Journal of the Senate

Number 23—Regular Session **Thursday, March 10, 2022**

CONTENTS

CALL TO ORDER

The Senate was called to order by Senator Bean at 10:00 a.m. A quorum present—35:

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

PRAYER

The following prayer was offered by Rabbi Schneur Z. Oirechman, Chabad Lubavitch of the Panhandle, Tallahassee:

Almighty G-d, King of the Universe, as we gather here today to serve the people of our state, we pray that you bless the servants of our people. Bestow your bounty upon our honorable Senate President and our State Senators that they may all meet with success. Recognize the great sacrifice they and their families make for our great state, and bless and protect them all. At this time of peril abroad and uncertainty at home, we pray that you visit your blessings of peace and prosperity upon our state, our country, and the world.

Almighty G-d, we ask that you restore the world unto its true basis, under the guidance of kings and rulers who shall reign with justice and righteousness, without discrimination between nation and nation, race and race. As the Jewish people celebrate the holiday of Purim next Thursday, let us internalize its message today of faith prompting joy and trust firing happiness. Let us draw inspiration from the Jews of ancient Persia, who escaped annihilation through total trust in G-d. Let us reconnect to you when it is dark with acts of goodness and kindness, and may we find our own Purim salvation today.

Almighty G-d, let us also draw inspiration from this date on the Hebrew calendar, the Seventh of Adar, the birthday of Moses, whose birth filled the world with light. Let us draw inspiration from the Moses and leader of our generation, the Lubavitcher Rebbe, Rabbi Menachem M. Schneersohn, of righteous memory. Next month we will be marking the 120th birthday of the Rebbe. The Rebbe's message to the world is that our generation is the generation of redemption and all it takes is one more act of goodness to bring the redemption.

May we all be empowered in doing that one more good deed, that one more act of light to dispel the darkness, to bring the redemption, and may your loving presence be felt in our lives for good, with the coming of the true redemption, speedily in our days. Amen.

PLEDGE

Senate Pages, Abby Andrasik of St. Petersburg; James Mauch of Green Coves Springs; and Maya Tang of Tallahassee, led the Senate in the Pledge of Allegiance to the flag of the United States of America.

MOTIONS

On motion by Senator Passidomo, by two-thirds vote, **CS for CS for HJR 1** and **CS for CS for HB 1563** were added to the Special Order Calendar this day.

BILLS ON THIRD READING

CS for HB 3—A bill to be entitled An act relating to law enforcement officer benefits, recruitment, and training; amending s. 145.071, F.S.; revising salary minimums for county sheriffs; amending s. 409.1664, F.S.; providing for adoption benefits for law enforcements officers; providing requirements to receive such benefits; providing procedures to obtain such benefits; creating s. 445.08, F.S.; creating the Florida Law Enforcement Recruitment Bonus Payment Program within the Department of Economic Opportunity; providing definitions; providing for one-time bonus payments to newly-employed law enforcement officers; providing requirements for award of bonus payments; requiring the department to develop an annual plan for the administration of the program and distribution of payments; authorizing employing agencies to assist the department with the collection of specified data to collect such payments; providing plan requirements; providing eligibility requirements for the plan; requiring the department to consult quarterly with the commission to verify specified information; providing for reporting; authorizing the department to submit certain information for a specified purpose; providing for use of a funding; requiring rulemaking; providing for expiration of the program; amending s. 683.11, F.S.; providing for the designation of "Law Enforcement Appreciation Day"; amending s. 943.17, F.S.; providing an exemption from certain law enforcement officer training requirements for military veterans; creating s. 943.1745, F.S.; providing requirements for skills training for law enforcement officers relating to officer health and safety; amending s. 1002.394, F.S.; providing eligibility for the Family Empowerment Scholarship Program for children of law enforcement officers; creating s. 1003.4933, F.S.; providing for each district school board to establish a public safety telecommunication training program; authorizing the district to partner with programs operated by certain entities; requiring school districts to allow certain students to enroll in such a program under specified circumstances; providing exceptions; creating s. 1003.49966, F.S.; providing for each district school board to offer a law enforcement explorer program; authorizing the school board to partner with law enforcement agencies to offer such programs; providing for a student to receive course credit if such a program is offered as an elective; creating s. 1004.098, F.S.; providing definitions; requiring the Board of Governors and the State Board of Education to create a process

that enables eligible law enforcement officers or former law enforcement officers to earn uniform postsecondary credit across all Florida public postsecondary educational institutions for college-level training and education acquired while serving as a law enforcement officer; requiring the Articulation Coordinating Committee to convene a workgroup by a specified date to facilitate such process; providing membership of the workgroup; providing a timetable for the process; creating s. 1009.896, F.S.; providing definitions; creating the Florida Law Enforcement Academy Scholarship Program; providing requirements for receipt of such a scholarship; providing procedures for the program; proving for the amount of such awards; requiring rulemaking; creating s. 1009.8961, F.S.; providing definitions; providing for reimbursement for out-of-state and special operations forces law enforcement equivalency training; providing requirements for receipt of such reimbursement; providing procedures for such reimbursement; providing for amount of such awards; requiring rulemaking; providing an effective date.

