirm the identity of the elector; or

b. The cure affidavit contains a signature that does not match the elector's signature in the registration books or precinct register, but the elector has submitted a current and valid Tier 1 identification pursuant to subsection (4) which confirms the identity of the elector.

For purposes of this subparagraph, any canvassing board finding that an elector's signatures do not match must be by majority vote and beyond a reasonable doubt.

2. The ballot of an elector who casts a vote-by-mail ballot shall be counted even if the elector dies on or before election day, as long as, before the death of the voter, the ballot was postmarked by the United States Postal Service, date-stamped with a verifiable tracking number by a common carrier, or already in the possession of the supervisor.

3. A vote-by-mail ballot is not considered illegal if the signature of the elector does not cross the seal of the mailing envelope.

4. If any elector or candidate present believes that a vote-by-mail ballot is illegal due to a defect apparent on the voter's certificate or the cure affidavit, he or she may, at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, *the voter's certificate or the cure affidavit* ~~the ballot~~, and the reason he or she believes the ballot to be illegal. A challenge based upon a defect in the voter's certificate or cure affidavit may not be accepted after the ballot has been removed from the mailing envelope.

5. If the canvassing board determines that a ballot is illegal, a member of the board must, without opening the envelope, mark across the face of the envelope: "rejected as illegal." The cure affidavit, if applicable, the envelope, and the ballot therein shall be preserved in the manner that official ballots are preserved.

(d) The canvassing board shall record the ballot upon the proper record, unless the ballot has been previously recorded by the supervisor. The mailing envelopes shall be opened and the secrecy envelopes shall be mixed so as to make it impossible to determine which secrecy envelope came out of which signed mailing envelope; however, in any county in which an electronic or electromechanical voting system is used, the ballots may be sorted by ballot styles and the mailing envelopes may be opened and the secrecy envelopes mixed separately for each ballot style. The votes on vote-by-mail ballots shall be included in the total vote of the county.

Section 28. Subsection (2) of section 101.69, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

101.69 Voting in person; return of vote-by-mail ballot.—

(2)*(a)* The supervisor shall allow an elector who has received a vote-by-mail ballot to physically return a voted vote-by-mail ballot to the supervisor by placing the *return mail* envelope containing his or her marked ballot in a secure drop box. Secure drop boxes shall be placed at the main office of the supervisor, at each *permanent* branch office of the supervisor, and at each early voting site. Secure drop boxes may also be placed at any other site that would otherwise qualify as an early voting site under s. 101.657(1). *Drop boxes must be geographically located so as to provide all voters in the county with an equal opportunity to cast a ballot, insofar as is practicable. Except for secure drop boxes at an office of the supervisor, a secure drop box may only be used*~~; provided, however, that any such site must be staffed~~ during the county's early voting hours of operation *and must be monitored in person* by an employee of the supervisor's office. *A secure drop box at an office of the supervisor must be continuously monitored in person by an employee of the supervisor's office when the drop box is accessible for deposit of ballots* ~~or a sworn law enforcement officer~~.

(b) A supervisor shall designate each drop box site at least 30 days before an election. The supervisor shall provide the address of each drop box location to the division at least 30 days before an election. After a drop box location has been designated, it may not be moved or changed except as approved by the division to correct a violation of this subsection.

(c)1. On each day of early voting, all drop boxes must be emptied at the end of early voting hours and all ballots retrieved from the drop boxes must be returned to the supervisor's office.

2. For drop boxes located at an office of the supervisor, all ballots must be retrieved before the drop box is no longer monitored by an employee of the supervisor.

3. Employees of the supervisor must comply with procedures for the chain of custody of ballots as required by s. 101.015(4).

(3) If any drop box is left accessible for ballot receipt other than as authorized by this section, the supervisor is subject to a civil penalty of $25,000. The division is authorized to enforce this provision.

Section 29. Paragraphs (a), (b), and (e) of subsection (4) of section 102.031, Florida Statutes, are amended to read:

102.031 Maintenance of good order at polls; authorities; persons allowed in polling rooms and early voting areas; unlawful solicitation of voters.—

(4)(a) No person, political committee, or other group or organization may solicit voters inside the polling place or within 150 feet of *a drop box or* the entrance to any polling place, a polling room where the polling place is also a polling room, an early voting site, or an office of the supervisor where vote-by-mail ballots are requested and printed on demand for the convenience of electors who appear in person to request them. Before the opening of *a drop box location, a* ~~the~~ polling place*,* or *an* early voting site, the clerk or supervisor shall designate the no-solicitation zone and mark the boundaries.

(b) For the purpose of this subsection, the terms "solicit" or "solicitation" shall include, but not be limited to, seeking or attempting to seek any vote, fact, opinion, or contribution; distributing or attempting to distribute any political or campaign material, leaflet, or handout; conducting a poll except as specified in this paragraph; seeking or attempting to seek a signature on any petition; ~~and~~ selling or attempting to sell any item*; and engaging in any activity with the intent to influence or effect of influencing a voter*. The terms "solicit" or "solicitation" may not be construed *to prohibit an employee of, or a volunteer with, the supervisor from providing nonpartisan assistance to voters within the no-solicitation zone such as, but not limited to, giving items to voters, or* to prohibit exit polling.

(e) The owner, operator, or lessee of the property on which a polling place or an early voting site is located, or an agent or employee thereof, may not prohibit the solicitation of voters *by a candidate or a candidate's designee* outside of the no-solicitation zone during polling hours.

Section 30. Section 102.072, Florida Statutes, is created to read:

102.072 Vote-by-mail count reporting.—Beginning at 7:00 p.m. 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.

Section 31. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 102.141, Florida Statutes, are amended to read:

102.141 County canvassing board; duties.—

(1) The county canvassing board shall be composed of the supervisor of elections; a county court judge, who shall act as chair; and the chair of the board of county commissioners. *The names of the canvassing board members must be published on the supervisor's website upon completion of the logic and accuracy test.* Alternate canvassing board members

must be appointed pursuant to paragraph (e). In the event any member of the county canvassing board is unable to serve, is a candidate who has opposition in the election being canvassed, or is an active participant in the campaign or candidacy of any candidate who has opposition in the election being canvassed, such member shall be replaced as follows:

(a) If no county court judge is able to serve or if all are disqualified, the chief judge of the judicial circuit in which the county is located shall appoint as a substitute member a qualified elector of the county who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. In such event, the members of the county canvassing board shall meet and elect a chair.

(b) If the supervisor of elections is unable to serve or is disqualified, the chair of the board of county commissioners shall appoint as a substitute member a member of the board of county commissioners who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed. The supervisor, however, shall act in an advisory capacity to the canvassing board.

(c) If the chair of the board of county commissioners is unable to serve or is disqualified, the board of county commissioners shall appoint as a substitute member one of its members who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed.

(d) If a substitute member or alternate member cannot be appointed as provided elsewhere in this subsection, or in the event of a vacancy in such office, the chief judge of the judicial circuit in which the county is located shall appoint as a substitute member or alternate member a qualified elector of the county who is not a candidate with opposition in the election being canvassed and who is not an active participant in the campaign or candidacy of any candidate with opposition in the election being canvassed.

(e)1. The chief judge of the judicial circuit in which the county is located shall appoint a county court judge as an alternate member of the county canvassing board or, if each county court judge is unable to serve or is disqualified, shall appoint an alternate member who is qualified to serve as a substitute member under paragraph (a).

2. The chair of the board of county commissioners shall appoint a member of the board of county commissioners as an alternate member of the county canvassing board or, if each member of the board of county commissioners is unable to serve or is disqualified, shall appoint an alternate member who is qualified to serve as a substitute member under paragraph (d).

3. If a member of the county canvassing board is unable to participate in a meeting of the board, the chair of the county canvassing board or his or her designee shall designate which alternate member will serve as a member of the board in the place of the member who is unable to participate at that meeting.

4. If not serving as one of the three members of the county canvassing board, an alternate member may be present, observe, and communicate with the three members constituting the county canvassing board, but may not vote in the board's decisions or determinations.

