



# Journal of the Senate

Number 11—Regular Session

Thursday, April 8, 2021

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## CALL TO ORDER

The Senate was called to order by President Simpson at 2:30 p.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 Pastor Ken Whitten, Idlewild Baptist Church, Lutz:

Dear Lord Jesus, on this day, when bills will be decided, and laws will be made, and decisions brought forth that will affect our everyday lives, may the men and women here in these chambers know that today they are being prayed for, and loved on, and given the honor of appreciation for their service to our communities and their great sacrifice that they make every day for the betterment of our state.

Lord, will you, this day, bring a spirit of unity in this Senate? But would you help us all, even today, to understand that even you would rather us be divided by truth than united in error. We pray for wisdom and integrity—that it would reign in every leader’s life on this day. May our goals today be simple—giving birth to ideas and laws that will keep our state safe, protect the weak, heal the broken, and encourage the downtrodden. May your word, Father, become the truth and guide for all of our decisions, and may all of us look to you for the last word.

We thank you for that word—that word that tells us what’s right, what’s not right, how to get right, and even how to stay right. It is that wisdom we ask for in this place—wisdom that James tells us is first

pure, peaceable, easy to be entreated, full of mercy and good fruits, without partiality, and without hypocrisy.

Lord, as we close this prayer, may we remember, and even repeat, what an old Anglican pastor said years ago, “What we know not, teach us; what we have not, give us; and what we are not, make us.” We pray this in the only mighty and exalted name that’s in heaven or on earth, the Lord Jesus Christ. Amen.

## PLEDGE

Senator Boyd 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. Ankush Bansal of Palm Beach Gardens, sponsored by Senator Berman, as the doctor of the day. Dr. Bansal specializes in internal medicine.

## ADOPTION OF RESOLUTIONS

At the request of Senator Perry—

By Senator Perry—

**SR 2044**—A resolution commending the University of Florida for its continued achievements in the pursuit of academic and research excellence and recognizing April 8, 2021, as “Gator Day” at the Capitol.

WHEREAS, the University of Florida is a top 10 public university in the United States, rising from No. 7 in 2020 to No. 6 in the 2021 *U.S. News & World Report* list of Best Public Universities, and

WHEREAS, the University of Florida continues its upward momentum, with 12 colleges and 61 graduate programs ranked in the top 25 nationally among the country’s public universities, including 13 programs ranked in the top 10, according to the 2022 *U.S. News & World Report* Best Graduate Schools rankings, and

WHEREAS, the University of Florida’s research spending reached a record \$942.2 million in 2020, and the university’s work continues to yield huge returns for this state, among them advances, discoveries, and inventions that address the most pressing needs of our time, and

WHEREAS, the University of Florida has 28 faculty members who are members of the National Academies of Sciences, Engineering, and Medicine, and

WHEREAS, through a groundbreaking partnership with leading technology company NVIDIA, the University of Florida now has the most powerful artificial intelligence computer in higher education, and the university is pursuing a strategy to become a world leader in AI education, research, and workforce development, uniquely positioning the state of Florida as a destination for AI-related industries, and

WHEREAS, UF Health researchers and clinicians, faced with a year of unprecedented challenges brought on by the COVID-19 pandemic, fought this deadly disease on numerous fronts, from successfully treating thousands of patients across this state and nation to developing breakthrough treatments, such as a lung pacemaker to help severely sick patients breathe, and

WHEREAS, UF Health researchers and clinicians performed numerous lung transplants on COVID-19 patients whose lungs were too compromised by the virus to be viable, while other researchers unlocked the mysteries of COVID-19 in labs and led the way in community testing, and

WHEREAS, the University of Florida continues to welcome Gators through the UF Online pathway, with more than 4,500 active students earning their UF baccalaureate degrees on the pathway, in addition to the more than 3,000 who have already graduated through UF Online, and

WHEREAS, UF Online is now the No. 3 online bachelor's program in the nation, as ranked by *U.S. News & World Report* in 2021, and is the No. 2 online bachelor's program in the nation for veterans, accomplishments achieved while keeping college affordable and saving Florida residents more than \$22 million in tuition and fees since 2014, and

WHEREAS, the University of Florida athletic program has ranked among the nation's top 10 for 36 consecutive years — from 1983-1984 to 2018-2019 — and has attained a top 5 overall finish in each of the last 11 years, according to national all-sports rankings, NOW, THEREFORE,

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

That the University of Florida is commended for its continued achievements in the pursuit of academic and research excellence and that April 8, 2021, is recognized as “Gator Day” at the Capitol.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to University of Florida President W. Kent Fuchs, Ph.D., as a tangible token of the sentiments of the Florida Senate.

—was introduced, read, and adopted by publication.

At the request of Senator Cruz—

By Senator Cruz—

**SR 2046**—A resolution recognizing and congratulating the unrivaled athletic abilities and enduring team spirit of the Tampa Bay Buccaneers as they claim the title of Super Bowl LV Champions and, moreover, World Champions.

WHEREAS, the Super Bowl is the most-watched sporting event in the world, broadcast to nearly 200 countries, and determines the world champion of American football, and

WHEREAS, the 2020-2021 National Football League (NFL) season was marked by unprecedented adjustments and difficulties for all teams as our entire society felt the impact of, and attempted to mitigate, the COVID-19 pandemic, and

WHEREAS, the Tampa Bay Buccaneers had an 11-5 regular season record and finished their championship run on an eight-game winning streak, and

WHEREAS, the Buccaneers were led in this historic season by head coach Bruce Arians and future NFL hall of famer and greatest-of-all-time quarterback Tom Brady, playing in his 20th season, and

WHEREAS, during the 2020-2021 NFL season, the Buccaneers averaged a total of 30.8 points per game, the third-highest points-per-game average in the NFL, and scored a total of 492 points and 59 touchdowns, both franchise records, and

WHEREAS, on February 7, 2021, the Buccaneers became the first team in NFL history to win a Super Bowl in their home stadium, and

WHEREAS, in soundly defeating the reigning champion Kansas City Chiefs by a score of 31-9, the Buccaneers earned their second Super Bowl victory in franchise history, NOW, THEREFORE,

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

That the unrivaled athletic abilities and enduring team spirit of the Tampa Bay Buccaneers are recognized and celebrated as they claim the title of Super Bowl LV Champions and, moreover, World Champions.

—was introduced, read, and adopted by publication.

#### SPECIAL GUESTS

Senator Bean recognized the following staff of the Tampa Bay Buccaneers who helped the team earn its second Super Bowl victory in franchise history: Brian Ford, Chief Operating Officer; Dan Malasky, Chief Legal Officer; and Kevin Ansell, Game Day Assistant who were present in the chamber to commemorate their victory and showcase the Vince Lombardi Trophy.

#### SPECIAL PRESENTATION

A video tribute was played honoring the Tampa Bay Buccaneers on their Super Bowl win, defeating the Kansas City Chiefs in their home stadium during Super Bowl LV in Tampa on February 7, 2021.

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

#### FIRST READING

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 5011 and requests that the Senate pass the bill as passed by the House or agree to include the bill in the budget conference.

*Jeff Takacs, Clerk*

By Appropriations Committee and Representative(s) Trumbull—

**HB 5011**—A bill to be entitled An act relating to the termination of the Lawton Chiles Endowment Fund; directing the State Board of Administration to liquidate assets in the Lawton Chiles Endowment Fund by a specified date; providing for the transfer of balances in the fund; repealing s. 215.5601, F.S., relating to the creation and administration of the Lawton Chiles Endowment Fund on a specified date; amending ss. 17.41, 20.435, 215.56005, 215.5602, and 409.915, F.S.; conforming provisions to changes made by the act; providing effective dates.

—was referred to the Committee on Appropriations.

There being no objection, **HB 5011** was withdrawn from the Committee on Appropriations.

On motion by Senator Stargel, by two-thirds vote—

**HB 5011**—A bill to be entitled An act relating to the termination of the Lawton Chiles Endowment Fund; directing the State Board of Administration to liquidate assets in the Lawton Chiles Endowment Fund by a specified date; providing for the transfer of balances in the fund; repealing s. 215.5601, F.S., relating to the creation and administration of the Lawton Chiles Endowment Fund on a specified date; amending ss. 17.41, 20.435, 215.56005, 215.5602, and 409.915, F.S.; conforming provisions to changes made by the act; providing effective dates.

—was read the second time by title.

Senator Stargel moved the following amendment which was adopted:

**Amendment 1 (127436) (with title amendment)**—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motion by Senator Stargel, by two-thirds vote, **HB 5011**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**MOTIONS**

On motion by Senator Stargel, having refused to pass **HB 5011** as passed by the House, acceded to the request of the House for a budget conference.

On motion by Senator Passidomo, by two-thirds vote, **HB 5011** was ordered immediately certified to the House.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 5101 and requests that the Senate pass the bill as passed by the House or agree to include the bill in the budget conference.

