



Journal of the Senate

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CALL TO ORDER

The Senate was called to order by President Simpson at 1:30 p.m. A quorum present—39:

Mr. President	Burgess	Passidomo
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	Torres
Broxson	Mayfield	Wright

PRAYER

The following prayer was offered by Father Timothy Holeda, Co-Cathedral of St. Thomas More, Tallahassee:

Almighty God, we give you thanks for bringing us to this day and for this opportunity to serve you and our fellow brothers and sisters. Please bless and guide these legislators who have been chosen and elected to represent the people of our great state. Guide them to find the answers to the problems of our age, and may they enact laws that benefit the good of all people and not just the few. May they be models of justice, integrity, and service. Bless our nation and the great State of Florida. Amen.

PLEDGE

Senate Pages, Aria Brown of Jacksonville; Jason Law of Live Oak; and Soigné Thompson of Orange Park, led the Senate in the Pledge of Allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Boyd—

By Senator Boyd—

SR 1964—A resolution recognizing February 9, 2022, as “FSU Day” in Florida, in recognition of Florida State University’s contribution as an outstanding institution of higher education.

WHEREAS, the Tallahassee campus of Florida State University, founded in 1851, is the oldest continuous site of higher education in Florida, and

WHEREAS, Florida State University is proud to be recognized as a preeminent university by the State of Florida, and as a leader in education, research, student retention, and graduation, and

WHEREAS, Florida State University is a nationally recognized institution, with many of its colleges and programs ranked among the top 10 in the nation, and

WHEREAS, Florida State University was No. 19 among top public universities in the *U.S. News & World Report* 2022 Best Colleges rankings, reaffirming its place in the Top 20 for the third consecutive year, and was ranked by the publication as No. 5 on the list of Best Value Colleges among public universities and No. 26 in Best Colleges for Veterans, and

WHEREAS, Florida State University has a 4-year graduation rate of 74 percent, the highest in the state, which places the university in the top 10 in the nation among public research institutions, and

WHEREAS, Florida State University was honored with a national award by the Association of Public and Land-grant Universities for its efforts to eliminate enrollment gaps by race, ethnicity, and income level, and

WHEREAS, Florida State University offers graduate, undergraduate, doctoral, and professional degrees in 306 programs within 19 independent colleges and schools, with courses taught by an illustrious faculty of 2,094, including 6 Nobel laureates, and

WHEREAS, Florida State University has a student-faculty ratio of 21-to-1, meaning that 61 percent of its offered classes have fewer than 20 students, and

WHEREAS, Florida State University’s 2021 freshman class is one of the brightest and most diverse in school history, drawing students from 66 Florida counties, all 50 states and the District of Columbia, and 49 countries, and

WHEREAS, this outstanding class boasts a median GPA of 4.3, a median SAT score of 1310, and a median ACT composite score of 29, and

WHEREAS, Florida State University is a top research institution in producing Fulbright Scholars, with three students receiving awards in 2021-2022, and

WHEREAS, *INSIGHT Into Diversity* magazine recognized Florida State University as a 2021 “Diversity Champion” for the sixth year in a row and awarded it the Higher Education Excellence in Diversity Award for the eighth consecutive year, an honor given to schools that demonstrate a promise to uphold and advance inclusion and diversity, and

WHEREAS, in 2021, Florida State University said goodbye to retiring President John Thrasher and welcomed its 16th president, Richard McCullough, Ph.D., and

WHEREAS, due to Florida State University's longstanding practice of promoting racial, ethnic, and cultural diversity on its campus through the aggressive recruitment of diverse groups of students, the FSU college experience continues to enrich the lives of students, NOW, THEREFORE,

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

That the Florida Senate hereby recognizes February 9, 2022, as "FSU Day" in Florida, in recognition of Florida State University's contribution as an outstanding institution of higher education.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Richard McCullough, Ph.D., the 16th president of Florida State University, as a tangible token of the sentiments of the Florida Senate.

—was introduced, read, and adopted by publication.

SPECIAL RECOGNITION

Senator Boyd recognized Dr. Richard McCullough, President of Florida State University, and his wife, Dr. Jai Vartikar, First Lady of Florida State University, who were present in the gallery.

At the request of Senator Berman—

By Senator Berman—

SR 1972—A resolution recognizing August 2022 as "Amblyopia Awareness Month" in Florida.

WHEREAS, amblyopia is the most common cause of vision loss in children, and

WHEREAS, amblyopia can cause permanent vision loss if not detected and treated early in life, and

WHEREAS, the detection of amblyopia and other vision threatening disorders, including retinoblastoma tumors, cataracts, and strabismus, in early childhood increases the chances of successful treatment, especially if the disorder is detected before a child reaches 5 years of age, and

WHEREAS, many forms of amblyopia are difficult to detect and can be identified only through proper screening techniques, and

WHEREAS, the sooner children are identified as having amblyopia or other vision threatening disorders, the sooner treatment can commence, and

WHEREAS, millions of children in the United States are left with permanent vision loss due to undetected amblyopia and other childhood ocular disorders that could have been detected with proper screening and successfully treated, and

WHEREAS, less than 20 percent of preschool children are currently screened for vision problems, despite the fact that such screening is a covered service by many health insurance plans and health maintenance organizations, and

WHEREAS, parents should be encouraged to have their children screened for vision problems before admission to preschool, and

WHEREAS, the Florida Society of Ophthalmology and the For Eye Care Foundation, Inc., believe that it is of paramount importance to promote statewide preschool vision screening, with the goal of testing all children between 3 and 5 years of age, NOW, THEREFORE,

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

That August 2022 is recognized as "Amblyopia Awareness Month" in Florida.

—was introduced, read, and adopted by publication.

At the request of Senator Berman—

By Senator Berman—

SR 1974—A resolution recognizing the week of April 24 through May 1, 2022, as the "Days of Remembrance" and April 28, 2022, as "Holocaust Remembrance Day" in Florida.

WHEREAS, the Holocaust, the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945, resulted in the murder of six million Jewish people, and

WHEREAS, in addition, Roma and Poles were targeted for decimation for racial, ethnic, or national reasons, and millions more, including persons with disabilities, homosexuals, Jehovah's Witnesses, Soviet prisoners of war, and political dissidents, suffered grievous oppression and death under Nazi tyranny, and

WHEREAS, the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies, and governments, particularly the duty to remain vigilant against hatred, persecution, and tyranny, and

WHEREAS, pursuant to an act of the United States Congress (Public Law No. 96-388, October 7, 1980), the United States Holocaust Memorial Council has designated Sunday, April 24, through Sunday, May 1, 2022, as the "Days of Remembrance" for the victims of the Holocaust, including the Day of Remembrance known as Yom HaShoah on April 28, 2022, and

WHEREAS, in memory of the victims of the Holocaust, in honor of its survivors, and in utmost gratitude for the risks taken by rescuers and liberators, the residents of this state are encouraged to rededicate themselves to the principles of human dignity and individual freedom in a just society, thereby ensuring that such atrocities are never repeated, NOW, THEREFORE,

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

That the week of April 24 through May 1, 2022, is recognized as the "Days of Remembrance" and April 28, 2022, is recognized as "Holocaust Remembrance Day" in Florida.

—was introduced, read, and adopted by publication.

BILLS ON THIRD READING

CS for SB 520—A bill to be entitled An act relating to public records and public meetings; creating s. 1004.098, F.S.; providing an exemption from public records requirements for any personal identifying information of an applicant for president of a state university or a Florida College System institution held by a state university or a Florida College System institution; specifying when the personal identifying information of applicants who are in the final group of applicants is no longer confidential and exempt; providing an exemption from public meetings requirements for any portion of a meeting held for the purpose of identifying or vetting applicants for president of a state university or a Florida College System institution, including any portion of a meeting which would disclose certain personal identifying information of such applicants; requiring that a recording be made of any portion of a closed meeting which would disclose personal identifying information of such applicants; providing that no portion of a closed meeting may be held off the record; providing that the recording of any closed portion of a meeting is exempt from public records requirements; specifying that certain meetings are not exempt from public meeting requirements; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

Senator Rouson moved the following amendment which was adopted by two-thirds vote:

Amendment 1 (404840) (with title amendment)—Delete lines 42-45 and insert:

(b) Notwithstanding paragraph (a), the age, race, and gender of all applicants who met the minimum qualifications established for the position by a state university or Florida College System institution who were considered and the personal identifying information of an applicant included in the final group of applicants for president of a state university or a Florida College System institution are no longer confidential and exempt

And the title is amended as follows:

Delete lines 9-10 and insert: age, race, and gender of all qualified applicants considered and the personal identifying information of applicants who are in the final group of applicants are no longer

On motion by Senator Brandes, **CS for SB 520**, as amended, was passed by the required constitutional two-thirds vote of the members present and voting, ordered engrossed, and certified to the House. The vote on passage was:

Yeas—28

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

Nays—11

Ausley	Farmer	Powell
Berman	Gibson	Taddeo
Book	Pizzo	Torres
Bracy	Polsky	

SPECIAL RECOGNITION

Senator Burgess recognized his brother, Nick Burgess, who was present in the gallery.