(2)(a) The county canvassing board shall meet in a building accessible to the public in the county where the election occurred at a time and place to be designated by the supervisor to publicly canvass the absent electors' ballots as provided for in s. 101.68 and provisional ballots as provided by ss. 101.048, 101.049, and 101.6925. *During each meeting of the county canvassing board, each political party and each candidate may have one watcher able to view directly or on a display screen ballots being examined for signature matching and other processes.* Provisional ballots cast pursuant to s. 101.049 shall be canvassed in a manner that votes for candidates and issues on those ballots can be segregated from other votes. As soon as the absent electors' ballots and the provisional ballots are canvassed, the board shall proceed to publicly canvass the vote given each candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, as shown by the returns then on file in the office of the supervisor.

(b) Public notice of the *canvassing board members, alternates,* time*,* and place at which the county canvassing board shall meet to canvass the absent electors' ballots and provisional ballots must be given at least 48 hours prior thereto by publication on the supervisor's website and published in one or more newspapers of general circulation in the county or, if there is no newspaper of general circulation in the county, by posting such notice in at least four conspicuous places in the county. The time given in the notice as to the convening of the meeting of the county canvassing board must be specific and may not be a time period during which the board may meet.

Section 32. Section 104.0616, Florida Statutes, is amended to read:

104.0616 Vote-by-mail ballots and voting; violations.—

(1) For purposes of this section, the term "immediate family" means a person's spouse or the parent, child, grandparent, *grandchild,* or sibling of the person or the person's spouse.

(2) Any person who *distributes, orders, requests, collects, delivers* ~~provides or offers to provide, and any person who accepts, a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering~~, or otherwise physically *possesses* ~~possessing~~ more than two vote-by-mail ballots per election in addition to his or her own ballot or a ballot belonging to an immediate family member, except as 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 first degree, punishable as provided in s. 775.082 *or*~~,~~ s. 775.083~~, or s. 775.084~~.

Section 33. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete lines 1182-1313 and insert: An act relating to elections; creating s. 97.029, F.S.; prohibiting certain persons from settling certain actions, consenting to conditions, or agreeing to certain orders in certain circumstances; requiring certain persons to make certain legal challenges and move to dismiss or otherwise terminate a court's jurisdiction in certain circumstances; creating s. 97.0291, F.S.; prohibiting certain agencies and state and local officials from soliciting, accepting, or otherwise using private funds for election-related expenses; providing for construction; amending s. 97.052, F.S.; revising requirements for the uniform statewide voter registration application; amending s. 97.0525, F.S.; requiring the Division of Elections to maintain a website for the online voter registration system; providing additional requirements for a biennial comprehensive risk assessment 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 Vehicle 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 governing 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 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 information that an elector must provide to a supervisor of elections when the elector changes his or her residence address, party affiliation, or name; 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 of elections to make certain data available on their websites and transmit such data to the division; requiring the division to create and maintain a certain dashboard; amending s. 99.012, F.S.; removing provisions relating to the method of filling a vacancy created by an officer's resignation to qualify as a candidate for another public office; amending s. 99.021, F.S.; revising the oath for candidates seeking to qualify for nomination as a candidate of a political party; 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. 100.111, F.S.; revising the method of filling a vacancy in nomination for a political party; 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; conforming a provision; amending s. 101.131, F.S.; revising requirements for poll watcher identification badges; 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 of State 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 that the duplication process take place in the presence of a canvassing board member; requiring a canvassing board to make certain determinations; amending s. 101.572, F.S.; requiring that voter certificates be open for public inspection; providing certain persons with reasonable access to ballot materials; requiring a supervisor to publish notice of such access; 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; 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; specifying applicability of the act to outstanding vote-by-mail ballot requests; amending s. 101.64, F.S.; revising requirements for vote-by-mail ballot mailing envelopes 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; revising duties of the canvassing board with respect to protests; 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; expanding the definition of "solicit" and "solicitation"; 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; creating s. 102.072, F.S.; requiring the supervisor of elections to post and update on his or her website vote-by-mail ballot data at specified intervals; 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 an effective date.

SENATOR BEAN PRESIDING

Senator Berman moved the following Senate amendment to **Senate Amendment 1 (910316) to House Amendment 1 (107453)** which failed:

Senate Amendment 1A (576884) (with title amendment) to Senate Amendment 1 (910316) to House Amendment 1 (107453)—Delete lines 402-431.

And the title is amended as follows:

Delete lines 1267-1270 and insert: maintain a certain dashboard;

Senator Powell moved the following Senate amendments to **Senate Amendment 1 (910316) to House Amendment 1 (107453)** which failed:

Senate Amendment 1B (514236) (with title amendment) to Senate Amendment 1 (910316) to House Amendment 1 (107453)—Between lines 1213 and 1214 insert:

Section 33. Present subsections (2), (3), and (4) of section 106.19, Florida Statutes, are redesignated as subsections (3), (4), and (5), respectively, present subsection (2) is amended, and a new subsection (2) is added to that section, to read:

106.19 Violations by candidates, persons connected with campaigns, and political committees.—

(2) Any candidate; campaign manager, campaign treasurer, or deputy treasurer of any candidate; committee chair, vice chair, campaign treasurer, deputy treasurer, or other officer of any political committee; agent or person acting on behalf of any candidate, political committee, or political party; or other person who knowingly and willfully:

(a) Solicits, influences, or induces any individual to file as a candidate whom does not use her or his best efforts and skill or does not strive earnestly to win election or does not use, or is prevented from using, her or his best efforts and skill as a result of coercion, bribery, duress, threats, reward or promise thereof, physical incapacity or disability, suggestion or agreement, or any other improper or unlawful means; or

(b) Acts on behalf of any individual who files as a candidate whom does not use her or his best efforts and skill or does not strive earnestly to win election or does not use, or is prevented from using, her or his best efforts and skill as a result of coercion, bribery, duress, threats, reward or promise thereof, physical incapacity or disability, suggestion or agreement, or any other improper or unlawful means;

is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(3)~~(2)~~ Any candidate, campaign treasurer, or deputy treasurer; any chair, vice chair, or other officer of any political committee; any agent or person acting on behalf of any candidate*,* ~~or~~ political committee*, or political party*; or any other person who violates paragraph (1)(a), paragraph (1)(b), ~~or~~ paragraph (1)(d)*, or subsection (2)* shall be subject to a civil penalty equal to three times the amount involved in the illegal act. Such penalty may be in addition to the penalties provided by subsection (1) *or subsection (2)* and shall be paid into the General Revenue Fund of this state.

And the title is amended as follows:

Between lines 1373 and 1374 insert: amending s. 106.19, F.S.; prohibiting certain persons from soliciting, influencing, or inducing a certain individual to file as a candidate for office or from acting on behalf of such persons; providing civil and criminal penalties;

Senate Amendment 1C (526688) to Senate Amendment 1 (910316) to House Amendment 1 (107453)—Delete line 1026 and insert:
by an employee of the supervisor's office *unless 24-hour video surveillance can be provided in lieu of on-site staff. A secure drop box at*

The question recurred on **Senate Amendment 1 (910316) to House Amendment 1 (107453)** which was adopted.

Senator Powell moved the following Senate amendment to **House Amendment 1 (107453)** which failed:

Senate Amendment 2 (537504) to House Amendment 1 (107453)—Delete lines 900-903 and insert:
by an employee of the supervisor's office. *However, a supervisor may provide secure drop boxes outside of these hours and locations at his or her discretion during a declared state of emergency* ~~or a sworn law~~

RECONSIDERATION OF AMENDMENT

On motion by Senator Hutson, the Senate reconsidered the vote by which **Senate Amendment 1 (910316) to House Amendment 1 (107453)** was adopted.

Senator Hutson moved the following Senate amendment to **Senate Amendment 1 (910316) to House Amendment 1 (107453)** which was adopted:

Senate Amendment 1D (258250) to Senate Amendment 1 (910316) to House Amendment 1 (107453)—Delete line 852 and insert:

5. Except as provided in s. 101.655, the supervisor may not

Senate Amendment 1 (910316), as amended, to **House Amendment 1 (107453)** was adopted.

On motion by Senator Hutson, the Senate concurred in **House Amendment 1 (107453)**, as amended by **Senate Amendment 1 (910316)**, and requested the House to concur in the Senate amendment to the House amendment.