*Jeff Takacs*, Clerk

By PreK-12 Appropriations Subcommittee and Representative(s) Fine—

**HB 5101**—A bill to be entitled An act relating to education funding; amending s. 1002.37, F.S.; revising provisions relating to the calculation for determining the amount of state funds received by the Florida Virtual School for operating purposes; repealing s. 1002.411, F.S., relating to reading scholarship accounts; amending s. 1002.45, F.S.; revising the requirements for school districts providing virtual instruction programs; requiring each school district to annually report certain information to the Department of Education by a specified date; requiring a school district to limit the enrollment of certain students in the virtual instruction program; providing applicability; requiring a school district to report full-time equivalent students for a virtual instruction program or virtual charter school to the department; amending s. 1011.62, F.S.; removing a requirement that certain school districts use a low-performing school's portion of the supplemental academic instruction allocation to provide an additional hour of intensive reading per day; removing provisions relating to the allocation of funding to school districts with a decline in full-time equivalent students; removing provisions relating to the virtual education contribution; removing provisions relating to the annual funding compression and hold harmless allocation; removing provisions relating to the turnaround school supplemental services allocation; amending s. 1012.22, F.S.; removing an obsolete date; revising provisions relating to the annual increase made to the minimum base salary of certain public school employees; requiring school districts to use a portion of their nonenrollment allocation from the federal Elementary and Secondary School Emergency Relief Fund for a specified purpose; defining the term "unaccounted student"; requiring each school district to establish a multiagency workgroup for a specified purpose; requiring a school district to initiate a truancy petition under certain circumstances; requiring each school district to annually submit a report to the department by a specified date; providing for future expiration; requiring that school districts use a portion of their academic acceleration allocation from the federal Elementary and Secondary Education Emergency Relief Fund for a specified purpose; providing certain requirements for school districts; requiring the department to submit a status report to the Governor and Legislature by a

specified date; providing for future expiration; requiring certain non-profit scholarship-funding organizations to continue participating in the reading scholarship accounts program until a specified period; requiring that a parent of a student with a reading scholarship account continue to submit eligible expenses to the organization for reimbursement of certain qualifying expenditures under certain circumstances; prohibiting certain service providers from sharing any moneys from reading scholarship accounts with, or providing a refund or rebate of such moneys to, parents or participating students; providing that a parent is responsible for payment of certain expenses; requiring that the non-profit scholarship-organization make a payment of any unexpended funds remaining in a student's reading scholarship account as of a specified date, at least quarterly; providing that any moneys received under the program do not constitute taxable income; requiring that a student's reading scholarship account is considered closed under certain circumstances; requiring that an account that has been inactive for a specified number of consecutive years be closed and any remaining funds in the account revert to the state; amending ss. 1001.215, 1003.52, 1003.621, 1006.12, 1008.345, 1011.71, and 1012.584, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committee on Appropriations.

There being no objection, **HB 5101** was withdrawn from the Committee on Appropriations.

On motion by Senator Stargel, by two-thirds vote—

**HB 5101**—A bill to be entitled An act relating to education funding; amending s. 1002.37, F.S.; revising provisions relating to the calculation for determining the amount of state funds received by the Florida Virtual School for operating purposes; repealing s. 1002.411, F.S., relating to reading scholarship accounts; amending s. 1002.45, F.S.; revising the requirements for school districts providing virtual instruction programs; requiring each school district to annually report certain information to the Department of Education by a specified date; requiring a school district to limit the enrollment of certain students in the virtual instruction program; providing applicability; requiring a school district to report full-time equivalent students for a virtual instruction program or virtual charter school to the department; amending s. 1011.62, F.S.; removing a requirement that certain school districts use a low-performing school's portion of the supplemental academic instruction allocation to provide an additional hour of intensive reading per day; removing provisions relating to the allocation of funding to school districts with a decline in full-time equivalent students; removing provisions relating to the virtual education contribution; removing provisions relating to the annual funding compression and hold harmless allocation; removing provisions relating to the turnaround school supplemental services allocation; amending s. 1012.22, F.S.; removing an obsolete date; revising provisions relating to the annual increase made to the minimum base salary of certain public school employees; requiring school districts to use a portion of their nonenrollment allocation from the federal Elementary and Secondary School Emergency Relief Fund for a specified purpose; defining the term "unaccounted student"; requiring each school district to establish a multiagency workgroup for a specified purpose; requiring a school district to initiate a truancy petition under certain circumstances; requiring each school district to annually submit a report to the department by a specified date; providing for future expiration; requiring that school districts use a portion of their academic acceleration allocation from the federal Elementary and Secondary Education Emergency Relief Fund for a specified purpose; providing certain requirements for school districts; requiring the department to submit a status report to the Governor and Legislature by a specified date; providing for future expiration; requiring certain non-profit scholarship-funding organizations to continue participating in the reading scholarship accounts program until a specified period; requiring that a parent of a student with a reading scholarship account continue to submit eligible expenses to the organization for reimbursement of certain qualifying expenditures under certain circumstances; prohibiting certain service providers from sharing any moneys from reading scholarship accounts with, or providing a refund or rebate of such moneys to, parents or participating students; providing that a parent is responsible for payment of certain expenses; requiring that the non-profit scholarship-organization make a payment of any unexpended funds remaining in a student's reading scholarship account as of a specified date, at least quarterly; providing that any moneys received under the program do not constitute taxable income; requiring that a student's reading scholarship account is considered closed under certain

circumstances; requiring that an account that has been inactive for a specified number of consecutive years be closed and any remaining funds in the account revert to the state; amending ss. 1001.215, 1003.52, 1003.621, 1006.12, 1008.345, 1011.71, and 1012.584, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Senator Stargel moved the following amendment which was adopted:

**Amendment 1 (505506) (with title amendment)**—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motion by Senator Stargel, by two-thirds vote, **HB 5101**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**MOTIONS**

On motion by Senator Stargel, having refused to pass **HB 5101** as passed by the House, acceded to the request of the House for a budget conference.

On motion by Senator Passidomo, by two-thirds vote, **HB 5101** was ordered immediately certified to the House.

\_\_\_\_\_  
The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 5301 and requests that the Senate pass the bill as passed by the House or agree to include the bill in the budget conference.

*Jeff Takacs, Clerk*

By Justice Appropriations Subcommittee and Representative(s) Plakon, Beltran—

**HB 5301**—A bill to be entitled An act relating to judges; amending s. 26.031, F.S.; revising the number of circuit court judges in certain circuits; amending s. 34.022, F.S.; revising the number of county court judges in certain counties; providing an effective date.

—was referred to the Committee on Appropriations.

There being no objection, **HB 5301** was withdrawn from the Committee on Appropriations.

On motion by Senator Stargel, by two-thirds vote—

**HB 5301**—A bill to be entitled An act relating to judges; amending s. 26.031, F.S.; revising the number of circuit court judges in certain circuits; amending s. 34.022, F.S.; revising the number of county court judges in certain counties; providing an effective date.

—was read the second time by title.

Senator Stargel moved the following amendment which was adopted:

**Amendment 1 (946234) (with title amendment)**—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motion by Senator Stargel, by two-thirds vote, **HB 5301**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**MOTIONS**

On motion by Senator Stargel, having refused to pass **HB 5301** as passed by the House, acceded to the request of the House for a budget conference.

On motion by Senator Passidomo, by two-thirds vote, **HB 5301** was ordered immediately certified to the House.

\_\_\_\_\_  
The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 5601 and requests that the Senate pass the bill as passed by the House or agree to include the bill in the budget conference.

*Jeff Takacs, Clerk*

By Higher Education Appropriations Subcommittee and Representative(s) Plasencia—

**HB 5601**—A bill to be entitled An act relating to higher education; amending s. 1001.7065, F.S.; removing a provision requiring future funding increases to be distributed to certain preeminent state research universities; amending s. 1004.013, F.S.; revising a certain duty of the State Board of Education and the Board of Governors under the Strengthening Alignment between Industry and Learning to 60 Initiative; repealing s. 1004.6498, F.S.; relating to the State University Professional and Graduate Degree Excellence Program; amending s. 1006.73, F.S.; removing provisions relating to the Florida Academic Library Services Cooperative; providing responsibilities for the Florida Postsecondary Academic Library Network; requiring that the Board of Governors and the Department of Education jointly oversee a host entity chosen to deliver certain services to public postsecondary educational institutions; transferring responsibility for the statewide Internet-based catalog of distance learning courses to the host entity; providing requirements for such catalog; transferring responsibility for certain statewide online student advising services to the host entity; providing requirements for such services; requiring the host entity to submit a certain annual report to the Chancellor of the State University System and the Chancellor of the Florida College System by a specified date; requiring the chancellors to submit a certain report to specified

persons; providing that specified entities are jointly responsible for the governance and administration of the services provided by the host entity; requiring the Chancellor of the State University System and the Chancellor of the Florida College System to provide oversight for the successful delivery of such services; requiring the Commissioner of Education and the Chancellor of the State University System to provide a certain joint recommendation for certain career centers to access certain services; repealing s. 1006.735, F.S., relating to the Complete Florida Plus Program; amending s. 1009.89, F.S.; revising eligibility criteria for the William L. Boyd, IV, Effective Access to Student Education grant program; requiring recipient institutions to submit a specified report to the Department of Education; requiring institutions to meet certain performance benchmarks to remain eligible under the grant program; requiring each recipient institution to report certain data to the department; repealing s. 1009.891, F.S., relating to the Access to Better Learning and Education Grant Program; amending s. 1012.976, F.S.; expanding state university compensation limits to all state university employees, rather than state university administrative employees; providing exceptions; providing applicability; amending ss. 257.02, 295.22, 1007.27, 1009.23, and 1009.24, F.S.; conforming provisions to changes made by the act; amending ss. 320.08056, 1007.01, 1009.40, and 1009.94, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committee on Appropriations.

There being no objection, **HB 5601** was withdrawn from the Committee on Appropriations.