—as amended March 9, was read the third time by title.

On motion by Senator Hooper, **CS for HB 3**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—None

Vote after roll call:

Yea—Farmer, Garcia, Taddeo

CS for HB 7—A bill to be entitled An act relating to individual freedom; amending s. 760.10, F.S.; providing that subjecting any individual, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, to training, instruction, or any other required activity that espouses, promotes, advances, inculcates, or compels such individual to believe specified concepts constitutes discrimination based on race, color, sex, or national origin; providing construction; amending s. 1000.05, F.S.; providing that subjecting any student or employee to training or instruction that espouses, promotes, advances, inculcates, or compels such individual to believe specified concepts constitutes discrimination based on race, color, sex, or national origin; conforming provisions to changes made by the act; amending s. 1003.42, F.S.; revising requirements for required instruction on the history of African Americans; authorizing instructional personnel to facilitate discussions and use curricula to address, in an age-appropriate manner, specified topics; prohibiting classroom instruction and curricula from being used to indoctrinate or persuade students in a manner inconsistent with certain principles or state academic standards; requiring the department to prepare and offer certain standards and curriculum; authorizing the department to seek input from a specified organization for certain purposes; revising the requirements for required instruction on health education; requiring such instruction to comport with certain principles and include certain life skills; requiring civic and character education instead of a character development program; providing the requirements of such education; providing legislative findings; requiring instruction to be consistent with specified principles of individual freedom; authorizing instructional personnel to facilitate discussions and use curricula to address, in an age-appropriate manner, specified topics; prohibiting classroom instruction and curricula from being used to indoctrinate or persuade students in a manner inconsistent with certain principles or state academic standards; conforming cross-references to changes made by the act; requiring the State Board of Education to adopt a specified curriculum to be made available to schools for a certain purpose; amending s. 1006.31, F.S.; prohibiting instructional materials reviewers from recommending instructional materials that contain any matter that contradicts certain principles; amending s. 1012.98, F.S.; requiring the Department of Education to review school district professional development systems for compliance with certain provisions of law; amending ss. 1002.20 and 1006.40, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

SPECIAL RECOGNITION

Senator Burgess read a proclamation commemorating the four-year anniversary of a helicopter crash which killed seven airmen while on a mission in Western Iraq. Two Floridians, Master Sgt. William Posch of Indialantic and Staff Sgt. Carl Enis of Tallahassee, were onboard the HH-60 Pave Hawk helicopter when it went down in Anbar Province, Iraq. Posch and Enis were both pararescuemen with the 308th Rescue Squadron based out of Patrick Air Force Base. Senator Burgess recognized family and friends of Carl Enis, including his wife, Angela Drzewiecki; sister-in-law, Meredith Hinshelwood; and friend, Sara Clements, who were seated in the gallery.

On motion by Senator Diaz, **CS for HB 7** was passed and certified to the House. The vote on passage was:

Yeas—24

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

Nays—15

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

SPECIAL RECOGNITION

Senator Bean recognized Senator Broxson whose birthday was this day.

CS for HB 1467—A bill to be entitled An act relating to K-12 education; amending s. 1001.35, F.S.; establishing term limits for school board members; amending s. 1006.28, F.S.; deleting a requirement that district school boards maintain a specified list on their websites; requiring certain meetings relating to instructional materials to be noticed and open to the public; providing requirements for the membership of committees related to instructional materials; requiring certain individuals involved in selecting library materials to complete a specified training; requiring certain materials to be selected by employees who meet specified criteria; requiring district school boards to adopt procedures for developing library media center collections; providing requirements for such procedures; requiring elementary schools, district school boards, and the Department of Education to post on their websites specified information relating to instructional materials and other materials in certain formats; providing district school board requirements; providing school principals are responsible for overseeing compliance with specified procedures relating to library media center materials; amending s. 1006.29, F.S.; revising requirements for the department relating to the development of training programs for the

selection of materials used in schools and library media centers; amending s. 1006.40, F.S.; revising district school board requirements for the selection and adoption of certain materials; providing an effective date.

—as amended March 9, was read the third time by title.

THE PRESIDENT PRESIDING

On motion by Senator Gruters, **CS for HB 1467**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—24

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

Nays—15

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

SPECIAL GUESTS

Senator Bean recognized Lieutenant Governor Jeanette Nuñez who was present in the chamber.