CS for CS for CS for SB 90 passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—23

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

Nays—17

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

SPECIAL RECOGNITION

Senator Jones recognized Senator Farmer whose birthday was this day.

THE PRESIDENT PRESIDING

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 7072, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

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.

House Amendment 1 (942955) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. *The Legislature finds that:*

(1) Social media platforms represent an extraordinary advance in communication technology for Floridians.

(2) Users should be afforded control over their personal information related to social media platforms.

(3) Floridians increasingly rely on social media platforms to express their opinions.

(4) Social media platforms have transformed into the new public town square.

(5) Social media platforms have become as important for conveying public opinion as public utilities are for supporting modern society.

(6) Social media platforms hold a unique place in preserving first amendment protections for all Floridians and should be treated similarly to common carriers.

(7) Social media platforms that unfairly censor, shadow ban, deplatform, or apply post-prioritization algorithms to Florida candidates, Florida users, or Florida residents are not acting in good faith.

(8) Social media platforms should not take any action in bad faith to restrict access or availability to Floridians.

(9) Social media platforms have unfairly censored, shadow banned, deplatformed, and applied post-prioritization algorithms to Floridians.

(10) The state has a substantial interest in protecting its residents from inconsistent and unfair actions by social media platforms.

(11) The state must vigorously enforce state law to protect Floridians.

Section 2. Section 106.072, Florida Statutes, is created to read:

106.072 Social media deplatforming of political candidates.—

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

(a) "Candidate" has the same meaning as in s. 106.011(3)(e).

(b) "Deplatform" has the same meaning as in s. 501.2041.

(c) "Social media platform" has the same meaning as in s. 501.2041.

(d) "User" has the same meaning as in s. 501.2041.

(2) A social media platform may not willfully deplatform a candidate for office who is known by the social media platform to be a candidate, beginning on the date of qualification and ending on the date of the election or the date the candidate ceases to be a candidate. A social media platform must provide each user a method by which the user may be identified as a qualified candidate and which provides sufficient information to allow the social media platform to confirm the user's qualification by reviewing the website of the Division of Elections or the website of the local supervisor of elections.

(3) Upon a finding of a violation of subsection (2) by the Florida Elections Commission, in addition to the remedies provided in ss. 106.265 and 106.27, the social media platform may be fined $250,000 per day for a candidate for statewide office and $25,000 per day for a candidate for other offices.

(4) A social media platform that willfully provides free advertising for a candidate must inform the candidate of such in-kind contribution. Posts, content, material, and comments by candidates which are shown on the platform in the same or similar way as other users' posts, content, material, and comments are not considered free advertising.

(5) This section may only be enforced to the extent not inconsistent with federal law and 47 U.S.C. s. 230(e)(3), and notwithstanding any other provision of state law.

Section 3. Section 287.137, Florida Statutes, is created to read:

287.137 Antitrust violations; denial or revocation of the right to transact business with public entities; denial of economic benefits.—

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

(a) "Affiliate" means:

1. A predecessor or successor of a person convicted of or held civilly liable for an antitrust violation; or

2. An entity under the control of any natural person who is active in the management of the entity that has been convicted of or held civilly liable for an antitrust violation. The term includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, is a prima facie case that one person controls another person. The term also includes a person who knowingly enters into a joint venture with a person who has violated an antitrust law during the preceding 36 months.

(b) "Antitrust violation" means any failure to comply with a state or federal antitrust law as determined in a civil or criminal proceeding brought by the Attorney General, a state attorney, a similar body or agency of another state, the Federal Trade Commission, or the United States Department of Justice.

(c) "Antitrust violator vendor list" means the list required to be kept by the department pursuant to paragraph (3)(b).

(d) "Conviction or being held civilly liable" or "convicted or held civilly liable" means a criminal finding of responsibility or guilt or conviction, with or without an adjudication of guilt, being held civilly responsible or liable, or having a judgment levied for an antitrust violation in any federal or state trial court of record relating to charges brought by indictment, information, or complaint on or after July 1, 2021, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere or other finding of responsibility or liability.

(e) "Economic incentives" means state grants, cash grants, tax exemptions, tax refunds, tax credits, state funds, and other state incentives under chapter 288 or administered by Enterprise Florida, Inc.

(f) "Person" means a natural person or an entity organized under the laws of any state or of the United States which operates as a social media platform, as defined in s. 501.2041, with the legal power to enter into a binding contract and which bids or applies to bid on contracts let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an entity.

(g) "Public entity" means the state and any of its departments or agencies.

(2)(a) A person or an affiliate who has been placed on the antitrust violator vendor list following a conviction or being held civilly liable for an antitrust violation may not submit a bid, proposal, or reply for any new contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply for a new contract with a public entity for the construction or repair of a public building or public work; may not submit a bid, proposal, or reply on new leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a new contract with a public entity; and may not transact new business with a public entity.

(b) A public entity may not accept a bid, proposal, or reply from, award a new contract to, or transact new business with any person or affiliate on the antitrust violator vendor list unless that person or affiliate has been removed from the list pursuant to paragraph (3)(e).

(c) This subsection does not apply to contracts that were awarded or business transactions that began before a person or an affiliate was placed on the antitrust violator vendor list or before July 1, 2021, whichever date occurs later.

(3)(a) Beginning July 1, 2021, all invitations to bid, requests for proposals, and invitations to negotiate, as those terms are defined in s. 287.012, and any contract document described in s. 287.058 must contain a statement informing persons of the provisions of paragraph (2)(a).

(b) The department shall maintain an antitrust violator vendor list of the names and addresses of the persons or affiliates who have been disqualified from the public contracting and purchasing process under this section. The department shall electronically publish the initial antitrust violator vendor list on January 1, 2022, and shall update and electronically publish the list quarterly thereafter. Notwithstanding this paragraph, a person or an affiliate disqualified from the public contracting and purchasing process pursuant to this section is disqualified as of the date the department enters the final order.

(c)1. After receiving notice of a judgment, sentence, or order from any source that a person was convicted or held civilly liable for an antitrust violation and after the department has investigated the information and verified both the judgment, sentence, or order and the identity of the person named in the documentation, the department must immediately notify the person or affiliate in writing of its intent to place the name of that person or affiliate on the antitrust violator vendor list and of the person's or affiliate's right to a hearing, the procedure that must be followed, and the applicable time requirements. If the person or affiliate does not request a hearing, the department shall enter a final order placing the name of the person or affiliate on the antitrust violator vendor list. A person or affiliate may be placed on the antitrust violator vendor list only after the department has provided the person or affiliate with a notice of intent.

2. Within 21 days after receipt of the notice of intent, the person or affiliate may file a petition for a formal hearing under ss. 120.569 and 120.57(1) to determine whether good cause has been shown by the department and whether it is in the public interest for the person or affiliate to be placed on the antitrust violator vendor list. A person or an affiliate may not file a petition for an informal hearing under

s. 120.57(2). The procedures of chapter 120 shall apply to any formal hearing under this paragraph except, within 30 days after the formal hearing or receipt of the hearing transcript, whichever is later, the administrative law judge shall enter a final order that shall consist of findings of fact, conclusions of law, interpretation of agency rules, and any other information required by law or rule to be contained in the final order. The final order shall direct the department to place or not place the person or affiliate on the antitrust violator vendor list. The final order of the administrative law judge is final agency action for purposes of s. 120.68.

3. In determining whether it is in the public interest to place a person or an affiliate on the antitrust violator vendor list under this paragraph, the administrative law judge shall consider the following factors:

a. Whether the person or affiliate was convicted or held civilly liable for an antitrust violation.

b. The nature and details of the antitrust violation.

c. The degree of culpability of the person or affiliate proposed to be placed on the antitrust violator vendor list.

d. Reinstatement or clemency in any jurisdiction in relation to the antitrust violation at issue in the proceeding.

e. The needs of public entities for additional competition in the procurement of goods and services in their respective markets.

f. The effect of the antitrust violations on Floridians.