On motion by Senator Stargel, by two-thirds vote—

**HB 5601**—A bill to be entitled An act relating to higher education; amending s. 1001.7065, F.S.; removing a provision requiring future funding increases to be distributed to certain preeminent state research universities; amending s. 1004.013, F.S.; revising a certain duty of the State Board of Education and the Board of Governors under the Strengthening Alignment between Industry and Learning to 60 Initiative; repealing s. 1004.6498, F.S.; relating to the State University Professional and Graduate Degree Excellence Program; amending s. 1006.73, F.S.; removing provisions relating to the Florida Academic Library Services Cooperative; providing responsibilities for the Florida Postsecondary Academic Library Network; requiring that the Board of Governors and the Department of Education jointly oversee a host entity chosen to deliver certain services to public postsecondary educational institutions; transferring responsibility for the statewide Internet-based catalog of distance learning courses to the host entity; providing requirements for such catalog; transferring responsibility for certain statewide online student advising services to the host entity; providing requirements for such services; requiring the host entity to submit a certain annual report to the Chancellor of the State University System and the Chancellor of the Florida College System by a specified date; requiring the chancellors to submit a certain report to specified persons; providing that specified entities are jointly responsible for the governance and administration of the services provided by the host entity; requiring the Chancellor of the State University System and the Chancellor of the Florida College System to provide oversight for the successful delivery of such services; requiring the Commissioner of Education and the Chancellor of the State University System to provide a certain joint recommendation for certain career centers to access certain services; repealing s. 1006.735, F.S., relating to the Complete Florida Plus Program; amending s. 1009.89, F.S.; revising eligibility criteria for the William L. Boyd, IV, Effective Access to Student Education grant program; requiring recipient institutions to submit a specified report to the Department of Education; requiring institutions to meet certain performance benchmarks to remain eligible under the grant program; requiring each recipient institution to report certain data to the department; repealing s. 1009.891, F.S., relating to the Access to Better Learning and Education Grant Program; amending s. 1012.976, F.S.; expanding state university compensation limits to all state university employees, rather than state university administrative employees; providing exceptions; providing applicability; amending ss. 257.02, 295.22, 1007.27, 1009.23, and 1009.24, F.S.; conforming provisions to changes made by the act; amending ss. 320.08056, 1007.01, 1009.40, and 1009.94, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Senator Stargel moved the following amendment which was adopted:

**Amendment 1 (681882) (with title amendment)**—Delete everything after the enacting clause.

And the title is amended as follows:

Delete everything before the enacting clause.

On motion by Senator Stargel, by two-thirds vote, **HB 5601**, as amended, 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

**MOTIONS**

On motion by Senator Stargel, having refused to pass **HB 5601** as passed by the House, acceded to the request of the House for a budget conference.

On motion by Senator Passidomo, by two-thirds vote, **HB 5601** was ordered immediately certified to the House.

**BILLS ON THIRD READING**

**CS for SB 84**—A bill to be entitled An act relating to retirement; amending s. 121.051, F.S.; providing for compulsory membership in the Florida Retirement System Investment Plan for specified employees initially enrolled on or after a specified date; providing exceptions; conforming provisions to changes made by the act; amending s. 121.052, F.S.; removing authorization for an elected officer to elect membership in the Senior Management Service Class on or after a specified date; amending s. 121.35, F.S.; modifying provisions governing participation in the investment plan for individuals who are eligible to participate in the State University System Optional Retirement Program to conform to changes made by the act; providing for the transfer of contributions for employees who default into the investment plan; amending s. 121.4501, F.S.; modifying provisions governing the administration of the investment plan to reflect compulsory membership for specified employees; amending s. 121.74, F.S.; revising the employer assessment rate to fund certain administrative and educational expenses related to investment plan administration as of a specified date; amending ss. 238.072 and 413.051, F.S.; conforming cross-references to changes made by the act; providing a declaration of important state interest; providing an effective date.

—was read the third time by title.

On motion by Senator Rodrigues, **CS for SB 84** was passed and certified to the House. The vote on passage was:

Yeas—24

Mr. President	Boyd	Broxson
Albritton	Bradley	Burgess
Baxley	Brandes	Diaz
Bean	Brodeur	Gainer

Garcia	Hutson	Rodrigues
Gruters	Mayfield	Rodriguez
Harrell	Passidomo	Stargel
Hooper	Perry	Wright

Nays—16

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

**CS for CS for SB 86**—A bill to be entitled An act relating to student financial aid; creating s. 1006.75, F.S.; requiring the Board of Governors of the State University System to create an online dashboard; specifying minimum information to be included in the dashboard; requiring the dashboard to be available by a specified date; requiring each state university office of admissions website to contain a link to the dashboard; requiring each state university board of trustees to adopt certain procedures; requiring the procedures to include placing a hold on certain students' registrations; specifying the requirements for students to lift the hold; requiring the Board of Governors to approve such procedures by a specified date; amending s. 1009.25, F.S.; making technical changes; amending s. 1009.40, F.S.; conforming provisions to changes made by the act; creating s. 1009.46, F.S.; specifying the duties of certain postsecondary educational institutions with regard to financial aid and tuition assistance programs; specifying penalties for non-compliance; requiring the Board of Governors, the State Board of Education, and the Independent Colleges and Universities of Florida to each approve, by a specified date, a list of career certificate and undergraduate and graduate degree programs that they determine do not lead directly to employment; requiring that each list include specified information; requiring that the state board list include programs at independent colleges and universities licensed by the Commission for Independent Education; requiring each entity to publish the methodology used in determining whether programs are included on the list; requiring that the lists be updated annually, by a specified date, to be effective the next academic year; amending s. 1009.50, F.S.; revising the formula for calculating how Florida Public Student Assistance Grant Program funds are distributed; deleting a provision authorizing Florida Public Student Assistance Grant Program funds to be deposited in the State Student Financial Assistance Trust Fund; deleting a provision requiring any balance in the trust fund which was allocated to the Florida Public Student Assistance Grant Program at the end of the fiscal year to remain therein; amending s. 1009.505, F.S.; deleting a provision authorizing Florida Public Postsecondary Career Education Student Assistance Grant Program funds to be deposited in the trust fund; deleting a provision requiring any balance in the trust fund which was allocated to the Florida Public Postsecondary Career Education Student Assistance Grant Program at the end of the fiscal year to remain therein; amending s. 1009.51, F.S.; revising the formula for calculating how Florida Private Student Assistance Grant Program funds are distributed; deleting a provision authorizing Florida Private Student Assistance Grant Program funds to be deposited in the trust fund; deleting a provision requiring any balance in the trust fund which was allocated to the Florida Private Student Assistance Grant Program at the end of the fiscal year to remain therein; amending s. 1009.52, F.S.; revising the formula for how Florida Postsecondary Student Assistance Grant Program funds are distributed; deleting a provision authorizing Florida Postsecondary Student Assistance Grant Program funds to be deposited in the trust fund; deleting a provision requiring any balance in the trust fund which was allocated to the Florida Postsecondary Student Assistance Grant Program at the end of the fiscal year to remain therein; amending s. 1009.53, F.S.; requiring the Department of Education to advertise the Florida Bright Futures Scholarship Program to specified persons no later than a specified date of each year; deleting a provision authorizing unused Florida Bright Futures Scholarship Program funds to be carried forward; deleting a provision authorizing certain students to receive specified loans; amending s. 1009.534, F.S.; revising and expanding eligibility requirements of the Florida Academic Scholars award; providing that a Florida Academic Scholar is eligible for an award equal to the amount specified in the General Appropriations Act; amending s. 1009.535, F.S.; revising and expanding eligibility

for a Florida Medallion Scholars award; providing a Florida Medallion Scholar is eligible for an award equal to the amount specified in the General Appropriations Act; amending s. 1009.893, F.S.; requiring a student who enrolls in a baccalaureate degree program in specified academic years to comply with certain requirements to attain a Benacquisto Scholarship; providing that the amount awarded under the program will be as specified in the General Appropriations Act; providing an effective date.

—was read the third time by title.

On motion by Senator Baxley, **CS for CS for SB 86** was passed and certified to the House. The vote on passage was:

Yeas—22

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

Nays—18

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

SENATOR BEAN PRESIDING

### SPECIAL ORDER CALENDAR

**SB 534**—A bill to be entitled An act relating to insurance representative examination requirements; amending s. 626.221, F.S.; exempting certain applicants for licensure as an all-lines adjuster from a required examination; reenacting s. 626.8734, F.S., relating to nonresident all-lines adjuster license qualifications, to incorporate the amendment made to s. 626.221, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 534**, pursuant to Rule 3.11(3), there being no objection, **HB 467** was withdrawn from the Committee on Rules.

On motion by Senator Gibson—

**HB 467**—A bill to be entitled An act relating to insurance adjuster examination requirements; amending s. 626.221, F.S.; exempting certain applicants for licensure as an all-lines adjuster from a required examination; reenacting s. 626.8734(1)(b), F.S., relating to nonresident all-lines adjuster license qualifications, to incorporate the amendment made to s. 626.221, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **SB 534** and read the second time by title.

On motion by Senator Gibson, by two-thirds vote, **HB 467** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Albritton	Book	Brodeur
Ausley	Boyd	Broxson
Baxley	Bracy	Burgess
Bean	Bradley	Cruz
Berman	Brandes	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

**SB 752**—A bill to be entitled An act relating to public defender duties; amending s. 27.51, F.S.; specifying additional circumstances under which a public defender may not be appointed to represent a defendant; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 752**, pursuant to Rule 3.11(3), there being no objection, **HB 67** was withdrawn from the Committee on Rules.

On motion by Senator Gruters—

**HB 67**—A bill to be entitled An act relating to public defender duties; amending s. 27.51, F.S.; specifying additional circumstances under which a public defender may not be appointed to represent a defendant; providing an effective date.

—a companion measure, was substituted for **SB 752** and read the second time by title.

On motion by Senator Gruters, by two-thirds vote, **HB 67** was read the third time by title, passed, and 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

Consideration of **CS for SB 622** was deferred.