SPECIAL ORDER CALENDAR

SB 7036—A bill to be entitled An act relating to Lifeline telecommunications service; amending s. 364.10, F.S.; requiring a Lifeline service subscriber to present proof of continued eligibility to certain entities upon request; deleting provisions authorizing certain local exchange telecommunications companies and commercial mobile radio service providers to provide Lifeline service to customers who meet certain income requirements; revising the entities required to cooperate in the development of procedures for promoting the Lifeline service; authorizing certain participant information to be exchanged with the Federal Communications Commission or its designee; revising requirements for state agencies to coordinate with the commission or its designee and verify participant eligibility in Lifeline qualifying programs; deleting provisions requiring certain entities to form a Lifeline Workgroup for sharing subscriber information; amending s. 364.107, F.S.; authorizing the release of certain confidential and exempt Lifeline Assistance Plan participant information to the commission or its designee for specified purposes; providing an effective date.

—was read the second time by title. On motion by Senator Hutson, by two-thirds vote, **SB 7036** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Burgess	Passidomo
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	Torres
Broxson	Mayfield	Wright

Nays—None

CS for SB 1658—A bill to be entitled An act relating to executive appointments; amending s. 20.201, F.S.; requiring that the executive director of the Department of Law Enforcement be appointed subject to a majority vote of the Governor and Cabinet, with the Governor on the prevailing side; amending s. 20.255, F.S.; requiring the appointment of the secretary of the Department of Environmental Protection be subject to the concurrence of three members of the Cabinet or confirmation by the Senate; requiring the Governor to notify the Cabinet and the President of the Senate in writing of the method of confirmation; requiring the Governor, if seeking the concurrence of the Cabinet, to seek such concurrence at the first scheduled meeting after appointment; providing that an appointee who does not receive the concurrence of the Cabinet may serve for a specified timeframe; providing that an appointee who does not receive concurrence from the Cabinet is not eligible for appointment to the same office for a specified timeframe; providing procedures for confirmation by the Senate; amending s. 20.37, F.S.; requiring that the executive director of the Department of Veterans' Affairs be appointed subject to a majority vote of the Governor and Cabinet, with the Governor on the prevailing side; providing an effective date.

—was read the second time by title. On motion by Senator Bean, by two-thirds vote, **CS for SB 1658** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—26

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

Nays—12

Ausley	Cruz	Polsky
Berman	Farmer	Powell
Book	Gibson	Taddeo
Bracy	Jones	Torres

Vote after roll call:

Yea—Hutson

Yea to Nay—Rouson

SB 1038—A bill to be entitled An act relating to the Florida Seaport Transportation and Economic Development Council; amending s. 311.09, F.S.; revising the membership of the Florida Seaport Transportation and Economic Development Council to include a representative of Putnam County; authorizing Putnam County to apply for a grant

for a port feasibility study through the Florida Seaport Transportation and Economic Development Council; providing for the evaluation of the application; requiring the Department of Transportation to include the study in its budget request under certain circumstances; terminating the membership of Putnam County on the council under certain circumstances; reenacting ss. 163.3178(2)(k), (5), and (6), 189.068(6), 311.07(1) and (3)(a) and (b), 311.091, 311.10(1) and (2), 311.101(2), 311.12(2)(a), (3), and (6)(a), 311.121(2) and (3)(a), 311.14(1), 315.18, 320.20(3) and (4), 334.27(1), 337.14(7), 373.406(12), 373.4133(2) and (10), 373.4136(6)(d), and 403.061(38) and (39), F.S., relating to coastal management, the oversight of deepwater ports, Florida seaport transportation and economic development funding, entry into public-private infrastructure project agreements for port-related public infrastructure projects, the Strategic Port Investment Initiative within the department, the Intermodal Logistics Center Infrastructure Support Program, seaport security, licensed security officers at Florida seaports, seaport planning, the confidentiality of certain records held by deepwater ports, the disposition of license tax moneys, the definition of the term “governmental transportation entity,” seaport contractor services, exemptions for overwater piers, docks, or similar structures in deepwater ports, port conceptual permits, the authorized use of mitigation banks, and the duties of the Department of Environmental Protection in providing environmental resource permits, respectively, to incorporate the amendment made to s. 311.09, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Senator Perry moved the following amendment which was adopted:

Amendment 1 (366380) (with title amendment)—Delete lines 63-69 and insert:

Development Council to perform a study examining the economic, technical, and operational viability of the establishment of a port in Putnam County. The council shall evaluate the grant application pursuant to subsections (5)–(8) and, if approved, the Department of Transportation must include the feasibility study in its budget request pursuant to subsection (9). The council shall review the study upon completion to determine if a port in Putnam County is viable. If the council does not approve the study, the membership of Putnam County on the

And the title is amended as follows:

Delete line 13 and insert: circumstances; requiring the council to review the study and make a determination; terminating the membership of Putnam

On motion by Senator Perry, by two-thirds vote, **SB 1038**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Burgess	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	Jones	Torres
Brandes	Mayfield	Wright
Brodeur	Passidomo	
Broxson	Perry	

Nays—1

Cruz

Vote after roll call:

Yea—Hutson

SM 982—A memorial to the Congress of the United States urging Congress to protect consumers from harmful and intrusive Internal Revenue Service regulations.

—was read the second time by title. On motion by Senator Diaz, **SM 982** was adopted and certified to the House.

SB 418—A bill to be entitled An act relating to the Assistive Technology Advisory Council; amending s. 413.407, F.S.; revising provisions relating to the membership of and appointments and reappointments to the Assistive Technology Advisory Council; requiring council members to select a chair from among the council membership; revising provisions relating to committees appointed to perform the council’s functions; expanding the council’s functions to include fundraising activities; providing an effective date.

—was read the second time by title. On motion by Senator Pizzo, by two-thirds vote, **SB 418** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Burgess	Passidomo
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	Torres
Broxson	Mayfield	Wright

Nays—None

CS for CS for SB 962—A bill to be entitled An act relating to residential development projects for affordable housing; amending ss. 125.01055 and 166.04151, F.S.; authorizing counties and municipalities, respectively, to approve any residential development project on parcels zoned for commercial or industrial use if certain conditions are met; providing construction; providing an effective date.

—was read the second time by title.

Senator Bradley moved the following amendment which was adopted:

Amendment 1 (163574)—Delete lines 20-42 and insert: commercial, or industrial use. *If a parcel is zoned for commercial or industrial use, an approval pursuant to this subsection may include any residential development project, including a mixed-use residential development project, so long as at least 10 percent of the units included in the project are for housing that is affordable and the developer of the project agrees not to apply for or receive funding under s. 420.5087. The provisions of this subsection are self-executing and do not require the board of county commissioners to adopt an ordinance or a regulation before using the approval process in this subsection.*

Section 2. Subsection (6) of section 166.04151, Florida Statutes, is amended to read:

166.04151 Affordable housing.—

(6) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, on any parcel zoned for residential, commercial, or industrial use. *If a parcel is zoned for commercial or industrial use, an approval pursuant to this subsection may include any residential development project, including a mixed-use residential development project, so long as at least 10 percent of the units included in the project are for housing that is affordable and the developer of the project agrees not to apply for or*

On motion by Senator Bradley, by two-thirds vote, **CS for CS for SB 962**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Burgess	Passidomo
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	Torres
Broxson	Mayfield	Wright

Nays—None

SB 934—A bill to be entitled An act relating to public records; creating s. 420.6231, F.S.; defining terms; providing an exemption from public records requirements for individual identifying information contained in certain homelessness counts and information systems; providing for retroactive application of the exemption; providing construction; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a directive to the Division of Law Revision; providing an effective date.

—was read the second time by title. On motion by Senator Gruters, by two-thirds vote, **SB 934** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and voting, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Rodrigues

CS for CS for SB 926—A bill to be entitled An act relating to licensure examinations for dental practitioners; amending s. 466.006, F.S.; revising licensure examination requirements for dentists to require applicants to demonstrate certain clinical skills on a manikin rather than a live patient; amending s. 466.0065, F.S.; revising requirements for regional licensure examinations offered by dental schools to dental students; amending s. 466.007, F.S.; revising licensure examination requirements for dental hygienists to require applicants to demonstrate certain clinical skills on a manikin rather than a live patient; repealing s. 466.0075, F.S.; deleting a requirement that applicants for dental practitioner licensure examinations maintain medical malpractice insurance to cover any incident of harm to a patient during the clinical examination; providing an effective date.

—was read the second time by title.

Senator Albritton moved the following amendment which was adopted:

Amendment 1 (144414)—Delete line 124 and insert:

Section 5. This act shall take effect upon becoming a law.

On motion by Senator Albritton, by two-thirds vote, **CS for CS for SB 926**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Burgess	Passidomo
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	Torres
Broxson	Mayfield	Wright

Nays—None

SB 840—A bill to be entitled An act relating to residential property riparian rights; amending s. 253.141, F.S.; requiring land surveyors to give preference to using the prolongation-of-property-line method to establish a property owner's riparian rights along a channel under certain circumstances; defining terms; providing applicability; requiring courts to award reasonable attorney fees and costs to a prevailing party in a civil action under certain circumstances; reenacting ss. 403.813(1)(s) and 403.9323(3), F.S., relating to permits issued at district centers and legislative intent in recognizing rights of riparian property ownership, respectively, to incorporate the amendment made to s. 253.141, F.S., in references thereto; providing an effective date.