4. After the person or affiliate requests a formal hearing, the burden shifts to the department to prove that it is in the public interest for the person or affiliate to whom it has given notice under this paragraph to be placed on the antitrust violator vendor list. Proof that a person was convicted or was held civilly liable or that an entity is an affiliate of such person constitutes a prima facie case that it is in the public interest for the person or affiliate to whom the department has given notice to be put on the antitrust violator vendor list. Status as an affiliate must be proven by clear and convincing evidence. Unless the administrative law judge determines that the person was convicted or that the person was civilly liable or is an affiliate of such person, that person or affiliate may not be placed on the antitrust violator vendor list.

5. Any person or affiliate who has been notified by the department of its intent to place his or her name on the antitrust violator vendor list may offer evidence on any relevant issue. An affidavit alone does not constitute competent substantial evidence that the person has not been convicted or is not an affiliate of a person convicted or held civilly liable. Upon establishment of a prima facie case that it is in the public interest for the person or affiliate to whom the department has given notice to be put on the antitrust violator vendor list, the person or affiliate may prove by a preponderance of the evidence that it would not be in the public interest to put him or her on the antitrust violator vendor list, based upon evidence addressing the factors in subparagraph 3.

(d)1. Upon receipt of an information or indictment from any source that a person has been charged with or accused of violating any state or federal antitrust law in a civil or criminal proceeding, including a civil investigative demand, brought by the Attorney General, a state attorney, the Federal Trade Commission, or the United States Department of Justice on or after July 1, 2021, the Attorney General must determine whether there is probable cause that a person has likely violated the underlying antitrust laws, which justifies temporary placement of such person on the antitrust violator vendor list until such proceeding has concluded.

2. If the Attorney General determines probable cause exists, the Attorney General shall notify the person in writing of its intent to temporarily place the name of that person on the antitrust violator vendor list, and of the person's right to a hearing, the procedure that must be followed, and the applicable time requirements. If the person does not request a hearing, the Attorney General shall enter a final order temporarily placing the name of the person on the antitrust violator vendor list. A person may be placed on the antitrust violator vendor list only after being provided with a notice of intent from the Attorney General.

3. Within 21 days after receipt of the notice of intent, the person may file a petition for a formal hearing pursuant to ss. 120.569 and 120.57(1) to determine whether it is in the public interest for the person to be temporarily placed on the antitrust violator vendor list. A person may not file a petition for an informal hearing under s. 120.57(2). The procedures of chapter 120 shall apply to any formal hearing under this paragraph.

4. In determining whether it is in the public interest to place a person on the antitrust violator vendor list under this paragraph, the administrative law judge shall consider the following factors:

a. The likelihood the person will be convicted or held civilly liable for the antitrust violation.

b. The nature and details of the antitrust violation.

c. The degree of culpability of the person proposed to be placed on the antitrust violator vendor list.

d. The needs of public entities for additional competition in the procurement of goods and services in their respective markets.

e. The effect of the antitrust violations on Floridians.

5. The Attorney General has the burden to prove that it is in the public interest for the person to whom it has given notice under this paragraph to be temporarily placed on the antitrust violator vendor list. Unless the administrative law judge determines that it is in the public interest to temporarily place a person on the antitrust violator vendor list, that person shall not be placed on the antitrust violator vendor list.

6. This paragraph does not apply to affiliates.

(e)1. A person or an affiliate may be removed from the antitrust violator vendor list subject to such terms and conditions as may be prescribed by the administrative law judge upon a determination that removal is in the public interest. In determining whether removal is in the public interest, the administrative law judge must consider any relevant factors, including, but not limited to, the factors identified in subparagraph (c)3. Upon proof that a person was found not guilty or not civilly liable, the antitrust violation case was dismissed, the court entered a finding in the person's favor, the person's conviction or determination of liability has been reversed on appeal, or the person has been pardoned, the administrative law judge shall determine that removal of the person or an affiliate of that person from the antitrust violator vendor list is in the public interest. A person or an affiliate on the antitrust violator vendor list may petition for removal from the list no sooner than 6 months after the date a final order is entered pursuant to this section but may petition for removal at any time if the petition is based upon a reversal of the conviction or liability on appellate review or pardon. The petition must be filed with the department, and the proceeding must be conducted pursuant to the procedures and requirements of this subsection.

2. If the petition for removal is denied, the person or affiliate may not petition for another hearing on removal for a period of 9 months after the date of denial unless the petition is based upon a reversal of the conviction on appellate review or a pardon. The department may petition for removal before the expiration of such period if, in its discretion, it determines that removal is in the public interest.

(4) The conviction of a person or a person being held civilly liable for an antitrust violation, or placement on the antitrust violator vendor list, does not affect any rights or obligations under any contract, franchise, or other binding agreement that predates such conviction, finding of civil liability, or placement on the antitrust violator vendor list.

(5) A person who has been placed on the antitrust violator vendor list is not a qualified applicant for economic incentives under chapter 288, and such person shall not be qualified to receive such economic incentives. This subsection does not apply to economic incentives that are awarded before a person is placed on the antitrust violator vendor list or before July 1, 2021.

(6) This section does not apply to:

(a) Any activity regulated by the Public Service Commission;

(b) The purchase of goods or services made by any public entity from the Department of Corrections, from the nonprofit corporation organized under chapter 946, or from any qualified nonprofit agency for the blind or other severely handicapped persons under ss. 413.032-413.037; or

(c) Any contract with a public entity to provide any goods or services for emergency response efforts related to a state of emergency declaration issued by the Governor.

(7) This section may only be enforced to the extent not inconsistent with federal law and notwithstanding any other provision of state law.

Section 4. Section 501.2041, Florida Statutes, is created to read:

501.2041 Unlawful acts and practices by social media platforms.—

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

(a) "Algorithm" means a mathematical set of rules that specifies how a group of data behaves and that will assist in ranking search results and maintaining order or that is used in sorting or ranking content or material based on relevancy or other factors instead of using published time or chronological order of such content or material.

(b) "Censor" includes any action taken by a social media platform to delete, regulate, restrict, edit, alter, inhibit the publication or republication of, suspend a right to post, remove, or post an addendum to any content or material posted by a user. The term also includes actions to inhibit the ability of a user to be viewable by or to interact with another user of the social media platform.

(c) "Deplatform" means the action or practice by a social media platform to permanently delete or ban a user or to temporarily delete or ban a user from the social media platform for more than 14 days.

(d) "Journalistic enterprise" means an entity doing business in Florida that:

1. Publishes in excess of 100,000 words available online with at least 50,000 paid subscribers or 100,000 monthly active users;

2. Publishes 100 hours of audio or video available online with at least 100 million viewers annually;

3. Operates a cable channel that provides more than 40 hours of content per week to more than 100,000 cable television subscribers; or

4. Operates under a broadcast license issued by the Federal Communications Commission.

(e) "Post-prioritization" means action by a social media platform to place, feature, or prioritize certain content or material ahead of, below, or in a more or less prominent position than others in a newsfeed, a feed, a view, or in search results. The term does not include post-prioritization of content and material of a third party, including other users, based on payments by that third party, to the social media platform.

(f) "Shadow ban" means action by a social media platform, through any means, whether the action is determined by a natural person or an algorithm, to limit or eliminate the exposure of a user or content or material posted by a user to other users of the social media platform. This term includes acts of shadow banning by a social media platform which are not readily apparent to a user.

(g) "Social media platform" means any information service, system, Internet search engine, or access software provider that:

1. Provides or enables computer access by multiple users to a computer server, including an Internet platform or a social media site;

2. Operates as a sole proprietorship, partnership, limited liability company, corporation, association, or other legal entity;

3. Does business in the state; and

4. Satisfies at least one of the following thresholds:

a. Has annual gross revenues in excess of $100 million, as adjusted in January of each odd-numbered year to reflect any increase in the Consumer Price Index.

b. Has at least 100 million monthly individual platform participants globally.

(h) "User" means a person who resides or is domiciled in this state and who has an account on a social media platform, regardless of whether the person posts or has posted content or material to the social media platform.

(2) A social media platform that fails to comply with any of the provisions of this subsection commits an unfair or deceptive act or practice as specified in s. 501.204.

(a) A social media platform must publish the standards, including detailed definitions, it uses or has used for determining how to censor, deplatform, and shadow ban.