**CS for CS for CS for SB 496**—A bill to be entitled An act relating to growth management; amending s. 163.3167, F.S.; specifying requirements for certain comprehensive plans effective, rather than adopted, after a specified date and for associated land development regulations; amending s. 163.3177, F.S.; requiring local governments to include a property rights element in their comprehensive plans; providing a statement of rights which a local government may use; requiring a local government to adopt a property rights element by the earlier of its adoption of its next proposed plan amendment initiated after a certain date or the next scheduled evaluation and appraisal of its comprehensive plan; prohibiting a local government’s property rights element from conflicting with the statement of rights contained in the act; amending s. 163.3237, F.S.; providing that the consent of certain property owners is not required for development agreement changes under certain circumstances; providing an exception; amending s. 337.25, F.S.; requiring the Department of Transportation to afford a right of first refusal to certain individuals under specified circumstances; providing require-

ments and procedures relating to the right of first refusal; amending s. 380.06, F.S.; authorizing certain developments of regional impact agreements to be amended under certain circumstances; providing retroactive applicability; providing a declaration of important state interest; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 496**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 59** was withdrawn from the Committee on Rules.

On motion by Senator Perry—

**CS for CS for CS for HB 59**—A bill to be entitled An act relating to growth management; amending s. 163.3167, F.S.; specifying requirements for certain comprehensive plans effective, rather than adopted, after a specified date and for associated land development regulations; amending s. 163.3177, F.S.; requiring local governments to include a property rights element in their comprehensive plans; providing a statement of rights which a local government may use; requiring a local government to adopt a property rights element by the earlier of its adoption of its next proposed plan amendment initiated after a certain date or the next scheduled evaluation and appraisal of its comprehensive plan; prohibiting a local government’s property rights element from conflicting with the statement of rights contained in the act; amending s. 163.3237, F.S.; providing that the consent of certain property owners is not required for development agreement changes under certain circumstances; providing an exception; amending s. 337.25, F.S.; requiring the Department of Transportation to afford a right of first refusal to certain individuals under specified circumstances; providing requirements and procedures for the right of first refusal; amending s. 380.06, F.S.; authorizing certain developments of regional impact agreements to be amended under certain circumstances; providing retroactive applicability; providing a declaration of important state interest; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 496** and read the second time by title.

On motion by Senator Perry, by two-thirds vote, **CS for CS for CS for HB 59** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

Albritton	Diaz	Pizzo
Ausley	Farmer	Polsky
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
Cruz	Perry	

Nays—None

Vote after roll call:

Yea—Baxley

**SB 7000**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 464.0096, F.S., which provides an exemption from public record requirements for certain personal identifying information of nurses in the Nurse Licensure Compact and from public record and meeting requirements for certain meetings or portions of meetings and certain records held by the Interstate Commission of Nurse Licensure Compact Administrators; removing the scheduled repeal of the exemptions; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 7000**, pursuant to Rule 3.11(3), there being no objection, **HB 7001** was withdrawn from the Committee on Rules.

On motion by Senator Diaz—

**HB 7001**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 464.0096, F.S., which provides an exemption from public records requirements for certain information held by the Department of Health or the Board of Nursing pursuant to the Nurse Licensure Compact and an exemption from public meeting requirements for certain meetings of the Interstate Commission of Nurse Licensure Compact Administration; removing the scheduled repeal of the exemptions; providing an effective date.

—a companion measure, was substituted for **SB 7000** and read the second time by title.

On motion by Senator Diaz, by two-thirds vote, **HB 7001** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**SB 7012**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending ss. 943.053 and 985.04, F.S.; abrogating the scheduled repeals of public records exemptions relating to criminal history information of juveniles; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 7012**, pursuant to Rule 3.11(3), there being no objection, **HB 7009** was withdrawn from the Committee on Rules.

On motion by Senator Pizzo—

**HB 7009**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 943.053, F.S., which provides an exemption from public record requirements for juvenile information compiled by the Criminal Justice Information Program from intrastate sources; removing the scheduled repeal of the exemption; amending s. 985.04, F.S., which specifies that certain arrest records of juvenile offenders are not exempt from public record requirements; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **SB 7012** and read the second time by title.

On motion by Senator Pizzo, by two-thirds vote, **HB 7009** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Albritton	Bean	Boyd
Ausley	Berman	Bracy
Baxley	Book	Bradley

Brandes	Gruters	Powell
Brodeur	Harrell	Rodriguez
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

**CS for CS for CS for SB 228**—A bill to be entitled An act relating to notaries public; amending s. 117.021, F.S.; clarifying that a notary public is entitled to select particular technology in performing a notarial act with respect to an electronic record; authorizing a notary public's contract or employer to require the use of a particular technology in performing a notarial act with respect to an electronic record; amending s. 117.05, F.S.; revising limitations on notary public fees; amending s. 117.201, F.S.; revising definitions; amending s. 117.225, F.S.; revising certain registration requirements for online notaries public; creating s. 117.231, F.S.; authorizing notaries public to remotely swear in witnesses using audio-video communication technology; authorizing notaries public to remotely swear in new attorneys admitted to The Florida Bar using audio-video communication technology; amending s. 117.245, F.S.; modifying requirements for entries in the electronic journal maintained by an online notary public; requiring a remote online notarization service provider, rather than an online notary public, to retain audio-video communication recordings of online notarizations; authorizing a RON service provider to delegate this duty to a secure repository under certain conditions; conforming provisions to changes made by the act; amending s. 117.255, F.S.; revising provisions governing access to audio-video communication recordings to conform to changes made by the act; authorizing a remote online notarization service provider to charge a fee for access to such recordings, subject to specified limitations; amending s. 117.265, F.S.; clarifying that an online notary public is entitled to select his or her remote online notarization service provider; authorizing a notary public's contract or employer to require the use of a particular remote online notarization service provider in performing online notarizations; requiring an online notary public to notify the Department of State of the effective date of a change in the remote online notarization service provider used; amending s. 117.275, F.S.; clarifying limitations on fees charged for online notarizations; amending s. 117.295, F.S.; requiring the department to publish on its website a list containing certain information on online notaries public; requiring a remote online notarization service provider to file a self-certification with the department; specifying the duration of a self-certification; requiring the department to publish on its website a list containing certain information on self-certified remote online notarization service providers; prohibiting a remote online notarization service provider from using, selling, or offering to sell or transfer personal information obtained in the course of performing online notarizations; providing exceptions; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 228**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 121** was withdrawn from the Committee on Rules.

On motion by Senator Bradley—

**CS for HB 121**—A bill to be entitled An act relating to notaries public; amending s. 117.021, F.S.; providing that a notary public is entitled to select particular technology in performing a notarial act with respect to an electronic record; authorizing a notary public's contract or employer to require the use of a particular technology in performing a notarial act with respect to an electronic record; amending s. 117.05, F.S.; revising the limitations on notary public fees; amending s. 117.201, F.S.; revising definitions; amending s. 117.225, F.S.; revising certain registration requirements for online notaries public; creating s. 117.231, F.S.; authorizing notaries public to use audio-video communication technology to remotely swear in individuals who testify under certain circumstances; authorizing notaries public to use audio-video communication technology to remotely swear in new attorneys admitted to The



Florida Bar; requiring consent from individuals being sworn in if audio-video communication technology is used under certain circumstances; providing that notaries public who use audio-video communication technology under certain circumstances are not required to meet specified requirements; amending s. 117.245, F.S.; modifying requirements for entries in the electronic journal maintained by an online notary public; requiring a remote online notarization service provider, rather than an online notary public, to retain audio-video communication recordings of online notarizations; authorizing a RON service provider to delegate this duty to a secure repository under certain conditions; conforming provisions to changes made by the act; amending s. 117.255, F.S.; revising provisions governing access to audio-video communication recordings to conform to changes made by the act; authorizing a remote online notarization service provider to charge a fee for access to such recordings, subject to specified limitations; amending s. 117.265, F.S.; providing that an online notary public is entitled to select his or her remote online notarization service provider; authorizing a notary public's contract or employer to require the use of a particular remote online notarization service provider in performing online notarizations; requiring an online notary public to notify the Department of State of the effective date of a change in the remote online notarization service provider used; amending s. 117.275, F.S.; providing limitations on fees charged for online notarizations; amending s. 117.295, F.S.; requiring the department to publish on its website a list containing certain information on online notaries public; requiring a remote online notarization service provider to file a self-certification with the department; specifying the duration of a self-certification; requiring the department to publish on its website a list containing certain information on self-certified remote online notarization service providers; prohibiting a remote online notarization service provider from using, selling, or offering to sell or transfer personal information obtained in the course of performing online notarizations; providing exceptions; providing an effective date.

—a companion measure, was substituted for CS for CS for CS for SB 228 and read the second time by title.

On motion by Senator Bradley, by two-thirds vote, CS for HB 121 was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns of names: Albritton, Ausley, Baxley, Bean, Berman, Book, Boyd, Bracy, Bradley, Brandes, Brodeur, Broxson, Burgess, Cruz, Diaz, Farmer, Gainer, Garcia, Gibson, Gruters, Harrell, Hooper, Hutson, Jones, Mayfield, Passidomo, Perry, Pizzo, Polsky, Powell, Rodrigues, Rodriguez, Rouson, Stargel, Stewart, Taddeo, Thurston, Torres, Wright

Nays—None

CS for SB 738—A bill to be entitled An act relating to bicycle operation regulations; amending s. 316.2065, F.S.; providing an exception to the requirement that a person operating a bicycle ride upon or astride a seat attached thereto; amending s. 316.20655, F.S.; revising construction relating to electric bicycle regulations; providing an effective date.