—was read the second time by title. On motion by Senator Albritton, by two-thirds vote, **SB 840** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Burgess	Passidomo
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	Torres
Broxson	Mayfield	Wright

Nays—None

CS for SB 756—A bill to be entitled An act relating to public records; amending s. 943.0583, F.S.; expanding an existing public records exemption relating to human trafficking victims seeking expunction of certain records related to an offense listed in s. 775.084(1)(b)1., F.S.; providing for future review and repeal of the expanded exemption; providing for the reversion of specified provisions if the exemption is not saved from repeal; providing that a petition for human trafficking victim expunction and all pleadings and documents related to the petition are confidential and exempt from public records requirements; provid-

ing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title. On motion by Senator Diaz, by two-thirds vote, **CS for SB 756** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and voting, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Burgess	Passidomo
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	Torres
Broxson	Mayfield	Wright

Nays—None

On motion by Senator Hutson—

CS for CS for CS for SB 736—A bill to be entitled An act relating to construction defect claims; amending s. 95.11, F.S.; revising the limitations period for certain actions founded on the design, planning, or construction of an improvement to real property; amending s. 627.441, F.S.; conforming a cross-reference; amending s. 558.004, F.S.; requiring a notice of claim to include an inspection report that is verified by the person conducting the inspection; specifying the required contents of the report; providing that a bad faith preparation of an inspection report constitutes grounds for discipline; specifying that the person preparing the inspection report does not have an obligation to perform certain testing; requiring a claimant to include the reasons for rejecting an offer in a notice rejecting a settlement offer to remedy a construction defect; authorizing the person served with a notice rejecting a settlement offer to make a supplemental offer within a specified timeframe; providing notice requirements for a claimant who rejects a supplemental offer; requiring the court to stay an action if a claimant initiates an action without first accepting or rejecting a supplemental offer; limiting entitlement to attorney fees if a claimant rejects certain settlement offers to fully repair an alleged construction defect; requiring a claimant who accepts a certain offer to enter into a contract to complete repairs to remedy an alleged construction defect; requiring the offeror or insurer to pay the contractor or contractors directly for the repairs; prohibiting an offeror or insurer from requiring a claimant to advance payment for repairs; requiring that the repairs be completed within a specified timeframe; creating s. 558.0045, F.S.; requiring a court to appoint an expert to examine certain alleged construction defects and to prepare an examination report, under certain circumstances; requiring that the report contain specified information; requiring the parties to compensate the expert; prohibiting the expert from being employed to make repairs or from recommending contractors to make repairs; creating s. 558.0046, F.S.; requiring a claimant to repair a construction defect if the claimant receives compensation for an alleged construction defect from specified persons; providing that a claimant is liable for damages resulting from failure to disclose a construction defect to a purchaser of a property; providing applicability; providing an effective date.

—was read the second time by title.

Senator Hutson moved the following amendment:

Amendment 1 (792360) (with title amendment)—Delete lines 54-320 and insert:

95.11, Florida Statutes, is amended to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(3) WITHIN FOUR YEARS.—

(c) An action founded on the design, planning, or construction of an improvement to real property, ~~with the time running from 45 days after the date of actual possession by the owner, the date of completion of the improvement or the issuance of a certificate of occupancy,~~ the date of abandonment of construction if the improvement is not completed, ~~except as provided in subparagraphs 1.-5.~~

1. *If the action involves a latent defect, the action must be commenced within 7 years, and the time begins to run 45 days after the completion of the improvement or the date of abandonment of construction if the improvement is not completed.*

2. *If the action alleges a latent defect to a single family residence and the person alleging the latent defect can show that the engineer, architect, or contractor or his or her employer fraudulently concealed the defect, the action may be commenced within 10 years after the time for commencing an action begins to run, provided that the action is commenced within 1 year after the discovery of the fraudulent concealment or within the time period in subparagraph 1.*

3. *If the action alleges a latent defect to an improvement other than a single family residence and the person alleging the latent defect can show that the engineer, architect, or contractor or his or her employer fraudulently concealed the defect, the action may be commenced at any time, provided that the action is commenced within 1 year after the discovery of the fraudulent concealment or within the time period in subparagraph 1.*

4. *If a single family residence is built by a professional engineer, registered architect, or licensed contractor for speculation or for use as a model home, not for use as the person’s residence, and title is not transferred to an unrelated party for more than 45 days after the issuance of the certificate of occupancy or the closing or expiration of the building permit, the time begins to run from the date that title is transferred to an unrelated party.*

5. ~~—or the date of completion of the contract or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer, whichever date is latest, except that, when the action involves a latent defect, the time runs from the time the defect is discovered or should have been discovered with the exercise of due diligence. In any event, the action must be commenced within 10 years after the date of actual possession by the owner, the date of the issuance of a certificate of occupancy, the date of abandonment of construction if not completed, or the date of completion of the contract or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer, whichever date is latest. However, Counterclaims, cross-claims, and third-party claims that arise out of the conduct, transaction, or occurrence set out or attempted to be set out in a pleading may be commenced up to 1 year after the pleading to which such claims relate is served, even if such claims would otherwise be time barred.~~

6. *As used in this paragraph, the term:*

a. *“Completion of an improvement” means issuance of the certificate of occupancy or certificate of completion for the improvement, or the closing as defined in s. 553.79(17)(a), or expiration of the building permit for the improvement if the improvement is not required to have a certificate of occupancy or certificate of completion.*

b. *“Single family residence” means a one-family, two-family, or three-family residence not exceeding two habitable stories above ground and no more than one uninhabitable story and accessory use structures made in connection with the residence. With respect to actions founded on the design, planning, or construction of an improvement to real property, if such construction is performed pursuant to a duly issued building permit and if a local enforcement agency, state enforcement agency, or special inspector, as those terms are defined in s. 553.71, has issued a final certificate of occupancy or certificate of completion, then as to the construction which is within the scope of such building permit and certificate, the correction of defects to completed work or repair of completed work, whether performed under warranty or otherwise, does not extend the period of time within which an action must be commenced. Completion of the contract means the later of the date of final performance of all the contracted services or the date that final payment*

for such services becomes due without regard to the date final payment is made.

Section 2. Section 553.84, Florida Statutes, is amended to read:

553.84 Statutory civil action.—

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

(a) “Material violation” means a violation that exists within a completed building, structure, or facility which may reasonably result, or has resulted, in physical harm to a person or significant damage to the performance of a building or its systems.

(b) “Performance” means that the building, structure, or facility, or its system, functions as it is intended and is able to be used for its designed purpose.

(c) “Significant damage” means a level of adverse impact to a building, structure, or facility, or its system which results or could reasonably result in economic damage or loss that exceeds the common expectations, and the cost of restoring the damage or preventing such damage to the building, structure, or facility, or its system, would equal or exceed 25 percent of the market value of the building, structure, or facility, or its system, if built in accordance with the Florida Building Code. The term does not include Florida Building Code violations that are cosmetic, minimal, or inconsequential to the overall performance of a building, structure, or facility, or its system.

(2)(a) Notwithstanding any other remedies available and except as provided in paragraph (b), any person or party, in an individual capacity or on behalf of a class of persons or parties, damaged as a result of a violation of this part or a material violation of the Florida Building Code, has a cause of action in any court of competent jurisdiction against the person or party who committed the violation.

(b) This section does not authorize a cause of action against a ~~however, if the person or party who obtained obtains~~ the required building permits and any local government or public agency having with authority to enforce the Florida Building Code approved approves the plans and, if the construction project passed passes all required inspections under the code, and if there is no personal injury or damage to property other than the property that is the subject of the permits, plans, and inspections, this section does not apply unless the person or party knew or should have known that the violation existed.

Section 3. Present subsections (8) through (15) of section 558.004, Florida Statutes, are redesignated as subsections (9) through (16), respectively, a new subsection (8) is added to that section, and paragraphs (b) and (c) of subsection (1) and subsection (7) of that section are amended, to read:

558.004 Notice and opportunity to repair.—

(1)

(b)1. The notice of claim must include an inspection report that is verified pursuant to s. 92.525 by a contractor, engineer, building code inspector, or other inspector who has a state license and experience relevant to the type of construction that is the basis of the claim. The report must include all of the following:

a. A short statement describing the relevant experience and licenses of the person conducting the inspection.

b. A description of each alleged construction defect; a clear description of the location of the defect; and, if known, an explanation of the damage resulting from the defect.

c. Documentation of the defect with photographs or videos, and the results of any testing which pertain to the defect.

d. A description of how the inspection was conducted, including a description of any specialized equipment used during the inspection or of any tests conducted.

e. An explanation of whether or to what extent and how the property owner or person acting at the direction of the property owner inspected,

maintained, repaired, or renovated a portion of the structure containing the alleged defect since the owner took possession of the structure.

2. The preparation of an inspection report in bad faith constitutes grounds for discipline by any relevant licensing board or agency.