(b) A social media platform must apply censorship, deplatforming, and shadow banning standards in a consistent manner among its users on the platform.

(c) A social media platform must inform each user about any changes to its user rules, terms, and agreements before implementing the changes and may not make changes more than once every 30 days.

(d) A social media platform may not censor or shadow ban a user's content or material or deplatform a user from the social media platform:

1. Without notifying the user who posted or attempted to post the content or material; or

2. In a way that violates this part.

(e) A social media platform must:

1. Provide a mechanism that allows a user to request the number of other individual platform participants who were provided or shown the user's content or posts.

2. Provide, upon request, a user with the number of other individual platform participants who were provided or shown content or posts.

(f) A social media platform must:

1. Categorize algorithms used for post-prioritization and shadow banning.

2. Allow a user to opt out of post-prioritization and shadow banning algorithm categories to allow sequential or chronological posts and content.

(g) A social media platform must provide users with an annual notice on the use of algorithms for post-prioritization and shadow banning and reoffer annually the opt-out opportunity in subparagraph (f)2.

(h) A social media platform may not apply or use post-prioritization or shadow banning algorithms for content and material posted by or about a user who is known by the social media platform to be a candidate as defined in s. 106.011(3)(e), beginning on the date of qualification and ending on the date of the election or the date the candidate ceases to be a candidate. Post-prioritization of certain content or material from or about a candidate for office based on payments to the social media platform by such candidate for office or a third party is not a violation of this paragraph. A social media platform must provide each user a method by which the user may be identified as a qualified candidate and which provides sufficient information to allow the social media platform to confirm the user's qualification by reviewing the website of the Division of Elections or the website of the local supervisor of elections.

(i) A social media platform must allow a user who has been deplatformed to access or retrieve all of the user's information, content, material, and data for at least 60 days after the user receives the notice required under subparagraph (d)1.

(j) A social media platform may not take any action to censor, deplatform, or shadow ban a journalistic enterprise based on the content of

its publication or broadcast. Post-prioritization of certain journalistic enterprise content based on payments to the social media platform by such journalistic enterprise is not a violation of this paragraph. This paragraph does not apply if the content or material is obscene as defined in s. 847.001.

(3) For purposes of subparagraph (2)(d)1., a notification must:

(a) Be in writing.

(b) Be delivered via electronic mail or direct electronic notification to the user within 7 days after the censoring action.

(c) Include a thorough rationale explaining the reason that the social media platform censored the user.

(d) Include a precise and thorough explanation of how the social media platform became aware of the censored content or material, including a thorough explanation of the algorithms used, if any, to identify or flag the user's content or material as objectionable.

(4) Notwithstanding any other provisions of this section, a social media platform is not required to notify a user if the censored content or material is obscene as defined in s. 847.001.

(5) If the department, by its own inquiry or as a result of a complaint, suspects that a violation of this section is imminent, occurring, or has occurred, the department may investigate the suspected violation in accordance with this part. Based on its investigation, the department may bring a civil or administrative action under this part. For the purpose of bringing an action pursuant to this section, ss. 501.211 and 501.212 do not apply.

(6) A user may only bring a private cause of action for violations of paragraph (2)(b) or subparagraph (2)(d)1. In a private cause of action brought under paragraph (2)(b) or subparagraph (2)(d)1., the court may award the following remedies to the user:

(a) Up to $100,000 in statutory damages per proven claim.

(b) Actual damages.

(c) If aggravating factors are present, punitive damages.

(d) Other forms of equitable relief, including injunctive relief.

(e) If the user was deplatformed in violation of paragraph (2)(b), costs and reasonable attorney fees.

(7) For purposes of bringing an action in accordance with subsections (5) and (6), each failure to comply with the individual provisions of subsection (2) shall be treated as a separate violation, act, or practice. For purposes of bringing an action in accordance with subsections (5) and (6), a social media platform that censors, shadow bans, deplatforms, or applies post-prioritization algorithms to candidates and users in the state is conclusively presumed to be both engaged in substantial and not isolated activities within the state and operating, conducting, engaging in, or carrying on a business, and doing business in this state, and is therefore subject to the jurisdiction of the courts of the state.

(8) In an investigation by the department into alleged violations of this section, the department's investigative powers include, but are not limited to, the ability to subpoena any algorithm used by a social media platform related to any alleged violation.

(9) This section may only be enforced to the extent not inconsistent with federal law and 47 U.S.C. s. 230(e)(3), and notwithstanding any other provision of state law.

Section 5. Subsection (2) of section 501.212, Florida Statutes, is amended to read:

501.212 Application.—This part does not apply to:

(2) *Except as provided in s. 501.2041,* a publisher, broadcaster, printer, or other person engaged in the dissemination of information or the reproduction of printed or pictorial matter, insofar as the information or matter has been disseminated or reproduced on behalf of others without actual knowledge that it violated this part.

Section 6. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

Section 7. This act shall take effect July 1, 2021.

And the title is amended as follows:

Remove lines 2-4 and insert: An act relating to social media platforms; providing legislative findings; creating s. 106.072, F.S.; defining terms; prohibiting a social media platform from willfully deplatforming a

Senator Rodrigues moved the following Senate amendment to **House Amendment 1 (942955)** which was adopted:

Senate Amendment 1 (811008) to House Amendment 1 (942955)—Delete lines 411-412 and insert:

b. Has at least 100 million monthly individual platform participants globally.

The term does not include any information service, system, Internet search engine, or access software provider operated by a company that owns and operates a theme park or entertainment complex as defined in 509.013, F.S.

On motion by Senator Rodrigues, the Senate concurred in **House Amendment 1 (942955)**, as amended by **Senate Amendment 1 (811008)**, and requested the House to concur in the Senate amendment to the House amendment.

SB 7072 passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—23

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

Nays—17

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

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 2006, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

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.

House Amendment 1 (783711) (with directory and title amendments)—Remove lines 707-1406 and insert:
of Emergency Management's website.

(6)~~(5)~~ In addition to any other powers conferred upon the Governor by law, she or he may:

(c) Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services. *The transfer of the direction, personnel, or functions of state departments and agencies must be reported monthly on a cumulative basis to the President of the Senate and the Speaker of the House of Representatives.*

(12) During a declared state of emergency, the Governor, the Lieutenant Governor, the Surgeon General, the Director of the Division of Emergency Management, the President of the Senate, and the Speaker of the House of Representatives may disseminate public service announcements concerning the emergency and the provisions of ss. 112.3148 and 112.3215 do not apply.

Section 9. Section 252.3611, Florida Statutes, is created to read:

252.3611 Transparency; audits.—

(1) Each order, proclamation, or rule issued by the Governor, the division, or any agency must specify the statute or rule being amended or

waived, if applicable, and the expiration date for the order, proclamation, or rule.

(2) When the duration of an emergency exceeds 90 days:

(a) Within 72 hours of executing a contract executed with moneys authorized for expenditure to support the response to the declared state of emergency, the Executive Office of the Governor or the appropriate agency shall submit a copy of such contract to the Legislature. For contracts executed during the first 90 days of the emergency, the Executive Office of the Governor or the appropriate agency shall submit a copy to the Legislature within the first 120 days of the declared emergency.

(b) The Executive Office of the Governor or the appropriate agency shall submit monthly reports to the Legislature of all state expenditures, revenues received, and funds transferred by an agency during the previous month to support the declared state of emergency.

(3) Once an emergency exceeds 1 year, the Auditor General shall conduct a financial audit of all associated expenditures and a compliance audit of all associated contracts entered into during the declared emergency. The Auditor General must update the audit annually until the emergency is declared to be ended.

(4) Following the expiration or termination of a state of emergency, the Auditor General shall conduct a financial audit of all associated expenditures and a compliance audit of all associated contracts entered into during the state of emergency.

Section 10. Subsection (3) of section 252.365, Florida Statutes, is amended to read:

252.365 Emergency coordination officers; disaster-preparedness plans.—

(3) *Emergency coordination officers shall ensure* ~~These individuals shall be responsible for ensuring~~ that each state agency and facility, such as a prison, office building, or university, has a disaster preparedness plan that is coordinated with the applicable local emergency-management agency and approved by the division.