—was read the second time by title.

Pending further consideration of CS for SB 738, pursuant to Rule 3.11(3), there being no objection, HB 353 was withdrawn from the Committee on Rules.

On motion by Senator Baxley—

HB 353—A bill to be entitled An act relating to bicycle operation regulations; amending s. 316.2065, F.S.; providing an exception to the

requirement that a person operating a bicycle ride upon or astride a seat attached thereto; providing an effective date.

—a companion measure, was substituted for CS for SB 738 and read the second time by title.

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

Senator Brandes moved the following amendment which was adopted:

Amendment 1 (231776) (with title amendment)—Between lines 16 and 17 insert:

Section 2. Subsection (1) of section 316.20655, Florida Statutes, is amended to read:

316.20655 Electric bicycle regulations.—

(1) Except as otherwise provided in this section, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle, including s. 316.2065. An electric bicycle is a vehicle to the same extent as a bicycle. However, this section may not be construed to prevent a local government, through the exercise of its powers under s. 316.008, from adopting an ordinance governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas under the local government's jurisdiction; or to prevent a municipality, county, or agency of the state having jurisdiction over a bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, or trail network; or to prevent a municipality, county, or agency of the state having jurisdiction over a beach as defined in s. 161.54(3) or a dune as defined in s. 161.54(4) from restricting or prohibiting the operation of an electric bicycle on such beach or dune.

And the title is amended as follows:

Delete line 5 and insert: upon or astride a seat attached thereto; amending s. 316.20655, F.S.; revising construction relating to electric bicycle regulations; providing an

On motion by Senator Baxley, by two-thirds vote, HB 353, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns of names: Albritton, Ausley, Baxley, Bean, Berman, Book, Boyd, Bracy, Bradley, Brandes, Brodeur, Broxson, Burgess, Cruz, Diaz, Farmer, Gainer, Garcia, Gibson, Gruters, Harrell, Hooper, Hutson, Jones, Mayfield, Passidomo, Perry, Pizzo, Polsky, Powell, Rodrigues, Rodriguez, Rouson, Stargel, Stewart, Taddeo, Thurston, Torres, Wright

Nays—None

CS for SB 170—A bill to be entitled An act relating to podiatric medicine; amending s. 461.007, F.S.; authorizing the Board of Podiatric Medicine to require a specified number of continuing education hours related to the safe and effective prescribing of controlled substances; creating s. 461.0155, F.S.; providing for governance of podiatric physicians who are supervising medical assistants; amending s. 624.27, F.S.; revising the definition of the term "health care provider" to include podiatric physicians; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 170**, pursuant to Rule 3.11(3), there being no objection, **HB 17** was withdrawn from the Committee on Rules.

On motion by Senator Hooper—

**HB 17**—A bill to be entitled An act relating to podiatric medicine; amending s. 461.007, F.S.; authorizing the Board of Podiatric Medicine to require a specified number of continuing education hours related to the safe and effective prescribing of controlled substances; creating s. 461.0155, F.S.; providing for governance of podiatric physicians who are supervising medical assistants; amending s. 624.27, F.S.; revising the definition of the term "health care provider" to include podiatric physicians; providing an effective date.

—a companion measure, was substituted for **CS for SB 170** and read the second time by title.

On motion by Senator Hooper, by two-thirds vote, **HB 17** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

Consideration of **SB 952** and **CS for CS for SB 54** was deferred.

By direction of the President, pursuant to Rule 4.3(3), the Senate reverted to—

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES, continued

### HOUSE MESSAGES, RETURNING

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 50, with 1 amendment, and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

**CS for CS for SB 50**—A bill to be entitled An act relating to taxation; providing a short title; amending s. 212.02, F.S.; revising the definition of the term "retail sale" to include sales facilitated through a marketplace; conforming a provision to changes made by the act; amending s. 212.05, F.S.; conforming provisions to changes made by the act; amending s. 212.054, F.S.; requiring marketplace providers and persons located outside of this state to remit discretionary sales surtax when delivering tangible personal property to a county imposing a surtax; amending s. 212.0596, F.S.; replacing provisions relating to the taxation of mail order sales with provisions relating to the taxation of remote sales; defining the terms "remote sale" and "substantial number of remote sales"; providing that every person making a substantial number of remote sales is a dealer for purposes of the sales and use tax; authorizing the Department of Revenue to adopt rules for collecting use

taxes from unregistered persons; requiring marketplace providers and persons required to report remote sales to remit discretionary sales surtax when delivering tangible personal property to a county imposing a surtax; creating s. 212.05965, F.S.; defining terms; providing that certain marketplace providers are dealers for purposes of the sales and use tax; requiring certain marketplace providers to provide a certain certification to their marketplace sellers; specifying requirements for marketplace sellers; requiring certain marketplace providers to allow the Department of Revenue to examine and audit their books and records; specifying the examination and audit authority of the Department of Revenue; providing that a marketplace seller, rather than the marketplace provider, is liable for sales tax collection and remittance under certain circumstances; authorizing marketplace providers and marketplace sellers to enter into agreements for the recovery of certain taxes, interest, and penalties; providing construction and applicability; amending s. 212.05965, F.S.; requiring marketplace providers to collect and remit certain additional fees at the time of sale; authorizing marketplace providers and marketplace sellers to contractually agree for marketplace sellers to collect applicable taxes and fees; specifying requirements for marketplace sellers who collect such taxes and fees; providing for liability of sellers who fail to collect or remit such taxes and fees; amending s. 212.06, F.S.; revising the definition of the term "dealer"; conforming provisions to changes made by the act; amending s. 212.07, F.S.; conforming a cross-reference; amending s. 212.11, F.S.; requiring certain marketplace providers or persons required to report remote sales to file returns and pay taxes electronically; amending s. 212.12, F.S.; deleting the authority of the Department of Revenue's executive director to negotiate a collection allowance with certain dealers; deleting the requirement that certain sales and use taxes on communications services be collected on the basis of a certain addition; requiring that certain sales and use taxes be calculated based on a specified rounding algorithm, rather than specified brackets; conforming provisions to changes made by the act; amending s. 212.18, F.S.; requiring certain marketplace providers or persons required to report remote sales to file a registration application electronically; conforming a provision to changes made by the act; amending s. 212.20, F.S.; providing applicability of requirements for refund of taxes adjudicated unconstitutionally collected to taxes levied or collected pursuant to marketplace provisions; requiring certain amounts to be deposited into the Unemployment Compensation Trust Fund during specified periods; specifying requirements for the Department of Revenue in reducing distributions by certain refund amounts paid out of the General Revenue Fund; requiring the Office of Economic and Demographic Research to certify to the Department of Revenue whether the trust fund balance exceeds a certain amount; providing for contingent future repeal; amending s. 443.1216, F.S.; conforming a cross-reference; amending s. 443.131, F.S.; specifying, at certain periods, multipliers to be applied to employer chargeable benefits for purposes of calculating employer re-employment assistance contribution rates; excluding reemployment benefits paid during a certain timeframe and certain COVID-19-related benefits paid from being included in a variable rate calculation; requiring that contribution rates in certain years be calculated without applying a trust fund positive adjustment factor; excluding reemployment benefits paid during a certain timeframe and certain COVID-19-related benefits paid from being calculated in the noncharge benefits and excess payments adjustment factors; requiring the tax collection service provider to reissue rates for a certain year; specifying requirements for employers and the Department of Revenue; requiring a refund of excess paid amounts under certain circumstances; specifying requirements for calculating and assigning contribution rates for certain years; specifying requirements for the Department of Economic Opportunity and the tax collection service provider; providing for contingent future repeal of modified rate calculations; specifying requirements for calculating adjustments to a benefit ratio multiplier; conforming a cross-reference; providing retroactive applicability; amending s. 443.191, F.S.; adding a specified source of revenues to the Unemployment Compensation Trust Fund; amending ss. 212.04 and 212.0506, F.S.; conforming provisions to changes made by the act; amending s. 213.015, F.S.; conforming a cross-reference; authorizing taxpayers to use one of two methods for calculating sales tax for a specified timeframe; providing construction; amending s. 213.27, F.S.; conforming provisions to changes made by the act; reenacting s. 212.055(2)(c), (3)(c), (8)(c), and (9)(c), F.S., relating to discretionary sales surtaxes, to incorporate the amendment made to s. 212.054, F.S., in references thereto; providing applicability; providing relief to certain persons for liability for tax, penalty, and interest due on certain remote sales and owed on certain purchases that occurred before a certain date;

providing applicability; prohibiting the department from using data received from marketplace providers or persons making remote sales for certain purposes; providing applicability; providing construction; authorizing the department to adopt emergency rules; providing for expiration of that authority; authorizing the department to contract with a qualified vendor for certain purposes without using a competitive solicitation process; providing an appropriation; providing for severability; providing effective dates.

**House Amendment 4 (642177) (with title amendment)**—Remove lines 1466-1468 and insert:  
*subparagraph (III).*

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

Section 14. Effective on the first day of the second month following the repeal of 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.

And the title is amended as follows:

Between lines 81 and 82, insert: amending s. 212.031, F.S.; reducing the tax rate on the rental or license fee for use of real property effective upon the cessation of distributions to a specified trust fund;

Senator Farmer moved the following Senate amendment to **House Amendment 4 (642177)** which failed:

**Senate Amendment 1 (345744) (with title amendment)** to **House Amendment 4 (642177)**—Delete lines 4-38 and insert:

Delete lines 205 - 2048 and insert:

(a)1.a. At the rate of ~~5.75~~ ~~6~~ percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state, and including each and every retail sale.

b. Each occasional or isolated sale of an aircraft, boat, mobile home, or motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph. The department shall by rule adopt any nationally recognized publication for valuation of used motor vehicles as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price which is less than 80 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit signed by each

party, or other substantial proof, stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes. In addition, such party shall pay any tax due and any penalty and interest assessed plus a penalty equal to twice the amount of the additional tax owed. Notwithstanding any other provision of law, the Department of Revenue may waive or compromise any penalty imposed pursuant to this subparagraph.