3. ~~The claimant and the person preparing the inspection report do not have an describe in reasonable detail the nature of each alleged construction defect and, if known, the damage or loss resulting from the defect. Based upon at least a visual inspection by the claimant or its agents, the notice of claim must identify the location of each alleged construction defect sufficiently to enable the responding parties to locate the alleged defect without undue burden. The claimant has no obligation to perform destructive or other testing for purposes of this notice.~~

(c) The claimant shall endeavor to serve the notice of claim within 15 days after discovery of an alleged defect, but the failure to serve notice of claim within 15 days does not bar the filing of an action, subject to s. 558.003. This subsection does not preclude a claimant from filing an action sooner than 60 days, or 120 days as applicable, after service of written notice as expressly provided in subsection (6), subsection (7), or subsection (9) (8).

(7)(a) A claimant who receives a timely settlement offer must accept or reject the offer by serving written notice of such acceptance or rejection on the person making the offer within 45 days after receiving the settlement offer.

(b) If the claimant rejects the settlement offer, the claimant must include the reasons for rejecting the offer in the notice rejecting the offer. If the claimant believes that the settlement offer omitted reference to any portion of the claim or was unreasonable in any manner, the claimant must include in the notice the items that the claimant believes were omitted and state in detail all known reasons why the claimant believes the settlement offer is unreasonable.

(c) Upon receipt of a claimant’s notice of rejection and the reasons for such rejection, the person served with the rejection, within 15 days after receipt of the notice, may make a supplemental offer of repair or monetary payment, or both, to the claimant.

(d) If the claimant rejects a supplemental offer to repair the construction defect or to settle the claim by monetary payment or a combination of both, the claimant must serve written notice of the claimant’s rejection on the person making the supplemental offer. The notice must include all known reasons for the claimant’s rejection of the supplemental settlement offer.

(e) If a claimant initiates an action without first accepting or rejecting the offer or supplemental offer, the court shall stay the action upon timely motion until the claimant complies with this subsection.

(8) If a claimant accepts an offer made pursuant to paragraph (5)(b), paragraph (5)(c), or paragraph (5)(e) or a supplemental offer made pursuant to paragraph (7)(c), the claimant must, within 90 days after the acceptance, enter into a contract with one or more appropriately licensed contractors to complete the repairs necessary to remedy the alleged construction defect. The offeror or insurer shall pay directly to the contractor or contractors, from the accepted monetary payment, the amounts necessary to begin and to continue the repairs as the work is performed and expenses are incurred. The offeror or insurer may not require the claimant to advance payment for the repairs. The repairs must be completed within 12 months after the claimant enters into the contract for repairs, absent mutual agreement between the offeror or insurer and the claimant.

Section 4. Section 558.0046, Florida Statutes, is created to read:

558.0046 Duty to repair construction defect.—If a claimant receives compensation for an alleged construction defect from a contractor, a subcontractor, a supplier, a design professional, or an insurer, the claimant must repair the defect. A claimant who receives compensation and fails to fully repair the defect is liable to a purchaser of the property for any damages resulting from the failure to disclose the defect.

Section 5. (1) The amendments made by this act to s. 95.11(3)(c), Florida Statutes, apply to any action commenced on or after July 1, 2022, regardless of when the cause of action accrued. However, any ac-

tion that would not have been barred under s. 95.11(3)(c), Florida Statutes, before the amendments made by this act to that section may be commenced before July 1, 2023. If such action is not commenced by July 1, 2023, and is barred by the amendments made by this act to s. 95.11(3)(c), Florida Statutes, the action is barred.

(2) Sections 2, 3, and 4 of this act apply to compensation for construction defects received on or after July 1, 2022, and to civil actions and proceedings for a construction defect or a building code violation which

And the title is amended as follows:

Delete lines 2-42 and insert: An act relating to construction defect and building code violation claims; amending s. 95.11, F.S.; revising the limitations period for certain actions founded on the design, planning, or construction of an improvement to real property; defining the terms “completion of an improvement” and “single family residence”; amending s. 553.84, F.S.; defining terms; revising the circumstances under which a person has a cause of action for a violation of the Florida Building Code; providing construction; amending s. 558.004, F.S.; requiring a notice of claim to include an inspection report that is verified by the person conducting the inspection; specifying the required contents of the report; providing that a bad faith preparation of an inspection report constitutes grounds for discipline; specifying that the claimant and the person preparing the inspection report do not have an obligation to perform certain testing; requiring a claimant to include the reasons for rejecting an offer in a notice rejecting a settlement offer to remedy a construction defect; authorizing a person served with a notice rejecting a settlement offer to make a supplemental offer within a specified timeframe; providing notice requirements for a claimant who rejects a supplemental offer; requiring the court to stay an action if a claimant initiates an action without first accepting or rejecting a supplemental offer; requiring a claimant who accepts a certain offer to enter into a contract to complete repairs to remedy an alleged construction defect; requiring the offeror or insurer to pay the contractor or contractors directly for the repairs; prohibiting an offeror or insurer from requiring a claimant to advance payment for repairs; requiring that the repairs be completed within a specified timeframe; creating s.

Senator Hutson moved the following amendment to **Amendment 1 (792360)** which was adopted:

Amendment 1A (770380)—Delete line 72 and insert: *family, or three-family residence not exceeding three habitable*

Amendment 1 (792360), as amended, was adopted.

SENATOR BEAN PRESIDING

Pursuant to Rule 4.19, **CS for CS for CS for SB 736**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 634—A bill to be entitled An act relating to judicial notice; creating s. 90.2035, F.S.; authorizing courts to take judicial notice of certain information taken from widely accepted web mapping services, global satellite imaging sites, or Internet mapping tools upon request of a party; requiring parties who intend to offer such information into evidence to file a notice of intent containing specified information; authorizing parties to object to the court taking judicial notice of such information; creating a rebuttable presumption in civil cases that such information should be judicially noticed unless certain findings are made; requiring the court to instruct the jury that the jury may or may not accept the noticed facts as conclusive in criminal cases; providing construction; providing an effective date.

—was read the second time by title. On motion by Senator Bradley, by two-thirds vote, **CS for CS for SB 634** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Baxley	Book
Albritton	Bean	Boyd
Ausley	Berman	Bracy

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

Nays—None

CS for CS for SB 494—A bill to be entitled An act relating to the Fish and Wildlife Conservation Commission; amending s. 259.105, F.S.; requiring land management agencies to consider, in consultation with the commission, as part of certain state land management plans, the feasibility of using portions of such lands as gopher tortoise recipient sites; requiring the agencies to consult with the commission on required feasibility assessments and the implementation of management strategies; amending ss. 327.352 and 327.35215, F.S.; revising the notices a person must be given for failure to submit to certain tests for alcohol, chemical substances, or controlled substances; making technical changes; amending s. 327.371, F.S.; authorizing individuals, when participating in certain athletic team practices or competitions, to operate a human-powered vessel within the marked channel of the Florida Intracoastal Waterway under certain circumstances; amending s. 327.4107, F.S.; revising the vessel conditions that an officer of the Fish and Wildlife Conservation Commission or a law enforcement agency may use to determine that a vessel is at risk of becoming derelict; amending s. 327.46, F.S.; prohibiting municipalities and counties from designating public bathing beach areas or swim areas within their jurisdictions which are within the marked channel portion of the Florida Intracoastal Waterway or within a specified distance from any portion of the marked channel; repealing s. 376.15, F.S., relating to derelict vessels and the relocation and removal of such vessels from the waters of this state; amending s. 379.101, F.S.; revising the definitions of the terms “marine fish” and “saltwater fish”; amending s. 705.101, F.S.; revising the definition of the term “abandoned property” to include vessels declared to be a public nuisance; amending s. 705.103, F.S.; clarifying the notice requirements and procedures for vessels declared to be public nuisances; conforming a provision to changes made by the act; amending s. 823.11, F.S.; making technical changes; authorizing the commission to establish a program to provide grants to local governments for certain actions regarding derelict vessels and those declared to be a public nuisance; specifying sources for the funds to be used, subject to an appropriation; authorizing the commission to use funds not awarded as grants for certain purposes; requiring the commission to adopt rules for the grant applications and the criteria for allocating the funds; conforming provisions to changes made by the act; amending s. 934.50, F.S.; providing that all employees of the commission or the Florida Forest Service may operate drones for specified purposes; amending ss. 327.04, 328.09, 328.72, and 376.11, F.S.; conforming provisions to changes made by the act; repealing s. 25, chapter 2021-184, Laws of Florida, relating to derelict vessels; reenacting s. 327.73(1)(dd), F.S., relating to noncriminal boating infractions, to incorporate the amendment made to s. 327.371, F.S., in a reference thereto; reenacting ss. 125.01(4) and 379.2412, F.S., relating to powers and duties of legislative and governing bodies of counties and state preemption of the regulating of taking or possessing saltwater fish, respectively, to incorporate the amendment made to s. 379.101, F.S., in references thereto; providing effective dates.

—was read the second time by title.