(a) The disaster-preparedness plan must outline a comprehensive and effective program to ensure continuity of essential state functions under all circumstances*, including, but not limited to, a pandemic or other public health emergency*. The plan must identify a baseline of preparedness for a full range of potential emergencies to establish a viable capability to perform essential functions during any emergency or other situation that disrupts normal operations. *This baseline must consider and include preparedness for rapid and large-scale increases in the public's need to access government services through technology or other means during an emergency, including, but not limited to, a public health emergency.*

(b) The plan must include, at a minimum, the following elements: identification of essential functions, programs, and personnel; procedures to implement the plan and personnel notification and accountability; delegations of authority and lines of succession; identification of alternative facilities and related infrastructure, including those for communications; identification and protection of vital records and databases; *provisions regarding the availability of, and distribution plans for, personal protective equipment;* and schedules and procedures for periodic tests, training, and exercises.

(c) The division shall develop and distribute guidelines for developing and implementing the plan. *By December 31, 2022, each agency must update its plan to include provisions related to preparation for pandemics and other public health emergencies consistent with the plan developed pursuant to s. 381.00315. Each agency plan must be updated as needed to remain consistent with the state public health emergency management plan.*

Section 11. Subsections (7) and (8) are added to section 252.37, Florida Statutes, and subsection (2) of that section is amended, contingent upon SB 1892 or similar legislation creating the Emergency Preparedness and Response Fund taking effect, to read:

252.37 Financing.—

(2)*(a)* It is the legislative intent that the first recourse be made to funds *specifically* ~~regularly~~ appropriated to state and local agencies *for disaster relief or response*.

(b) If the Governor finds that the demands placed upon these funds in coping with a particular disaster declared by the Governor as a state of emergency are unreasonably great, she or he may make funds available by transferring and expending moneys ~~appropriated for other purposes,~~ *from the Emergency Preparedness and Response Fund.*

(c) If additional funds are needed, the Governor may make funds available by transferring and expending moneys out of any unappropriated surplus funds, or from the Budget Stabilization Fund *if the transfers and expenditures are directly related to the declared disaster or emergency. Notice of such action, as provided in s. 216.177, must be delivered at least 7 days before the effective date of the action, unless a shorter period is agreed to in writing by the President of the Senate and the Speaker of the House of Representatives. If the President of the Senate and the Speaker of the House of Representatives timely advise in writing that the parties object to the transfer, the Governor must void such action*.

(d) Following the expiration or termination of the state of emergency, the Governor may transfer moneys with a budget amendment, subject to approval by the Legislative Budget Commission, to satisfy the budget authority granted for such emergency. *The transfers and expenditures supporting the amendment must be directly related to the declared disaster or emergency.*

(7) An agency or political subdivision shall submit in advance a detailed spending plan for any grants, gifts, loans, funds, payments, services, equipment, supplies, or materials in aid of or for the purposes of emergency prevention, recovery, mitigation, preparedness, and management, other than emergency response, received under this section to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees. This paragraph does not apply to the receipt of any funds from an agency, department, or other affiliated entity of the Federal Government as part of an expedited project worksheet in anticipation of emergency response expenditures. If an emergency situation precludes the timely advanced submission of a detailed spending plan, the plan must be submitted as soon as practicable, but not later than 30 days after initiation of any expenditures, and be resubmitted every 30 days as long as the emergency continues and funds continue to be disbursed.

(8) For emergency response activities, including an emergency response that includes emergency protective measures or debris removal, the agency or political subdivision is not required to provide a detailed spending plan in advance of expenditures, but must provide notice to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees of all expenditures in aggregate categories incurred in the emergency response no later than 30 days after the expenditure is incurred, and a copy of any project worksheet submitted to the Federal Emergency Management Agency must be submitted to the same parties no later than 7 days after it is submitted to the Federal Emergency Management Agency.

Section 12. Subsection (4) is added to section 252.38, Florida Statutes, to read:

252.38 Emergency management powers of political subdivisions.—Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state.

(4) EXPIRATION AND EXTENSION OF EMERGENCY ORDERS.—

(a) As used in this subsection, the term "emergency order" means an order or ordinance issued or enacted by a political subdivision in response to an emergency pursuant to this chapter or chapter 381 that limits the rights or liberties of individuals or businesses within the political subdivision. The term does not apply to orders issued in response to hurricanes or other weather-related emergencies.

(b) It is the intent of the Legislature to minimize the negative effects of an emergency order issued by a political subdivision. Notwithstanding any other law, an emergency order issued by a political subdivision must be narrowly tailored to serve a compelling public health or safety purpose. Any such emergency order must be limited in duration, applicability, and scope in order to reduce any infringement on individual rights or liberties to the greatest extent possible.

(c) An emergency order automatically expires 7 days after issuance but may be extended by a majority vote of the governing body of the political subdivision, as necessary, in 7-day increments for a total duration of not more than 42 days.

(d) The Governor may, at any time, invalidate an emergency order issued by a political subdivision if the Governor determines that such order unnecessarily restricts individual rights or liberties.

(e) Upon the expiration of an emergency order, a political subdivision may not issue a substantially similar order.

Section 13. Subsections (1), (2), and (3) of section 252.385, Florida Statutes, are amended to read:

252.385 Public shelter space.—

(1) It is the intent of the Legislature that this state not have a deficit of safe public hurricane evacuation shelter space in any region of the state ~~by 1998 and thereafter~~.

(2)(a) The division shall administer a program to survey existing schools, universities, community colleges, and other state-owned, municipally owned, and county-owned public buildings and any private facility that the owner, in writing, agrees to provide for use as a public hurricane evacuation shelter to identify those that are appropriately designed and located to serve as such shelters. The owners of the facilities must be given the opportunity to participate in the surveys. The state university boards of trustees, district school boards, community college boards of trustees, and the Department of Education are responsible for coordinating and implementing the survey of public schools, universities, and community colleges with the division or the local emergency management agency.

(b) By January 31 of each even-numbered year, the division shall prepare and submit a statewide emergency shelter plan to the Governor and Cabinet for approval, subject to the requirements for approval in s. 1013.37(2). *The emergency shelter plan must project, for each of the next 5 years, the hurricane shelter needs of the state, including periods of time during which a concurrent public health emergency may necessitate more space for each individual to accommodate physical distancing. In addition to information on the general shelter needs throughout this state,* the plan *must* ~~shall~~ identify the general location and square footage of special needs shelters, by regional planning council region~~, during the next 5 years~~. The plan *must* ~~shall~~ also include information on the availability of shelters that accept pets. The Department of Health shall assist the division in determining the estimated need for special needs shelter space and the adequacy of facilities to meet the needs of persons with special needs based on information from the registries of persons with special needs and other information.

(3) The division shall annually provide to the President of the Senate, the Speaker of the House of Representatives, and the Governor a list of facilities recommended to be retrofitted using state funds. State funds should be maximized and targeted to regional planning council regions with hurricane evacuation shelter deficits. ~~Retrofitting facilities in regions with public hurricane evacuation shelter deficits shall be given first priority and should be completed by 2003. All recommended facilities should be retrofitted by 2008.~~ The owner or lessee of a public hurricane evacuation shelter that is included on the list of facilities recommended for retrofitting is not required to perform any recommended improvements.

Section 14. Subsection (1) of section 252.44, Florida Statutes, is amended to read:

252.44 Emergency mitigation.—

(1) In addition to prevention measures included in the state and local comprehensive emergency management plans, the Governor shall consider on a continuing basis steps that could be taken to mitigate the harmful consequences of emergencies. At the Governor's direction and pursuant to any other authority and competence they have, state agencies, including, but not limited to, those charged with responsibilities in connection with *protecting and maintaining the public health,* flood plain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land use planning, and construction standards, shall make studies of emergency-mitigation-related matters. The Governor, from time to time, shall make such recommendations to the Legislature, local governments, and other appropriate public and private entities as may facilitate measures for mitigation of the harmful consequences of emergencies.