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

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

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

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

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

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

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

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

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

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

f. Unless the nonresident purchaser of a boat of 5 net tons of admeasurement or larger intends to remove the boat from this state within 10 days after the date of purchase or when the boat is repaired or altered, within 20 days after completion of the repairs or alterations, the nonresident purchaser applies to the selling dealer for a decal which

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

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

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

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

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

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

(VI) Any nonresident purchaser of a boat who removes a decal before permanently removing the boat from the state, or defaces, changes, modifies, or alters a decal in a manner affecting its expiration date before its expiration, or who causes or allows the same to be done by another, will be considered prima facie to have committed a fraudulent act to evade the tax and will be liable for payment of the tax plus a mandatory penalty of 200 percent of the tax, and shall be liable for fine and punishment as provided by law for a conviction of a misdemeanor of the first degree, as provided in s. 775.082 or s. 775.083.

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

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

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

(b) At the rate of 6 percent of the cost price of each item or article of tangible personal property when the same is not sold but is used, consumed, distributed, or stored for use or consumption in this state; however, for tangible property originally purchased exempt from tax for use exclusively for lease and which is converted to the owner's own use, tax may be paid on the fair market value of the property at the time of conversion. If the fair market value of the property cannot be determined, use tax at the time of conversion shall be based on the owner's

acquisition cost. Under no circumstances may the aggregate amount of sales tax from leasing the property and use tax due at the time of conversion be less than the total sales tax that would have been due on the original acquisition cost paid by the owner.

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

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

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

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

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

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

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

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

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

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

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

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

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

b. The installation of telecommunication and telegraphic equipment.

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

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

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

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

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

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

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

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

(h)1. A tax is imposed at the rate of 4 percent on the charges for the use of coin-operated amusement machines. The tax shall be calculated by dividing the gross receipts from such charges for the applicable reporting period by a divisor, determined as provided in this subparagraph, to compute gross taxable sales, and then subtracting gross taxable sales from gross receipts to arrive at the amount of tax due. For counties that do not impose a discretionary sales surtax, the divisor is equal to 1.04; for counties that impose a 0.5 percent discretionary sales surtax, the divisor is equal to 1.045; for counties that impose a 1 percent discretionary sales surtax, the divisor is equal to 1.050; and for counties that impose a 2 percent sales surtax, the divisor is equal to 1.060. If a county imposes a discretionary sales surtax that is not listed in this subparagraph, the department shall make the applicable divisor available in an electronic format or otherwise. Additional divisors shall bear the same mathematical relationship to the next higher and next lower divisors as the new surtax rate bears to the next higher and next lower surtax rates for which divisors have been established. When a machine is activated by a slug, token, coupon, or any similar device which has been purchased, the tax is on the price paid by the user of the device for such device.

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

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

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

c. If the proprietor of the business where the machine is located does not own the machine, he or she shall be deemed to be the lessee and operator of the machine and is responsible for the payment of the tax on

sales, unless such responsibility is otherwise provided for in a written agreement between him or her and the machine owner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j)1. Notwithstanding any other provision of this chapter, there is hereby levied a tax on the sale, use, consumption, or storage for use in this state of any coin or currency, whether in circulation or not, when such coin or currency:

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

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

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

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

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

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

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

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

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

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

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

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

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

(4)

(c)1. Any dealer located in a county that does not impose a discretionary sales surtax, *any marketplace provider that is a dealer under this chapter, or any person located outside this state who is required to collect and remit sales tax on remote sales* ~~but~~ who collects the surtax due to sales of tangible personal property or services delivered to a county imposing a surtax ~~outside the county~~ shall remit monthly the proceeds of the surtax to the department to be deposited into an account in the Discretionary Sales Surtax Clearing Trust Fund which is separate from the county surtax collection accounts. The department shall distribute funds in this account using a distribution factor determined for each county that levies a surtax and multiplied by the amount of funds in the account and available for distribution. The distribution factor for each county equals the product of:

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

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

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

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

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

*(Substantial rewording of section. See*

s. 212.0596, F.S., for present text.)

212.0596 Taxation of remote sales.—

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

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

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

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

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

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

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

212.05965 Taxation of marketplace sales.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The marketplace provider is relieved of liability for the tax on the retail sale and the marketplace seller or customer is liable for the tax imposed under this chapter if the marketplace provider demonstrates to the department’s satisfaction that the marketplace provider made a reasonable effort to obtain accurate information related to the retail sales facilitated through the marketplace from the marketplace seller, but that the failure to collect and remit the correct amount of tax imposed under this chapter was due to the provision of incorrect or incomplete in-

formation to the marketplace provider by the marketplace seller. This paragraph does not apply to a retail sale for which the marketplace provider is the seller if the marketplace provider and the marketplace seller are related parties or if transactions between a marketplace seller and marketplace buyer are not conducted at arm's length.

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

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

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

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

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

212.05965 Taxation of marketplace sales.—

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

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

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

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

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

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

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

(2)

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

(5)(a)1. Except as provided in subparagraph 2., it is not the intention of this chapter to levy a tax upon tangible personal property imported, produced, or manufactured in this state for export, provided that tangible personal property may not be considered as being imported, produced, or manufactured for export unless the importer, producer, or manufacturer delivers the same to a licensed exporter for exporting or to a common carrier for shipment outside the state or mails the same by

United States mail to a destination outside the state; or, in the case of aircraft being exported under their own power to a destination outside the continental limits of the United States, by submission to the department of a duly signed and validated United States customs declaration, showing the departure of the aircraft from the continental United States; and further with respect to aircraft, the canceled United States registry of said aircraft; or in the case of parts and equipment installed on aircraft of foreign registry, by submission to the department of documentation, the extent of which shall be provided by rule, showing the departure of the aircraft from the continental United States; nor is it the intention of this chapter to levy a tax on any sale which the state is prohibited from taxing under the Constitution or laws of the United States. Every retail sale made to a person physically present at the time of sale shall be presumed to have been delivered in this state.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

(1)

(b) A resale must be in strict compliance with s. 212.18 and the rules and regulations adopted thereunder. A dealer who makes a sale for resale that is not in strict compliance with s. 212.18 and the rules and regulations adopted thereunder is liable for and must pay the tax. A dealer who makes a sale for resale shall document the exempt nature of the transaction, as established by rules adopted by the department, by retaining a copy of the purchaser's resale certificate. In lieu of maintaining a copy of the certificate, a dealer may document, before the time of sale, an authorization number provided telephonically or electronically by the department, or by such other means established by rule of the department. The dealer may rely on a resale certificate issued pursuant to s. 212.18(3)(e) ~~s. 212.18(3)(d)~~, valid at the time of receipt from the purchaser, without seeking annual verification of the resale certificate if the dealer makes recurring sales to a purchaser in the normal course of business on a continual basis. For purposes of this paragraph, "recurring sales to a purchaser in the normal course of business" refers to a sale in which the dealer extends credit to the purchaser and records the debt as an account receivable, or in which the dealer sells to a purchaser who has an established cash or C.O.D. account, similar to an open credit account. For purposes of this paragraph, purchases are made from a selling dealer on a continual basis if the selling dealer makes, in the normal course of business, sales to the purchaser at least once in every 12-month period. A dealer may, through the informal protest provided for in s. 213.21 and the rules of the department, provide the department with evidence of the exempt status of a sale. Consumer certificates of exemption executed by those exempt entities that were registered with the department at the time of sale, resale certificates provided by purchasers who were active dealers at the time of sale, and verification by the department of a purchaser's active dealer status at the time of sale in lieu of a resale certificate shall be accepted by the department when submitted during the protest period, but may not be accepted in any proceeding under chapter 120 or any circuit court action instituted under chapter 72.

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

212.11 Tax returns and regulations.—

(4)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3)

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

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

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

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

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

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

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

And the title is amended as follows:

Delete lines 42-46 and insert: Delete lines 7 - 111 and insert: reducing the sales and use tax rate; conforming provisions to changes made by the act; amending s. 212.054, F.S.; requiring marketplace providers and persons located outside of this state to remit discretionary sales surtax when delivering tangible personal property to a county imposing a surtax; amending s. 212.0596, F.S.; replacing provisions relating to the taxation of mail order sales with provisions relating to the taxation of remote sales; defining the terms "remote sale" and "substantial number of remote sales"; providing that every person making a substantial number of remote sales is a dealer for purposes of the sales and use tax; authorizing the Department of Revenue to adopt rules for collecting use taxes from unregistered persons; requiring marketplace providers and persons required to report remote sales to remit discretionary sales surtax when delivering tangible personal property to a county imposing a surtax; creating s. 212.05965, F.S.; defining terms; providing that certain marketplace providers are dealers for purposes of the sales and use tax; requiring certain marketplace providers to provide a certain certification to their marketplace sellers; specifying requirements for marketplace sellers; requiring certain marketplace providers to allow the Department of Revenue to examine and audit their books and records; specifying the examination and audit authority of the Department of Revenue; providing that a marketplace seller, rather than the marketplace provider, is liable for sales tax collection and remittance under certain circumstances; authorizing marketplace providers and marketplace sellers to enter into agreements for the recovery of certain taxes, interest, and penalties; providing construction and applicability; amending s. 212.05965, F.S.; requiring

marketplace providers to collect and remit certain additional fees at the time of sale; authorizing marketplace providers and marketplace sellers to contractually agree for marketplace sellers to collect applicable taxes and fees; specifying requirements for marketplace sellers who collect such taxes and fees; providing for liability of sellers who fail to collect or remit such taxes and fees; amending s. 212.06, F.S.; revising the definition of the term “dealer”; conforming provisions to changes made by the act; amending s. 212.07, F.S.; conforming a cross-reference; amending s. 212.11, F.S.; requiring certain marketplace providers or persons required to report remote sales to file returns and pay taxes electronically; amending s. 212.12, F.S.; deleting the authority of the Department of Revenue’s executive director to negotiate a collection allowance with certain dealers; deleting the requirement that certain sales and use taxes on communications services be collected on the basis of a certain addition; requiring that certain sales and use taxes be calculated based on a specified rounding algorithm, rather than specified brackets; conforming provisions to changes made by the act; amending s. 212.18, F.S.; requiring certain marketplace providers or persons required to report remote sales to file a registration application electronically; conforming a provision to changes made by the act; amending ss. 212.04 and 212.0506, F.S.;

**THE PRESIDENT PRESIDING**

The vote was:

Yeas—17

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

Nays—23

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

On motion by Senator Gruters, the Senate concurred in **House Amendment 4 (642177)**.