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

Senator Hutson moved the following amendment which was adopted:

Amendment 1 (289912) (with title amendment)—Delete lines 191-428 and insert: *repopulation of such habitats.*

a. Each lead land managing agency shall:

(I) *In consultation with the Fish and Wildlife Conservation Commission, consider in the management plan for all state lands under its management which are greater in size than 40 contiguous acres the feasibility of using a portion of the property as a gopher tortoise recipient site. If, during consultation with the commission, the lead land managing agency determines that the recipient site management is not in conflict with the primary management objects of the parcel, the management plan must contain a component or section prepared by a qualified wildlife biologist which assesses the feasibility of managing the site as a recipient site for gopher tortoises, consistent with the rules of the commission.*

(II) *Consult with the commission on feasibility assessments and implementation of gopher tortoise management.*

b. *State lands may be used as gopher tortoise recipient sites only if there are fewer than three permitted private recipient sites available for gopher tortoise relocations which are actively accepting gopher tortoise relocations. The commission shall work with each state land management agency to identify at least nine sites on state lands which are feasible for use as gopher tortoise recipient sites. The lead land management agencies of such identified sites must submit a gopher tortoise recipient site permit application to the commission by December 31, 2022, and the sites must be permitted and ready to accept relocated gopher tortoises by July 1, 2023. If the commission does not approve or deny a complete gopher tortoise recipient site permit application within 45 days after receipt of the application, the application shall be deemed approved.*

c. ~~In addition,~~ The lead land managing agency of such state lands may use fees received from public or private entities for projects to offset adverse impacts to imperiled species or their habitat in order to restore, enhance, manage, repopulate, or acquire land and to implement land management plans developed under s. 253.034 or a land management prospectus developed and implemented under this chapter. Such fees shall be deposited into a foundation or fund created by each land management agency under s. 379.223, s. 589.012, or s. 259.032(9)(c), to be used solely to restore, manage, enhance, repopulate, or acquire imperiled species habitat.

12. There is a need to change the focus and direction of the state's major land acquisition programs and to extend funding and bonding capabilities, so that future generations may enjoy the natural resources of this state.

(b) The Legislature recognizes that acquisition of lands in fee simple is only one way to achieve the aforementioned goals and encourages the use of less-than-fee interests, other techniques, and the development of creative partnerships between governmental agencies and private landowners. Such partnerships may include those that advance the restoration, enhancement, management, or repopulation of imperiled species habitat on state lands as provided for in subparagraph (a)11. Easements acquired pursuant to s. 570.71(2)(a) and (b), land protection agreements, and nonstate funded tools such as rural land stewardship areas, sector planning, *gopher tortoise recipient sites*, and mitigation should be used, where appropriate, to bring environmentally sensitive tracts under an acceptable level of protection at a lower financial cost to the public, and to provide private landowners with the opportunity to enjoy and benefit from their property.

Section 2. Paragraphs (a) and (c) of subsection (1) of section 327.352, Florida Statutes, are amended to read:

327.352 Tests for alcohol, chemical substances, or controlled substances; implied consent; refusal.—

(1)(a)1. The Legislature declares that the operation of a vessel is a privilege that must be exercised in a reasonable manner. In order to protect the public health and safety, it is essential that a lawful and effective means of reducing the incidence of boating while impaired or intoxicated be established. Therefore, a person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved chemical test or physical test including, but not limited to, an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of alcoholic beverages. The chemical or physical breath test must be incidental to a

lawful arrest and administered at the request of a law enforcement officer who has reasonable cause to believe such person was operating the vessel within this state while under the influence of alcoholic beverages. The administration of a breath test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her breath under this chapter will result in a civil penalty of \$500, and ~~shall also be told~~ that if he or she refuses to submit to a lawful test of his or her breath and he or she has been previously fined under s. 327.35215 or ~~has previously had~~ his or her *driving privilege has been previously driver license* suspended for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a chemical or physical breath test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

2. A person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to a urine test for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or controlled substances if the person is lawfully arrested for any offense allegedly committed while the person was operating a vessel while under the influence of chemical substances or controlled substances. The urine test must be incidental to a lawful arrest and administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such tests at the request of a law enforcement officer who has reasonable cause to believe such person was operating a vessel within this state while under the influence of chemical substances or controlled substances. The urine test ~~must shall~~ be administered at a detention facility or any other facility, mobile or otherwise, which is equipped to administer such test in a reasonable manner that will ensure the accuracy of the specimen and maintain the privacy of the individual involved. The administration of a urine test does not preclude the administration of another type of test. The person shall be told that his or her failure to submit to any lawful test of his or her urine under this chapter will result in a civil penalty of \$500, and ~~shall also be told~~ that if he or she refuses to submit to a lawful test of his or her urine and he or she has been previously fined under s. 327.35215 or ~~has previously had~~ his or her *driving privilege has been previously driver license* suspended for refusal to submit to any lawful test of his or her breath, urine, or blood, he or she commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, in addition to any other penalties provided by law. The refusal to submit to a urine test upon the request of a law enforcement officer as provided in this section is admissible into evidence in any criminal proceeding.

(c) A person who accepts the privilege extended by the laws of this state of operating a vessel within this state is, by operating such vessel, deemed to have given his or her consent to submit to an approved blood test for the purpose of determining the alcoholic content of the blood or a blood test for the purpose of determining the presence of chemical substances or controlled substances as provided in this section if there is reasonable cause to believe the person was operating a vessel while under the influence of alcoholic beverages or chemical or controlled substances and the person appears for treatment at a hospital, clinic, or other medical facility and the administration of a breath or urine test is impractical or impossible. As used in this paragraph, the term "other medical facility" includes an ambulance or other medical emergency vehicle. The blood test ~~must shall~~ be performed in a reasonable manner. A person who is incapable of refusal by reason of unconsciousness or other mental or physical condition is deemed not to have withdrawn his or her consent to such test. A person who is capable of refusal shall be told that his or her failure to submit to such a blood test will result in a civil penalty of \$500. The refusal to submit to a blood test upon the request of a law enforcement officer ~~is shall~~ be admissible in evidence in any criminal proceeding.

Section 3. Subsections (1) and (2) of section 327.35215, Florida Statutes, are amended to read:

327.35215 Penalty for failure to submit to test.—

(1) A person ~~who is~~ lawfully arrested for an alleged violation of s. 327.35 and who refuses to submit to a blood test, breath test, or urine test pursuant to s. 327.352 is subject to a civil penalty of \$500.

(2) When a person refuses to submit to a blood test, breath test, or urine test pursuant to s. 327.352, a law enforcement officer ~~who is~~ authorized to make arrests for violations of this chapter shall file with the clerk of the court, on a form provided by the ~~commission department~~, a certified statement that probable cause existed to arrest the person for a violation of s. 327.35 and that the person refused to submit to a test as required by s. 327.352. Along with the statement, the officer ~~shall~~ ~~must~~ also submit a sworn statement on a form provided by the ~~commission department~~ that the person has been advised of both the penalties for failure to submit to the blood, breath, or urine test and the procedure for requesting a hearing.

Section 4. Present paragraph (c) of subsection (1) of section 327.371, Florida Statutes, is redesignated as paragraph (d), and a new paragraph (c) is added to that subsection, to read:

327.371 Human-powered vessels regulated.—

(1) A person may operate a human-powered vessel within the boundaries of the marked channel of the Florida Intracoastal Waterway as defined in s. 327.02:

(c) *When participating in practices or competitions for inter-scholastic, intercollegiate, intramural, or club rowing teams affiliated with an educational institution identified in s. 1000.21, s. 1002.01(2), s. 1003.01(2), s. 1005.02(4), or s. 1005.03(1)(d), if the adjacent area outside of the marked channel is not suitable for such practice or competition. The teams must use their best efforts to make use of the adjacent area outside of the marked channel. The commission must be notified in writing of the details of any such competition, and the notification must include, but need not be limited to, the date, time, and location of the competition.*

Section 5. Paragraph (f) is added to subsection (2) of section 327.4107, Florida Statutes, to read:

327.4107 Vessels at risk of becoming derelict on waters of this state.—

(2) An officer of the commission or of a law enforcement agency specified in s. 327.70 may determine that a vessel is at risk of becoming derelict if any of the following conditions exist:

(f) *The vessel is tied to an unlawful or unpermitted structure or mooring.*

Section 6. Paragraph (b) of subsection (1) of section 327.46, Florida Statutes, is amended to read:

327.46 Boating-restricted areas.—

(1) Boating-restricted areas, including, but not limited to, restrictions of vessel speeds and vessel traffic, may be established on the waters of this state for any purpose necessary to protect the safety of the public if such restrictions are necessary based on boating accidents, visibility, hazardous currents or water levels, vessel traffic congestion, or other navigational hazards or to protect seagrasses on privately owned submerged lands.

(b) Municipalities and counties may establish the following boating-restricted areas by ordinance, including, notwithstanding the prohibition in s. 327.60(2)(c), within the portion of the Florida Intracoastal Waterway within their jurisdiction:

1. An ordinance establishing an idle speed, no wake boating-restricted area, if the area is:

a. Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet in width or within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet in width.

b. Within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public on waterways more than 300 feet in width or within 300 feet of the fuel pumps or dispensers at any licensed terminal facility that sells motor fuel to the general boating public on waterways not exceeding 300 feet in width.

c. Inside or within 300 feet of any lock structure.

2. An ordinance establishing a slow speed, minimum wake boating-restricted area if the area is:

a. Within 300 feet of any bridge fender system.

b. Within 300 feet of any bridge span presenting a vertical clearance of less than 25 feet or a horizontal clearance of less than 100 feet.

c. On a creek, stream, canal, or similar linear waterway if the waterway is less than 75 feet in width from shoreline to shoreline.

d. On a lake or pond of less than 10 acres in total surface area.

e. Within the boundaries of a permitted public mooring field and a buffer around the mooring field of up to 100 feet.