Section 15. Present subsection (3) of section 252.46, Florida Statutes, is redesignated as subsection (5), a new subsection (3) and subsection (4) are added to that section, and subsection (2) of that section is amended, to read:

252.46 Orders and rules.—

(2) All orders and rules adopted by the division or any political subdivision or other agency authorized by ss. 252.31-252.90 to make orders and rules have full force and effect of law after adoption in accordance with ~~the provisions of~~ chapter 120 in the event of issuance by the division or any state agency or, if *adopted* ~~promulgated~~ by a political subdivision of the state or agency thereof, when filed in the office of the clerk or recorder of the political subdivision or agency *adopting* ~~promulgating~~ the same. *Failure of a political subdivision to file any such order or rule with the office of the clerk or recorder within 3 days after issuance voids the order or rule.* All existing laws, ordinances, and rules inconsistent with ~~the provisions of~~ ss. 252.31-252.90, or any order or rule issued under the authority of ss. 252.31-252.90, *must* ~~shall~~ be suspended during the period of time and to the extent that such conflict exists.

(3) Emergency ordinances, declarations, and orders adopted by a political subdivision under the authority of ss. 252.31-252.90, including those enacted by a municipality pursuant to s. 166.041(3)(b), must be available on a dedicated webpage accessible through a conspicuous link on the political subdivision's homepage. The dedicated webpage must identify the emergency ordinances, declarations, and orders currently in effect. Each political subdivision adopting emergency ordinances, declarations, or orders must provide the division with the link to the political subdivision's dedicated webpage. The division must include these links in an easily identifiable format on its website.

(4) An order issued by a political subdivision pursuant to this section which imposes a curfew restricting the travel or movement of persons during designated times must nonetheless allow persons to travel during the curfew to their places of employment to report for work and to return to their residences after their work has concluded.

Section 16. Paragraph (a) of subsection (2) of section 377.703, Florida Statutes, is amended to read:

377.703 Additional functions of the Department of Agriculture and Consumer Services.—

(2) DUTIES.—The department shall perform the following functions, unless as otherwise provided, consistent with the development of a state energy policy:

(a) The Division of Emergency Management is responsible for the development of an energy emergency contingency plan to respond to serious shortages of primary and secondary energy sources. Upon a finding by the Governor, implementation of any emergency program shall be upon order of the Governor that a particular kind or type of fuel is, or that the occurrence of an event which is reasonably expected within 30 days will make the fuel, in short supply. The Division of Emergency Management shall then respond by instituting the appropriate measures of the contingency plan to meet the given emergency or energy shortage. The Governor may utilize the provisions of *s. 252.36(6)*

~~s. 252.36(5)~~ to carry out any emergency actions required by a serious shortage of energy sources.

Section 17. Paragraph (c) of subsection (1) and subsection (2) of section 381.00315, Florida Statutes, are amended to read:

381.00315 Public health advisories; public health emergencies; isolation and quarantines.—The State Health Officer is responsible for declaring public health emergencies, issuing public health advisories, and ordering isolation or quarantines.

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

(c) "Public health emergency" means any occurrence, or threat thereof, whether natural or manmade, which results or may result in substantial injury or harm to the public health from infectious disease, chemical agents, nuclear agents, biological toxins, or situations involving mass casualties or natural disasters.

(2)(a) The department shall prepare and maintain a state public health emergency management plan to serve as a comprehensive guide to public health emergency response in this state. The department shall develop the plan in collaboration with the Division of Emergency Management, other executive agencies with functions relevant to public health emergencies, district medical examiners, and national and state public health experts and ensure that it integrates and coordinates with the public health emergency management plans and programs of the Federal Government. The plan must address each element of public health emergency planning and incorporate public health and epidemiological best practices to ensure that the state is prepared for every foreseeable public health emergency. The plan must include an assessment of state and local public health infrastructure, including information systems, physical plant, commodities, and human resources, and an analysis of the infrastructure necessary to achieve the level of readiness proposed by the plan for short-term and long-term public emergencies. Beginning July 1, 2022, the department shall submit the plan to the Division of Emergency Management for inclusion in the state comprehensive emergency management plan pursuant to s. 252.35. The department shall review the plan after the declared end of each public health emergency, and, in any event, at least every 5 years, and update its terms as necessary to ensure continuous planning.

(b) Before declaring a public health emergency, the State Health Officer shall, to the extent possible, consult with the Governor and shall notify the Chief of Domestic Security. The declaration of a public health emergency shall continue until the State Health Officer finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and he or she terminates the declaration. However, a declaration of a public health emergency may not continue for longer than 60 days unless the Governor concurs in the renewal of the declaration.

(c) The State Health Officer, upon declaration of a public health emergency, shall establish by order the method and procedure for identifying and reporting cases and deaths involving the infectious disease or other occurrence identified as the basis for the declared public health emergency. The method and procedure must be consistent with any standards developed by the Federal Government specific to the declared emergency or, if federal standards do not exist, must be consistent with public health best practices as identified by the State Health Officer. During the pendency of a public health emergency, the department is the sole entity responsible for the collection and official reporting and publication of cases and deaths. The State Health Officer, by order or emergency rule, may ensure necessary assistance from licensed health care providers in carrying out this function and may request the assistance of district medical examiners in performing this function.

(d) The State Health Officer, upon declaration of a public health emergency, may take actions that are necessary to protect the public health. Such actions include, but are not limited to:

1. Directing manufacturers of prescription drugs or over-the-counter drugs who are permitted under chapter 499 and wholesalers of prescription drugs located in this state who are permitted under chapter 499 to give priority to the shipping of specified drugs to pharmacies and health care providers within geographic areas ~~that have been~~ identified by the State Health Officer. The State Health Officer must identify the drugs to be shipped. Manufacturers and wholesalers located in the state must respond to the State Health Officer's priority shipping directive before shipping the specified drugs.

2. Notwithstanding chapters 465 and 499 and rules adopted thereunder, directing pharmacists employed by the department to compound bulk prescription drugs and provide these bulk prescription drugs to physicians and nurses of county health departments or any qualified person authorized by the State Health Officer for administration to persons as part of a prophylactic or treatment regimen.

3. Notwithstanding s. 456.036, temporarily reactivating the inactive license of the following health care practitioners, when such practitioners are needed to respond to the public health emergency: physicians licensed under chapter 458 or chapter 459; physician assistants licensed under chapter 458 or chapter 459; licensed practical nurses, registered nurses, and advanced practice registered nurses licensed under part I of chapter 464; respiratory therapists licensed under part V of chapter 468; and emergency medical technicians and paramedics certified under part III of chapter 401. Only those health care practitioners specified in this paragraph who possess an unencumbered inactive license and who request that such license be reactivated are eligible for reactivation. An inactive license that is reactivated under this paragraph shall return to inactive status when the public health emergency ends or before the end of the public health emergency if the State Health Officer determines that the health care practitioner is no longer needed to provide services during the public health emergency. Such licenses may only be reactivated for a period not to exceed 90 days without meeting the requirements of s. 456.036 or chapter 401, as applicable.

4. Ordering an individual to be examined, tested, vaccinated, treated, isolated, or quarantined for communicable diseases that have significant morbidity or mortality and present a severe danger to public health. Individuals who are unable or unwilling to be examined, tested, vaccinated, or treated for reasons of health, religion, or conscience may be subjected to isolation or quarantine.

a. Examination, testing, vaccination, or treatment may be performed by any qualified person authorized by the State Health Officer.

b. If the individual poses a danger to the public health, the State Health Officer may subject the individual to isolation or quarantine. If there is no practical method to isolate or quarantine the individual, the State Health Officer may use any means necessary to vaccinate or treat the individual.

c. Any order of the State Health Officer given to effectuate this paragraph *is* ~~shall be~~ immediately enforceable by a law enforcement officer under s. 381.0012.

(e)~~(2)~~ Individuals who assist the State Health Officer at his or her request on a volunteer basis during a public health emergency are entitled to the benefits specified in s. 110.504(2), (3), (4), and (5).

Section 18. Section 381.00316, Florida Statutes, is created to read:

381.00316 COVID-19 vaccine documentation.—

(1) A business entity, as defined in s. 768.38 to include any business operating in this state, may not require patrons or customers to provide any documentation certifying COVID-19 vaccination or post-infection recovery to gain access to, entry upon, or service from the business operations in this state. This subsection does not otherwise restrict businesses from instituting screening protocols consistent with authoritative or controlling government-issued guidance to protect public health.