**CS for CS for SB 50** 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—27

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

Nays—12

Ausley	Farmer	Powell
Berman	Gibson	Rouson
Book	Jones	Thurston
Cruz	Polsky	Torres

**MOTIONS**

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

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

**REPORTS OF COMMITTEES**

The Committee on Rules recommends a committee substitute for the following: CS for SB 1826

**The bill with committee substitute attached was placed on the Calendar.**

**REPORTS OF SUBCOMMITTEES**

The Appropriations Subcommittee on Agriculture, Environment, and General Government recommends the following pass: SB 1480; CS for SB 1522

The Appropriations Subcommittee on Criminal and Civil Justice recommends the following pass: SB 1810

The Appropriations Subcommittee on Health and Human Services recommends the following pass: CS for SB 414; SB 606; SB 900; CS for SB 1292

The Appropriations Subcommittee on Transportation, Tourism, and Economic Development recommends the following pass: CS for SB 754; CS for SB 2004

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

**INTRODUCTION AND REFERENCE OF BILLS**

**FIRST READING**

**Senate Bills 7000-7070**—Previously introduced.

By the Committee on Governmental Oversight and Accountability—

**SB 7072**—A bill to be entitled An act relating to social media platforms; creating s. 106.072, F.S.; defining terms; prohibiting a social media platform from knowingly deplatforming a candidate; providing fines for violations; authorizing social media platforms to provide free advertising for candidates under specified conditions; providing enforcement authority consistent with federal and state law; creating s. 287.137, F.S.; defining terms; providing requirements for public contracts and economic incentives related to entities that have been convicted or held civilly liable for antitrust violations; prohibiting a public entity from entering into any type of contract with a person or an affiliate on the antitrust violator vendor list; providing applicability; requiring certain contract documents to contain a specified statement; requiring the Department of Management Services to maintain a list of people or affiliates disqualified from the public contracting and purchasing process; specifying requirements for publishing such list; providing procedures for placing a person or an affiliate on the list; providing procedural and legal rights for a person or affiliate to challenge placement on the list; providing a procedure for temporarily placing a person on an antitrust violator vendor list; providing procedural and legal rights for a person to challenge temporary placement on the list; specifying conditions for removing certain entities and affiliates from the list; authorizing a person, under specified conditions, to retain rights or obligations under existing contracts or binding agreements; prohibiting a person who has been placed on the antitrust violator vendor list from receiving certain economic incentives; providing exceptions; providing enforcement authority consistent with federal and state law; creating s. 501.2041, F.S.; defining terms; providing that

social media platforms that fail to comply with specified requirements and prohibitions commit an unfair or deceptive act or practice; requiring a notification given by a social media platform for censoring content or deplatforming a user to contain certain information; providing an exception to the notification requirements; authorizing the Department of Legal Affairs to investigate suspected violations under the Deceptive and Unfair Trade Practices Act and bring specified actions for such violations; specifying circumstances under which a private cause of action may be brought; specifying how damages are to be calculated; providing construction for violations of certain provisions of this act; granting the department specified subpoena powers; providing enforcement authority consistent with federal and state law; amending s. 501.212, F.S.; conforming a provision to changes made by the act; providing for severability; providing an effective date.

—was referred to the Committee on Appropriations.

By the Committee on Governmental Oversight and Accountability—

**SB 7074**—A bill to be entitled An act relating to public records; amending s. 287.137, F.S.; providing a public records exemption for information received by the Attorney General pursuant to an investigation by the Attorney General or a law enforcement agency into certain social media platform activities; authorizing release of confidential and exempt information in certain instances; requiring certain information to remain confidential and exempt after an investigation is completed or ceases to be active; defining the term “proprietary business information”; providing for future legislative review and repeal of the exemption; amending s. 501.2041, F.S.; providing a public records exemption for information received by the Department of Legal Affairs pursuant to an investigation by the department or a law enforcement agency into violations by certain social media platforms; authorizing release of confidential and exempt information in certain instances; requiring certain information to remain confidential and exempt after an investigation is completed or ceases to be active; defining the term “proprietary business information”; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committee on Appropriations.

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committees on Rules; and Criminal Justice; and Senator Diaz—

**CS for CS for SB 1826**—A bill to be entitled An act relating to human trafficking; creating s. 90.5034, F.S.; defining terms; providing the circumstances under which certain communications are confidential; creating a human trafficking victim advocate-victim privilege; specifying who may claim such privilege; providing training requirements for human trafficking victim advocates and trained volunteers; amending s. 787.06, F.S.; revising the definitions of the terms “human trafficking” and “obtain”; prohibiting a person from engaging in specified criminal acts relating to human trafficking with an adult believed to be a child younger than 18 years of age; providing criminal penalties; encouraging each state attorney to adopt a pro-prosecution policy for acts of human trafficking; amending s. 948.30, F.S.; requiring a court to impose specified conditions on probationers or community controllees who are placed under supervision for committing a specified human trafficking offense on or after a certain date; requiring a court to impose specified conditions on probationers or community controllees who are placed on community control or sex offender probation for committing a specified human trafficking offense on or after a certain date; reenacting ss. 39.01305(3), 464.013(3)(c), 775.21(4)(a), 943.0435(1)(h), 943.0583(1)(a), and 944.606(1)(f), F.S., relating to appointment of an attorney for a dependent child with certain special needs, renewal of license or certificate, the Florida Sexual Predators Act, sexual offenders required to register with the department and penalties, human trafficking victim expunction, and sexual offenders and notification upon release, respectively, to incorporate the amendment made to s. 787.06, F.S., in references thereto; providing an effective date.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### FIRST READING

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 5 and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Representative(s) Zika, Andrade, Barnaby, Borrero, Byrd, Di-Ceglie, Drake, Fischer, Gregory, Harding, Maggard, Maney, McClain, Rizo, Salzman, Stevenson—

**HB 5**—A bill to be entitled An act relating to civic education curriculum; amending s. 1003.4282, F.S.; revising the social studies high school graduation credit requirement; amending s. 1003.44, F.S.; requiring the Department of Education to develop or approve an integrated civic education curriculum that meets certain requirements; requiring the department to curate oral history resources to be used along with such curriculum; providing a short title; requiring the department to approve the civic education curricula submitted by school districts and charter schools; providing an effective date.

—was referred to the Committee on Appropriations.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 141 and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Judiciary Committee and Representative(s) Leek—

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

—was referred to the Committee on Rules.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 223 and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By State Affairs Committee, Pandemics & Public Emergencies Committee and Representative(s) Plasencia—

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

—was referred to the Committee on Rules.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 241 and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Representative(s) Grall, Altman, Andrade, Bell, Borrero, Byrd, Chaney, Fine, Fischer, Gregory, Harding, Hawkins, Maggard, McClain, Plasencia, Rizo, Sabatini, Salzman, Sirois, Smith, D., Trabulsy, Yarborough—

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

—was referred to the Committee on Rules.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 245 and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Representative(s) Chaney, Andrade—

**HB 245**—A bill to be entitled An act relating to massage therapy; renaming ch. 480, F.S., as "Massage Therapy Practice"; amending s. 480.031, F.S.; conforming a provision to changes made by the act; amending s. 480.032, F.S.; revising the purpose of ch. 480, F.S.; amending s. 480.033, F.S.; revising and providing definitions; amending ss. 477.013, 477.0135, 477.0265, 480.034, 480.035, 480.041, 480.043, 480.046, 480.0465, 480.047, 480.052, 480.0535, 627.6407, 627.6619, 627.736, 641.31, and 823.05, F.S.; conforming provisions to changes made by the act; making technical changes; providing an effective date.

—was referred to the Committee on Appropriations.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 327 by the required constitutional two-thirds vote of the members voting and requests concurrence of the Senate.