3. An ordinance establishing a vessel-exclusion zone if the area is:

a. Designated as a public bathing beach or swim area, *except that such areas may not be created on waters that include any portion of the Florida Intracoastal Waterway or that are within 100 feet of the marked channel of the Florida Intracoastal Waterway.*

And the title is amended as follows:

Delete lines 10-30 and insert: implementation of management strategies; requiring the commission to work with the land management agencies to identify a specified number of sites; providing gopher tortoise recipient site permit application requirements; specifying permit timeframe requirements; amending ss. 327.352 and 327.35215, F.S.; revising the notices a person must be given for failure to submit to certain tests for alcohol, chemical substances, or controlled substances; making technical changes; amending s. 327.371, F.S.; authorizing individuals, when participating in certain athletic team practices or competitions, to operate a human-powered vessel within the marked channel of the Florida Intracoastal Waterway under certain circumstances; requiring the commission to be notified of any such competition; providing notice requirements; amending s. 327.4107, F.S.; revising the vessel conditions that an officer of the commission or a law enforcement agency may use to determine that a vessel is at risk of becoming derelict; amending s. 327.46, F.S.; prohibiting municipalities and counties from designating certain waters adjacent to designated public bathing beaches or swim areas as vessel exclusion zones; repealing s. 376.15, F.S., relating to

On motion by Senator Hutson, by two-thirds vote, **CS for CS for SB 494**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—39

Mr. President	Burgess	Passidomo
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	Torres
Broxson	Mayfield	Wright

Nays—None

THE PRESIDENT PRESIDING

MOTIONS

On motion by Senator Stargel, Senate Rule 7.1 was waived and the following deadlines were applied to **SB 2500** and **SB 2502**, expected to be considered on the Special Order Calendar on Thursday, February 17, 2022:

- The deadline for filing amendments to **SB 2500** and **SB 2502** is 1:30 p.m., Tuesday, February 15, 2022.

- The deadline for filing adhering amendments and substitute amendments to **SB 2500** and **SB 2502** is 1:30 p.m., Wednesday, February 16, 2022.
- All amendments to the General Appropriations Bill must be balanced as explained.

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

SPECIAL RECOGNITION

The President recognized the Honorable Chris Sprowls, Speaker of the House of Representatives, who was present in the chamber.

BILLS ON SPECIAL ORDERS

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Thursday, February 10, 2022: SB 7036, CS for SB 1658, SB 1038, SM 982, SB 418, CS for CS for SB 962, SB 934, CS for CS for SB 926, SB 840, CS for SB 756, CS for CS for CS for SB 736, CS for CS for SB 634.

Respectfully submitted,
Kathleen Passidomo, Rules Chair
Debbie Mayfield, Majority Leader
Lauren Book, Minority Leader

REPORTS OF COMMITTEES

The Committee on Finance and Tax recommends the following pass: SB 362; SB 1126

The bills were referred to the Committee on Appropriations under the original reference.

The Committee on Health Policy recommends the following pass: SB 1734

The bill was referred to the Committee on Children, Families, and Elder Affairs under the original reference.

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 1500

The Committee on Health Policy recommends the following pass: SB 1442

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

The Committee on Health Policy recommends the following pass: SB 1350

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

The Committee on Children, Families, and Elder Affairs recommends the following pass: CS for SB 1244; CS for SB 1408

The Committee on Governmental Oversight and Accountability recommends the following pass: CS for SB 518; CS for SB 1304; CS for SB 1736

The Committee on Health Policy recommends the following pass: SB 730; CS for SB 1026; SM 1108; SB 1114

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

The Committee on Appropriations recommends the following pass: CS for SB 342; CS for SB 344; CS for SB 438; SB 562; CS for SB 630; CS for SB 632; SB 914; SB 1274; SB 1402; CS for SB 1534

The bills were placed on the Calendar.

The Committee on Community Affairs recommends a committee substitute for the following: CS for SB 974

The Committee on Ethics and Elections recommends a committee substitute for the following: CS for SB 1078

The Committee on Finance and Tax recommends a committee substitute for the following: CS for SB 1146

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1158

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

The Committee on Regulated Industries recommends a committee substitute for the following: SB 1852

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

The Committee on Health Policy recommends a committee substitute for the following: SB 1892

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

The Committee on Ethics and Elections recommends a committee substitute for the following: SJR 1412

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

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 1016; SB 1706

The Committee on Health Policy recommends a committee substitute for the following: SB 700

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1368

The Committee on Community Affairs recommends committee substitutes for the following: CS for SB 514; CS for SB 1024; SB 1326; CS for SB 1332; SB 1338

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: CS for SB 1614

The Committee on Regulated Industries recommends a committee substitute for the following: CS for SB 1564

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

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

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

Office and Appointment

Secretary of Business and Professional Regulation

Appointee: Griffin, Melanie

*For Term
Ending*

Pleasure of
Governor

The appointment was referred to the Appropriations Subcommittee on Agriculture, Environment, and General Government under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Bills 7000-7042—Previously introduced.

By the Committee on Education—

SB 7044—A bill to be entitled An act relating to postsecondary education; amending s. 1004.085, F.S.; providing requirements for lists of required and recommended textbooks and instructional materials for Florida College System institution and state university courses; amending s. 1007.24, F.S.; revising the maintenance requirements of, and information that must be included in, the statewide course numbering system; requiring certain postsecondary educational institutions' registration processes to include specified information; requiring certain postsecondary educational institutions to accept and apply general education courses and credit in a specified manner; requiring the State Board of Education to adopt rules; providing requirements for such rules; creating s. 1008.47, F.S.; defining the term "postsecondary education institution"; prohibiting public postsecondary education institutions from being accredited by the same agency or association for consecutive accreditation cycles; requiring public postsecondary education institutions to collaborate to identify additional accrediting agencies or associations that are recognized by the database created and maintained by the United States Department of Education, other than their current accrediting agencies or associations, from which they may seek and obtain accreditation; creating a cause of action for postsecondary education institutions; authorizing the award of specified damages, court costs, and attorney fees; providing for the future expiration of specified provisions; amending ss. 1009.23 and 1009.24, F.S.; requiring Florida College System institutions and state universities, respectively, to post specified information relating to tuition and fee rates and proposed changes to such rates on their websites; revising the information that must be included in a required notice to students; requiring a specific press release to be e-mailed to enrolled students; providing requirements for a Florida College System institution or a state university, respectively, to raise, impose, or authorize certain fees; providing a directive to the Division of Law Revision; providing an effective date.

—was referred to the Committee on Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Community Affairs; and Governmental Oversight and Accountability; and Senators Burgess and Perry—

CS for CS for SB 514—A bill to be entitled An act relating to substitution of work experience for postsecondary educational requirements; creating s. 112.219, F.S.; authorizing the head of an employing agency, beginning on a specified date, to elect to substitute certain work experience for postsecondary educational requirements under certain

circumstances; prohibiting the substitution of certain work experience for postsecondary educational requirements; providing advertising requirements relating to positions of employment; providing for construction; defining the term "employing agency"; providing an effective date.

By the Committee on Health Policy; and Senator Burgess—

CS for SB 700—A bill to be entitled An act relating to the delegation of medication administration; amending s. 400.506, F.S.; requiring licensed nurse registries to ensure specified requirements are met if they allow registered nurses to delegate certain tasks to certified nursing assistants or home health aides; amending s. 464.0156, F.S.; authorizing registered nurses to delegate to certified nursing assistants and home health aides the administration of certain medications to nurse registry patients and patients in county detention facilities under certain circumstances; amending s. 464.2035, F.S.; authorizing certified nursing assistants to administer certain medication to nurse registry patients and patients in county detention facilities under certain circumstances; conforming a provision to changes made by the act; providing an effective date.

By the Committees on Community Affairs; and Judiciary; and Senator Gruters—

CS for CS for SB 974—A bill to be entitled An act relating to sovereign immunity; amending s. 768.28, F.S.; revising the statutory limits on liability for tort claims against the state and its agencies and subdivisions; specifying that only a subdivision of the state may agree to settle a claim made or judgment rendered against it in excess of the limits; prohibiting an insurance policy from conditioning the payment of benefits on the enactment of a claim bill; requiring the Department of Financial Services to adjust the limitations on tort liability every year after a specified date; requiring the department to publish the adjusted limitations on its website; revising exceptions relating to instituting actions on claims against the state or one of its agencies and to the statute of limitations for such claims; providing applicability; reenacting ss. 45.061, 110.504, 111.071, 163.01, 190.043, 213.015, 252.51, 252.89, 252.944, 260.0125, 284.31, 284.38, 322.13, 337.19, 341.302, 373.1395, 375.251, 381.0056, 393.075, 395.1055, 403.706, 409.993, 455.221, 455.32, 456.009, 456.076, 471.038, 472.006, 497.167, 513.118, 548.046, 556.106, 589.19, 723.0611, 760.11, 766.1115, 766.112, 768.1355, 768.295, 944.713, 946.5026, 946.514, 961.06, 1002.33, 1002.333, 1002.34, 1002.55, 1002.83, 1002.88, 1006.24, and 1006.261, F.S., to incorporate the amendments made to s. 768.28, F.S., in references thereto; providing an effective date.