(2) A governmental entity as defined in s. 768.38 may not require persons to provide any documentation certifying COVID-19 vaccination or post-infection recovery to gain access to, entry upon, or service from the governmental entity's operations in this state. This subsection does not otherwise restrict governmental entities from instituting screening pro-

tocols consistent with authoritative or controlling government-issued guidance to protect public health.

(3) An educational institution as defined in s. 768.38 may not require students or residents to provide any documentation certifying COVID-19 vaccination or post-infection recovery for attendance or enrollment, or to gain access to, entry upon, or service from such educational institution in this state. This subsection does not otherwise restrict educational institutions from instituting screening protocols consistent with authoritative or controlling government-issued guidance to protect public health.

(4) The department may impose a fine not to exceed $5,000 per violation.

(5) This section does not apply to a health care provider as defined in s. 768.38; a service provider licensed or certified under s. 393.17, part III of chapter 401, or part IV of chapter 468; or a provider with an active health care clinic exemption under s. 400.9935.

(6) The department may adopt rules pursuant to ss. 120.536 and 120.54 to implement this section.

Section 19. Subsection (1) of section 406.11, Florida Statutes, is amended, and paragraph (c) is added to subsection (2) of that section, to read:

406.11 Examinations, investigations, and autopsies.—

(1) In any of the following circumstances involving the death of a human being, the medical examiner of the district in which the death occurred or the body was found shall determine the cause of death *and certify the death* and shall, for that purpose, make or *perform* ~~have performed~~ such examinations, investigations, and autopsies as he or she *deems* ~~shall deem~~ necessary or as ~~shall be~~ requested by the state attorney:

(a) When any person dies in *this* ~~the~~ state:

1. Of criminal violence.

2. By accident.

3. By suicide.

4. Suddenly, when in apparent good health.

5. Unattended by a practicing physician or other recognized practitioner.

6. In any prison or penal institution.

7. In police custody.

8. In any suspicious or unusual circumstance.

9. By criminal abortion.

10. By poison.

11. By disease constituting a threat to public health.

12. By disease, injury, or toxic agent resulting from employment.

(b) When a dead body is brought into *this* ~~the~~ state without proper medical certification.

(c) When a body is to be cremated, dissected, or buried at sea.

(2)

(c) A district medical examiner shall assist the State Health Officer in identifying and reporting deaths upon a request by the State Health Officer under s. 381.00315.

Section 20. Except as otherwise expressly provided in this

And the directory clause is amended as follows:

Remove line 615 and insert:

through (11), respectively, a new subsection (3) and subsection (12) are added to

And the title is amended as follows:

Remove lines 67-176 and insert: index on its website; directing the Governor to report certain department and agency activities to the Legislature during a state of emergency; authorizing public service announcements by the Governor, Lieutenant Governor, Surgeon General, Director of the Division of Emergency Management, President of the Senate, and Speaker of the House of Representatives during a declared 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.; providing a definition; providing legislative intent; specifying requirements for the purpose and scope of emergency orders; providing for the automatic expiration of emergency orders; authorizing the extension of emergency orders by a majority vote of the governing body for a specified duration; authorizing the Governor to invalidate certain emergency orders; prohibiting 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; 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

Senator Burgess moved the following Senate amendment to **House Amendment 1 (783711)** which was adopted:

Senate Amendment 1 (364950) (with title amendment) to House Amendment 1 (783711)—Delete lines 104-124 and insert: ~~appropriated for other purposes, by transferring and expending moneys out of any unappropriated surplus funds, or~~ from the *Emergency Preparedness and Response* ~~Budget Stabilization~~ Fund. *The Governor may request additional funds to be appropriated to the Emergency Preparedness and Response Fund by a budget amendment, subject to approval of the Legislative Budget Commission.*

(c) Following the expiration or termination of the state of emergency, the Governor may transfer moneys with a budget amendment, subject to approval by the Legislative Budget Commission, to satisfy the budget authority granted for such emergency. *The transfers and expenditures supporting the amendment must be directly related to the declared disaster or emergency.*

And the title is amended as follows:

Delete lines 550-558 and insert: Preparedness and Response Fund; authorizing the Governor to request that additional funds be appropriated to the Emergency Preparedness and Response Fund, subject to approval by the Legislative Budget Commission, under specified conditions; requiring

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MOTIONS

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

Senator Pizzo moved the following Senate amendment to **House Amendment 1 (783711)** which failed:

Senate Amendment 2 (941618) (with title amendment) to House Amendment 1 (783711)—Between lines 478 and 479 insert:

(6) A business, a governmental entity, or an educational institution may not reject, restrict, obstruct, interfere, prevent, or deny a person access to, entry upon, or services from a business, a governmental entity, or an educational institution because the person is vaccinated against COVID-19.

And the title is amended as follows:

Delete line 614 and insert: noncriminal penalties; prohibiting specified entities from denying access, entry, or services due to vaccination against COVID-19; authorizing the department to

The vote was:

Yeas—19

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

Nays—19

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

Vote after roll call:

Yea to Nay—Gibson

On motion by Senator Burgess, the Senate concurred in **House Amendment 1 (783711)**, as amended by **Senate Amendment 1 (364950)**, and requested the House to concur in the Senate amendment to the House amendment.

CS for CS for SB 2006 passed, as amended, and the action of the Senate was certified to the House. The vote on passage was:

Yeas—23

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

Nays—15

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

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 with the exception of: **CS for CS for CS for SB 1186**.

BILLS ON SPECIAL ORDERS

Pursuant to Rule 4.18 the Rules Chair submits the following bills to be placed on the Local Bill Calendar for Thursday, April 29, 2021: CS for HB 385, HB 751, CS for HB 787, CS for HB 915, HB 979, CS for HB 1035, CS for HB 1185, HB 1213, HB 1251, CS for HB 1495, CS for HB 1499, CS for CS for HB 1501, CS for CS for HB 1503, CS for HB 1587, HB 1589, HB 1591, HB 1593, HB 1631, CS for HB 1633, HB 1637, CS for HB 1645, HB 1647.

Respectfully submitted,
Kathleen Passidomo, Rules Chair

An objection having been filed with the Committee on Rules, HB 1635 was removed from the Local Bill Calendar this day.

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 29, 2021: CS for SB 506, CS for SB 1140, CS for CS for SB 1570, CS for SB 1864, HB 7051.

Respectfully submitted,
Kathleen Passidomo, Rules Chair
Debbie Mayfield, Majority Leader
Lauren Book, Minority Leader

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State **CS for CS for CS for SB 88** which he approved on April 29, 2021.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES — FINAL ACTION

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 1 (460984) to House amendment 1 (107453) and passed CS/CS/CS/SB 90 as further amended.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 324516 to House amendment 052755 and passed CS/CS/SB 912 as further amended.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has receded from House Amendments 608587 and 253597 and passed CS/CS/SB 1086.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 1 (126068) to House amendment 1 (401309) and passed CS/CS/SB 1786 as further amended.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 1 (364950) to House amendment 1 (783711) and passed CS/CS/SB 2006 as further amended.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 1 (811008) to House amendment 1 (942955) and passed SB 7072 as further amended.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 1 (671432) and passed CS/HB 35, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 1 (719790) and passed CS/HB 77, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 1 (231776) and passed HB 353, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 631948 and passed CS/HB 371, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 927352 and passed CS/HB 379, as amended, by the required constitutional two-thirds vote of the members voting.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 869082 and passed CS/CS/HB 431, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments 477724 and 899226 and passed HB 487, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 767926 and passed CS/HB 625, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 178628 and passed CS/HB 833, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 501124 and passed CS/HB 905, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments 925196 and 523776 and passed CS/HB 1159, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 431400 and passed CS/CS/HB 1229, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 1 (812490) and Senate amendment 2 (597986) and passed CS/CS/HB 1289, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 546548 and passed HB 1309, as amended.

Jeff Takacs, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of April 28 was corrected and approved.

CO-INTRODUCERS

Senator Broxson—SR 2078

ADJOURNMENT

On motion by Senator Passidomo, the Senate adjourned at 8:58 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Friday, April 30 or upon call of the President.