*Jeff Takacs*, Clerk

By State Affairs Committee, Government Operations Subcommittee and Representative(s) Rommel—

**CS for CS for HB 327**—A bill to be entitled An act relating to public records; amending s. 252.385, F.S.; creating an exemption from public records requirements for the address and telephone number of persons provided public emergency shelter and held by the agency that provided the emergency shelter; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committee on Rules.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 369 and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Representative(s) Rodriguez, Fernandez-Barquin, Tant—

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

—was referred to the Committee on Rules.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 381 and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Judiciary Committee, Criminal Justice & Public Safety Subcommittee and Representative(s) Maney, Garrison—

**CS for CS for HB 381**—A bill to be entitled An act relating to probationary or supervision services for misdemeanor offenders; amending s. 948.01, F.S.; authorizing the Department of Corrections to supervise certain misdemeanor offenders; deleting a prohibition on private entities from providing probationary or supervision services to certain misdemeanor offenders; amending s. 948.15, F.S.; authorizing a private or public entity to provide probation services and other specified programming to misdemeanor offenders; revising who may approve specified contracts; providing an effective date.

—was referred to the Committee on Appropriations.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 487 and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Representative(s) Duggan, Hardy—

**HB 487**—A bill to be entitled An act relating to small scale development amendments; amending s. 163.3187, F.S.; revising the required acreage thresholds for adopting an amendment using a small scale development amendment; providing an effective date.

—was referred to the Committee on Rules.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 497 and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Representative(s) Buchanan—

**HB 497**—A bill to be entitled An act relating to dentistry and dental hygiene examinations; amending ss. 466.006 and 466.007, F.S.; authorizing the use of certain examinations produced by the Western Regional Examining Board to measure an applicant's ability to practice the profession of dentistry or dental hygiene; providing an effective date.

—was referred to the Committee on Rules.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 661 and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Representative(s) Botana—

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

—was referred to the Committee on Rules.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 663 and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Regulatory Reform Subcommittee and Representative(s) Salzman, Botana, Gregory, Morales, Nixon—

**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.

—was referred to the Committee on Rules.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 735 and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Representative(s) Harding, Borrero, Giallombardo, Sabatini, Snyder—

**HB 735**—A bill to be entitled An act relating to preemption of local occupational licensing; creating s. 163.211, F.S.; providing definitions; preempting licensing of occupations to the state; providing exceptions; prohibiting local governments from imposing additional licensing requirements or modifying licensing unless specified conditions are met; specifying that certain local licensing that does not meet specified criteria does not apply and may not be enforced; amending s. 489.117, F.S.; specifying that certain specialty contractors are not required to register with the Construction Industry Licensing Board; prohibiting local governments from requiring certain specialty contractors to obtain a license under specified circumstances; specifying job scopes for which a local government may not require a license; amending ss. 489.1455 and 489.5335, F.S.; authorizing counties and municipalities to issue certain journeyman licenses; providing an effective date.

—was referred to the Committee on Rules.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 833, as amended, and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Judiciary Committee and Representative(s) Tomkow, Zika—

**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.

—was referred to the Committee on Rules.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 855 and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Representative(s) Morales, Bartleman, Drake, Nixon, Tant, Valdés—

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

—was referred to the Committee on Rules.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 905 and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Health & Human Services Committee and Representative(s) Roach, Rommel, Bartleman, Fabricio, Melo, Morales, Williams—

**CS for HB 905**—A bill to be entitled An act relating to the Program of All-Inclusive Care for the Elderly; creating s. 430.84, F.S.; providing definitions; authorizing the Agency for Health Care Administration, in consultation with the Department of Elderly Affairs, to approve entities applying to deliver PACE services in the state; requiring notice of applications in the Florida Administrative Register; providing specified application requirements for such prospective PACE organizations; requiring existing PACE organizations to meet specified requirements under certain circumstances; requiring prospective PACE organizations to submit a complete application to the agency and the Centers for Medicare and Medicaid Services within a specified period; requiring that PACE organizations meet certain federal and state quality and performance standards; requiring the agency to oversee and monitor the PACE program and organizations; exempting a PACE organization from certain requirements; providing an effective date.

—was referred to the Committee on Appropriations.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 921 and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Criminal Justice & Public Safety Subcommittee and Representative(s) Snyder, Tant—

**CS for HB 921**—A bill to be entitled An act relating to electronic threats; amending s. 836.10, F.S.; defining the term "electronic record"; prohibiting a person from sending, posting, or transmitting, or from procuring the sending, posting, or transmission of a written or electronic record when in such record the person makes a threat to kill or to do bodily harm to another person or to conduct a mass shooting or an act

of terrorism; providing criminal penalties; amending s. 921.0022, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committee on Rules.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 1055 by the required constitutional two-thirds vote of the members voting and requests concurrence of the Senate.

*Jeff Takacs*, Clerk

By Government Operations Subcommittee and Representative(s) Gregory, Massullo—

**CS for HB 1055**—A bill to be entitled An act relating to public records; creating s. 688.01, F.S.; providing definitions; providing an exemption from public records requirements for a trade secret held by an agency; providing notice requirements; providing an exception to the exemption; providing that an agency employee is not liable for the release of certain records; providing for future legislative review and repeal of the exemption; amending ss. 688.001 and 688.006, F.S.; conforming cross-references; providing a statement of public necessity; providing an effective date.

—was referred to the Committee on Rules.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 1059 and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Commerce Committee, Regulatory Reform Subcommittee and Representative(s) Robinson, W., Fischer, Yarborough—

**CS for CS for HB 1059**—A bill to be entitled An act relating to the construction permits; amending s. 125.022, F.S.; revising the requirements for when a county may request certain information; amending s. 125.56, F.S.; requiring a county that issues building permits to post certain building permit information on its website; authorizing all components to a completed application to be submitted electronically or in person; amending s. 166.033, F.S.; revising the requirements for when a municipality may request certain information; amending s. 553.79, F.S.; requiring a local enforcement agency to post certain building permit information on its website; authorizing all components to a completed application to be submitted electronically or in person; requiring a local enforcement agency to reduce a building permit fee by a specified percentage for failing to meet certain deadlines; providing an exception; requiring the reduction of a building permit fee to be based on the original amount of such fee; requiring an applicant to take certain action within a specified time; requiring certain surcharges to be recalculated under certain conditions; amending ss. 553.792 and 553.794, F.S.; requiring a local government or local building department, respectively, to reduce a building permit fee or master building permit fee, respectively, by a specified percentage for failing to meet certain deadlines; providing exceptions; requiring certain surcharges to be recalculated under certain conditions; making technical changes; amending s. 713.135, F.S.; prohibiting an authority that issues a building permit from requiring an applicant to provide specified contracts as part of an application for certain construction; providing applicability; providing an effective date.

—was referred to the Committee on Rules.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 1143 and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Representative(s) Grall—

**HB 1143**—A bill to be entitled An act relating to funding of aviation development projects; amending s. 332.007, F.S.; providing that specified funding of aviation development projects is limited to general aviation airports or commercial service airports under certain circumstances; providing an effective date.

—was referred to the Committee on Appropriations.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 1241 and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Appropriations Committee and Representative(s) Stevenson—

**CS for HB 1241**—A bill to be entitled An act relating to tax administration; 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. 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; 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 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; amending s. 213.053, F.S.; authorizing the department to publish a list of forwarding agents' addresses on its website; 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. 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 effective dates.

—was referred to the Committee on Appropriations.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 1309 and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Representative(s) Payne—

**HB 1309**—A bill to be entitled An act relating to ratification of Department of Environmental Protection rules; ratifying specified rules relating to biosolids for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding the specified thresholds for

likely adverse impact or increase in regulatory costs; exempting the rules from certain review and approval by the Environmental Regulation Commission; providing applicability; providing an effective date.

—was referred to the Committee on Appropriations.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 6073 and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Representative(s) LaMarca, Morales, Sabatini, Valdés—

**HB 6073**—A bill to be entitled An act relating to individual wine containers; repealing s. 564.05, F.S., relating to the limitation of size of individual wine containers; providing an effective date.

—was referred to the Committee on Rules.

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#### RETURNING MESSAGES

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 2500, with 1 amendment, and that the House accedes to the request of the Senate for a budget conference.

*Jeff Takacs, Clerk*

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 2502, with 1 amendment, and that the House accedes to the request of the Senate for a budget conference.

*Jeff Takacs, Clerk*

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 2504, with 1 amendment, and that the House accedes to the request of the Senate for a budget conference.

*Jeff Takacs, Clerk*

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 2506, with 1 amendment, and that the House accedes to the request of the Senate for a budget conference.

*Jeff Takacs, Clerk*

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 2508, with 1 amendment, and that the House accedes to the request of the Senate for a budget conference.

*Jeff Takacs, Clerk*

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 2516, with 1 amendment, and that the House accedes to the request of the Senate for a budget conference.

*Jeff Takacs, Clerk*

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 2518, with 1 amendment, and that the House accedes to the request of the Senate for a budget conference.

*Jeff Takacs, Clerk*

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 7018, with 1 amendment, and that the House accedes to the request of the Senate for a budget conference.

*Jeff Takacs, Clerk*

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#### RETURNING MESSAGES — FINAL ACTION

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1954.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 2510.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 2512.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 2514 by the required constitutional three-fifths vote of the membership.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 7054 by the required constitutional three-fifths vote of the membership.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

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The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 7056.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.



**CORRECTION AND APPROVAL OF JOURNAL**

**ADJOURNMENT**

The Journal of April 7 was corrected and approved.

On motion by Senator Passidomo, the Senate adjourned at 5:15 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 3:00 p.m., Wednesday, April 14 or upon call of the President.

**CO-INTRODUCERS**

Senator Bracy—CS for SB 1032

Senator Torres withdrew as co-introducer of CS for CS for SB 50.

# JOURNAL OF THE SENATE

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April 8, 2021

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BF — Bill Failed  
BP — Bill Passed  
CO — Co-Introducers  
CR — Committee Report  
CS — Committee Substitute, First Reading

FR — First Reading  
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RC — Reference Change  
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