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

CS for SB 1016—A bill to be entitled An act relating to mortgage payoff letters; amending s. 701.04, F.S.; revising the timeframe within which a mortgagee or mortgage servicer must send or cause to be sent an estoppel letter containing specified information; revising the circumstances under which a copy of the instrument showing title in the property or other lawful authorization must be included in a request for an estoppel letter; requiring notice to the mortgagor of a request for an estoppel letter under certain circumstances; revising requirements for an estoppel letter; prohibiting certain actions by the mortgagee or mortgage servicer; authorizing the mortgagee or mortgage servicer to send a corrected estoppel letter under certain circumstances; providing that a corrected estoppel letter supersedes any previous estoppel letter under certain circumstances; prohibiting the mortgagee or mortgage servicer from denying the accuracy of certain information provided in an estoppel letter under certain circumstances; providing construction; prohibiting payments received pursuant to an estoppel letter from being returned and requiring such payments to be promptly applied to any unpaid balance of the loan properly due under or secured by a mortgage; providing methods for sending a written request for an estoppel letter and for sending an estoppel letter; providing that the mortgagee or mortgage servicer is not required to pay for a common carrier delivery service; requiring the mortgagee or mortgage servicer to take certain actions within a specified time after the unpaid balance of a loan properly secured by a mortgage has been fully paid or paid pursuant to an estoppel letter; authorizing reasonable attorney fees and costs; providing that certain persons may still be personally liable after the re-

coding of a release of a mortgage; amending s. 701.041, F.S.; revising the definition of the term “estoppel letter”; conforming provisions to changes made by the act; providing legislative findings; providing for retroactive applicability; providing an effective date.

By the Committees on Community Affairs; and Regulated Industries; and Senator Bradley—

CS for CS for SB 1024—A bill to be entitled An act relating to renewable energy generation; amending s. 163.04, F.S.; authorizing certain entities to prohibit the installation of solar collectors under certain circumstances; amending s. 366.91, F.S.; revising and providing legislative findings relating to the redesign of net metering to avoid cross-subsidization of electric service costs between classes of rate-payers; requiring the Public Service Commission to propose new net metering rules that comply with specified criteria by a certain date; authorizing certain customers who own or lease renewable generation before a specified date to remain under the existing net metering rules for a specified time; providing applicability; requiring certain public utilities to provide a specified report to the commission; providing an effective date.

By the Committees on Ethics and Elections; and Environment and Natural Resources; and Senator Hutson—

CS for CS for SB 1078—A bill to be entitled An act relating to soil and water conservation districts; amending s. 582.15, F.S.; providing for the subdivision of certain proposed soil and water conservation districts; requiring the Department of Agriculture and Consumer Services to subdivide certain proposed soil and water conservation districts; amending s. 582.18, F.S.; requiring the supervisors of each soil and water conservation district to be elected from each of the district’s subdivisions; providing for the initial terms of office of candidates elected in each district subdivision; amending s. 582.19, F.S.; providing qualification requirements for supervisors to serve on the governing body of a soil and water conservation district; requiring candidates to submit a specified affirmation at the time of qualifying; requiring all supervisors of soil and water conservation district governing bodies to be elected at the 2022 general election; specifying that subsequent elections will be held according to certain provisions; providing for the subdivision of certain soil and water conservation districts by a specified date; requiring the department to subdivide certain soil and water conservation districts by a specified date; providing transitional provisions regarding the implementation of newly subdivided districts and the election of supervisors; providing an effective date.

By the Committees on Finance and Tax; and Commerce and Tourism; and Senator Rodriguez—

CS for CS for SB 1146—A bill to be entitled An act relating to taxation of investigative services; amending s. 212.08, F.S.; defining the term “small private investigative agency”; providing an exemption from the state tax on sales, use, and other transactions for investigative services provided by a small private investigative agency; authorizing the Department of Revenue to adopt emergency rules to implement the act; providing effective dates.

By the Committee on Regulated Industries; and Senators Jones and Book—

CS for SB 1158—A bill to be entitled An act relating to home kitchen operations; amending s. 500.03, F.S.; defining terms; creating s. 500.82, F.S.; exempting home kitchen operations from food permitting requirements; providing requirements for home kitchen operations; providing requirements for the sale of home kitchen food products; prohibiting home kitchen operations from selling, offering for sale, or delivering home kitchen food products to wholesalers or retailers; providing construction and applicability; preempting the regulation of home kitchen operations to the state; requiring the Department of Agriculture and Consumer Services to investigate complaints and conduct inspections as necessary; providing that home kitchen operations are subject to certain disciplinary procedures; amending s. 500.121,

F.S.; providing that home kitchen operations are subject to specified administrative fines; providing an effective date.

By the Committee on Community Affairs; and Senators Rodriguez, Farmer, Jones, and Berman—

CS for SB 1326—A bill to be entitled An act relating to the Comprehensive Review Study of the Central and Southern Florida Project; amending s. 373.1501, F.S.; requiring the South Florida Water Management District to prepare and submit a consolidated annual report regarding the status of a specified study to the Office of Economic and Demographic Research, the Department of Environmental Protection, the Governor, and the Legislature by a specified date; providing report requirements; providing an effective date.

By the Committees on Community Affairs; and Regulated Industries; and Senator Wright—

CS for CS for SB 1332—A bill to be entitled An act relating to temporary underground power panels; creating s. 125.488, F.S.; prohibiting counties from enacting ordinances, regulations, or policies that prevent certain electric utilities from installing temporary underground power panels and from requiring subsequent inspections of such panels as a condition of a certificate of occupancy under specified conditions; defining the term “temporary underground power panel”; creating s. 166.0484, F.S.; prohibiting municipalities from enacting ordinances, regulations, or policies that prevent certain electric utilities from installing temporary underground power panels and from requiring subsequent inspections of such panels as a condition of a certificate of occupancy under specified conditions; providing an exception; defining the term “temporary underground power panel”; providing an effective date.

By the Committee on Community Affairs; and Senator Diaz—

CS for SB 1338—A bill to be entitled An act relating to floating solar facilities; creating s. 163.32051, F.S.; providing legislative findings regarding floating solar facilities; defining the term “floating solar facility”; providing that a floating solar facility must be a permitted use in appropriate land use categories in each local government’s comprehensive plan; requiring each local government to amend its development regulations to promote the expanded use of floating solar facilities; authorizing counties and municipalities to specify certain buffer and landscaping requirements for floating solar facilities; providing exceptions to the construction of floating solar facilities; requiring the Office of Energy within the Department of Agriculture and Consumer Services to submit specified recommendations to the Legislature to provide a regulatory framework relating to floating solar facilities; providing an effective date.

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

CS for SB 1368—A bill to be entitled An act relating to trusts; amending s. 689.225, F.S.; revising criteria for application of the rule against perpetuities to trusts created on or after a specified date; amending s. 736.0105, F.S.; specifying that the terms of a trust do not prevail over a trustee’s duty to account to qualified beneficiaries under certain circumstances; amending s. 736.0109, F.S.; clarifying circumstances under which notice, or the sending of a document, to a person under the Florida Trust Code is deemed satisfied; authorizing certain trust companies that are trustees to use specified methods for providing notice or sending a document; specifying when such notice or document is deemed sent; amending s. 736.0303, F.S.; specifying circumstances under which a parent may represent and bind the unborn descendants of his or her unborn child or the minor or unborn descendants of his or her minor child; amending s. 736.0409, F.S.; revising the timeframe for which certain noncharitable trusts may be enforced; amending s. 736.0813, F.S.; providing that the terms of a trust may permit for accounting to the qualified beneficiaries only under certain circumstances; providing construction; amending s. 736.08135, F.S.; providing an alternate procedure for trust accountings for specified trustees under certain circumstances; specifying requirements and applicability;

amending s. 736.08145, F.S.; clarifying the application of law governing grantor trust reimbursement; providing an effective date.

By the Committee on Ethics and Elections; and Senator Brodeur—

CS for SJR 1412—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution to limit revisions or amendments of the State Constitution by citizen initiative to matters relating to procedural subjects or to the structure of the government or of the State Constitution.

By the Committees on Regulated Industries; and Commerce and Tourism; and Senator Hutson—

CS for CS for SB 1564—A bill to be entitled An act relating to telephone solicitation; amending s. 501.059, F.S.; redefining terms; conforming a provision to changes made by the act; prohibiting the use of automated telephone dialing systems using certain types of messages under certain circumstances; authorizing such use in response to certain inquiries; providing a limitation; revising provisions for the award of attorney fees and costs; providing for retroactive application; providing an effective date.

By the Committees on Governmental Oversight and Accountability; and Transportation; and Senator Harrell—

CS for CS for SB 1614—A bill to be entitled An act relating to public records; amending s. 316.066, F.S.; revising agencies to which a public records exemption for certain motor vehicle crash reports applies; revising entities to whom crash reports may be made immediately available; revising the types of crash reports that may be made immediately available to certain radio and television stations and newspapers; providing that crash reports may be made available to certain third parties subject to a certain restriction; revising conditions for accessing crash reports; specifying the availability of crash reports after a certain period; deleting a restriction on certain crash report information by certain newspapers; providing a public records exemption for certain electronic crash data; providing for future legislative review and repeal of the exemptions; revising applicability of a criminal penalty; providing a private cause of action against a person who violates certain restrictions relating to personal information; specifying damages, attorney fees, costs, and other relief a court may award; providing construction; amending s. 316.650, F.S.; defining the term “driver information”; providing an exemption from public records requirements for driver information contained in a uniform traffic citation; providing retroactive applicability; authorizing the release of driver information under certain circumstances; providing for future legislative review and repeal of the exemption; providing statements of public necessity; providing an effective date.

By the Committee on Banking and Insurance; and Senators Garcia and Taddeo—

CS for SB 1706—A bill to be entitled An act relating to servicers and lenders of residential mortgage loans; amending s. 494.001, F.S.; revising and providing definitions; creating s. 494.00163, F.S.; requiring that periodic statements for residential mortgage loans follow specified laws; specifying that certain entities are not exempt from such laws; defining the term “small mortgage servicer”; creating s. 494.00164, F.S.; prohibiting a mortgage servicer from assessing certain charges or fees relating to lender-placed insurance on a borrower unless specified requirements are met; defining the term “lender-placed insurance”; providing notice requirements relating to such assessment; requiring mortgage servicers to take specified actions after receiving certain evidence relating to hazard insurance coverage; requiring certain written notices to be sent by first-class mail; creating s. 494.00225, F.S.; requiring mortgage servicers and mortgage lenders to assume duties and obligations relating to previously approved first lien loan modifications, foreclosure prevention alternatives, and other loan modifications under certain circumstances; creating s. 494.0027, F.S.; defining terms; prohibiting mortgage servicers and mortgage lenders from commencing certain civil actions, recording specified notices, or conducting foreclosure sales unless specified conditions are met; requiring mortgage servicers and mortgage lenders to establish single points of

contact and provide to borrowers direct means of communication with the single points of contact upon request; providing requirements and duties for single points of contact and for mortgage servicers and mortgage lenders relating to single points of contact; requiring mortgage servicers and mortgage lenders to send written acknowledgment of application receipt to foreclosure prevention alternative applicants in specified manners within a specified timeframe; providing requirements for statements, documents, and information that mortgage servicers and mortgage lenders must send to applicants under various circumstances; providing timelines for mortgage servicers and mortgage lenders to commence civil actions against residential mortgage loan borrowers; providing that mortgage servicers and mortgage lenders are not required to evaluate foreclosure prevention alternative applications under certain circumstances; providing an exception; prohibiting mortgage servicers and mortgage lenders from charging specified fees; creating ss. 627.4055 and 635.0215, F.S.; defining terms; prohibiting insurers and insurance agents from engaging in certain acts relating to lender-placed insurance for residential mortgage loan guaranty; creating s. 702.013, F.S.; defining terms; prohibiting mortgage servicers and mortgage lenders from commencing certain civil actions, recording specified notices, or conducting foreclosure sales unless specified conditions are met; providing an exception; requiring mortgage servicers and mortgage lenders to establish single points of contact and to provide to borrowers direct means of communication with the single points of contact upon request; providing requirements and duties for single points of contact and for mortgage servicers and mortgage lenders relating to single points of contact; requiring mortgage servicers and mortgage lenders to send written acknowledgment of application receipt to foreclosure prevention alternative applicants in specified manners within a specified timeframe; providing requirements for statements, documents, and information that mortgage servicers and mortgage lenders must send to applicants under various circumstances; providing timelines for mortgage servicers and mortgage lenders to commence civil actions against residential mortgage loan borrowers; providing that mortgage servicers and mortgage lenders are not required to evaluate foreclosure prevention alternative applications under certain circumstances; providing an exception; prohibiting mortgage servicers and mortgage lenders from charging specified fees; amending ss. 494.00115 and 494.0025, F.S.; conforming cross-references; providing an effective date.

By the Committee on Regulated Industries; and Senator Bradley—

CS for SB 1852—A bill to be entitled An act relating to the reduction of human trafficking; providing a short title; creating s. 509.098, F.S.; prohibiting an operator of a public lodging establishment from offering an hourly rate for an accommodation; amending s. 796.07, F.S.; increasing criminal penalties for soliciting or procuring another person to commit prostitution or other specified offenses or purchasing the services of a person engaged in prostitution; creating s. 1004.343, F.S.; creating the Statewide Data Repository for Anonymous Human Trafficking Data at the University of South Florida; providing purposes of the data repository; specifying duties of the university; designating required reporting entities; requiring specified information to be reported; providing timeframes for reporting; providing an effective date.

By the Committee on Health Policy; and Senator Burgess—

CS for SB 1892—A bill to be entitled An act relating to administration of vaccines; amending s. 465.014, F.S.; specifying training requirements for registered pharmacy technicians seeking to administer certain vaccines; providing requirements for such training; requiring such registered pharmacy technicians to complete certain additional continuing education as a condition of registration renewal; amending s. 465.189, F.S.; authorizing certified registered pharmacy technicians to administer specified immunizations and vaccines under certain circumstances; revising the specified immunizations and vaccines that certified pharmacists, registered interns, and registered pharmacy technicians may administer; revising a certain staffing ratio for supervising pharmacists; requiring pharmacists to maintain certain liability insurance in a specified amount in order to administer immunizations and vaccines; specifying certification requirements for registered pharmacy technicians seeking to administer immunizations and vaccines; 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 adopted CS/HM 43 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Rules Committee and Representative(s) Fabricio, Aloupis, Borrero, Busatta Cabrera, Byrd, Fernandez-Barquin, Garrison, Gregory, Rizo, Roach, Yarborough—

CS for HM 43—A memorial to the President and Congress of the United States, urging the President and Congress to take action to address the atrocities and genocide in Cuba.

—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 159 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Representative(s) Davis, Joseph, Nixon, Woodson—

HB 159—A bill to be entitled An act relating to public records; amending s. 24.1051, F.S.; creating a temporary exemption from public records for the names of lottery winners who win prizes of more than a specified value; 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.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed HB 539 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Representative(s) Trumbull—

HB 539—A bill to be entitled An act relating to nursing home financial reporting; amending s. 408.061, F.S.; requiring nursing homes and their home offices to annually file with the Agency for Health Care Administration their audited actual experience for purposes of financial reporting; providing an effective date.

—was referred to the Committee on Rules.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 1079 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By State Affairs Committee and Representative(s) Persons-Mulicka—

CS for HB 1079—A bill to be entitled An act relating to fiscal accountability for nongovernmental entities; creating s. 215.986, F.S.; providing definitions; requiring nongovernmental entities to use state funds in a specified manner; prohibiting nongovernmental entities from using state funds for specified purposes; requiring certain people at designated intervals to complete operational audits of certain nongovernmental entities under specified circumstances; specifying items that do not need to be reported; requiring certain nongovernmental entities to provide an annual report that includes certain information;

requiring state agencies to provide the reports in a format prescribed by the Chief Inspector General to certain entities; requiring the Chief Inspector General to adopt rules relating to the annual report; requiring nongovernmental entities to submit certain attestations before receiving state funds; prohibiting state agencies from releasing or transferring specified funds to certain nongovernmental agencies until certain criteria are met; providing an effective date.

—was referred to the Committee on Appropriations.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 7001 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Rules Committee, State Affairs Committee, Public Integrity & Elections Committee and Representative(s) Koster—

CS for CS for HB 7001—A bill to be entitled An act relating to implementation of the constitutional prohibition against lobbying by a public officer; creating s. 112.3121, F.S.; providing definitions for the purpose of implementing the constitutional prohibition against lobbying by a public officer; creating s. 112.3122, F.S.; providing applicability; providing for administration; requiring the Commission on Ethics to report certain findings and recommendations to the Governor; providing penalties for a violation of the constitutional prohibition against lobbying by a public officer; authorizing collection of such penalties by specified entities; 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 7003 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Public Integrity & Elections Committee and Representative(s) Koster—

HB 7003—A bill to be entitled An act relating to implementation of the constitutional prohibition against lobbying by a former justice or judge; creating s. 112.3123, F.S.; providing definitions for the purpose of implementing the constitutional prohibition against lobbying by a former justice or judge; creating s. 112.3124, F.S.; providing applicability; providing for administration; requiring the Commission on Ethics to report certain findings and recommendations to the Governor; providing penalties for a violation of the constitutional prohibition against lobbying by a former justice or judge; authorizing collection of such penalties by specified entities; 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 7009 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Government Operations Subcommittee and Representative(s) Shoaf—

HB 7009—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 945.10, F.S.; removing the scheduled repeal of exemptions from public records requirements for certain protected health information held by the Department of Corrections; providing an effective date.

—was referred to the Committee on Rules.

RETURNING MESSAGES — FINAL ACTION

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 96.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 98 by the required constitutional three-fifths vote of the membership.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has adopted SM 302.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 846.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 848.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 850.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 852.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 854.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 7004.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 7014.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

ENROLLING REPORTS

CS for SB 96 and SB 98 have been enrolled, signed by the required constitutional officers, and presented to the Governor on February 10, 2022.

Debbie Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journals of February 3 and February 9 were corrected and approved.

CO-INTRODUCERS

Senators Broxson—CS for SB 1226; Garcia—SB 1572; Taddeo—CS for CS for SB 962

ADJOURNMENT

On motion by Senator Passidomo, the Senate adjourned at 3:28 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Thursday, February 17 or upon call of the President.