CS for HB 7049—A bill to be entitled An act relating to legal notices; amending s. 50.011, F.S.; revising the requirements for newspapers publishing legal notices; deleting an option for publication on a newspaper's website; providing for the publication of legal notices on certain publicly accessible websites; amending ss. 50.021, 50.0211, and 50.031, F.S.; conforming provisions to changes made by the act; creating s. 50.0311, F.S.; providing definitions; authorizing a governmental agency to publish legal notices on a publicly accessible website under certain circumstances; providing criteria for website publication; authorizing a governmental agency with a certain percentage of its population located within a county meeting a certain population threshold to use a publicly accessible website to publish legally required advertisements and public notices only if certain requirements are met; requiring a governmental agency to provide specified notice to certain residents and property owners relating to alternative methods of receiving legal notices; authorizing a governmental agency to publish certain public notices and advertisements on its governmental access channels; providing a requirement for public bid advertisements made by governmental agencies on publicly accessible websites; amending s. 50.051, F.S.; revising a form for affidavits of publication; amending s. 50.061, F.S.; correcting a cross-reference; amending s. 50.0711, F.S.; revising provisions relating to the use of court docket funds; amending ss. 11.02, 45.031, 90.902, 120.81, 121.055, 162.12, 189.015, 190.005, 200.065, 348.0308, 348.635, 348.7605, 849.38, and 932.704, F.S.; conforming provisions to changes made by the act; providing an effective date.

—as amended March 9, was read the third time by title.

On motion by Senator Brodeur, **CS for HB 7049**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—26

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

Nays—13

Ausley	Farmer	Powell
Berman	Gibson	Taddeo
Book	Jones	Torres
Bracy	Pizzo	
Brandes	Polsky	

Vote after roll call:

Yea to Nay—Stewart

SPECIAL ORDER CALENDAR

CS for CS for HB 861—A bill to be entitled An act relating to medical specialty designations; amending s. 456.072, F.S.; providing that using a term designating a certain medical specialty is grounds for disciplinary action; providing enforcement authority; authorizing the Department of Health to adopt rules; providing an effective date.

—was read the second time by title.

The Committee on Rules recommended the following amendment which was moved by Senator Albritton:

Amendment 1 (175492) (with title amendment)—Delete lines 11-34 and insert:

Section 1. Paragraph (t) of subsection (1) of section 456.072, Florida Statutes, is amended, and subsection (2) of that section is republished, to read:

456.072 Grounds for discipline; penalties; enforcement.—

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

(t) Failing to identify *the full name of a health care practitioner* through ~~written notice, which may include~~ the wearing of a name tag *or embroidered identification that also includes the professional*~~, or orally to a patient the type of~~ license *and professional degree issued to the practitioner* ~~under which the practitioner is practicing~~. Any advertisement for health care services naming the practitioner must identify the *professional* ~~type of~~ license *and professional degree* the practitioner holds *and may not contain deceptive or misleading information, including, but not limited to, any affirmative communication or representation that misstates, falsely describes, holds out, or falsely details the health care practitioner's skills, training, expertise, education, public or private board certification, or licensure*. ~~This paragraph does not apply to a practitioner while the practitioner is providing services in a facility licensed under chapter 394, chapter 395, chapter 400, or chapter 429.~~ Each board, or the department where there is no board, is authorized by rule to determine how its practitioners may comply with this disclosure requirement. *The department shall enforce this paragraph and has the same enforcement authority as an applicable board. The department may adopt rules to implement this paragraph.*

And the title is amended as follows:

Delete lines 3-6 and insert: amending s. 456.072, F.S.; revising grounds for disciplinary action against health care practitioners; requiring the Department of Health to enforce certain requirements related to identification and advertising of practitioner licensure and qualifications; providing that the department has the same enforcement authority as applicable boards; authorizing the department to adopt rules;

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

Senator Albritton moved the following amendment to **Amendment 1 (175492)** which was adopted:

Amendment 1A (485084) (with title amendment)—Delete lines 12-33 and insert:

(t) Failing to identify *the name of a health care practitioner* through ~~written notice, which may include~~ the wearing of a name tag *or embroidered identification that also includes the professional*~~, or orally to a patient the type of~~ license *and professional degree issued to the practitioner. If wearing a name tag is not feasible, the practitioner must provide written notice of such information* ~~under which the practitioner is practicing~~. Any advertisement for health care services naming the practitioner must identify the *professional* ~~type of~~ license *and professional degree* the practitioner holds *and may not contain deceptive or misleading information, including, but not limited to, any affirmative communication or representation that misstates, falsely describes, holds out, or falsely details the health care practitioner's skills, training, expertise, education, public or private board certification, or licensure*. ~~This paragraph does not apply to a practitioner while the practitioner is providing services in a facility licensed under chapter 394, chapter 395, chapter 400, or chapter 429. Each board, or~~ The department *shall* ~~where there is no board, is authorized~~ by rule ~~to~~ determine how *health care* ~~its~~ practitioners *must* ~~may~~ comply with this disclosure requirement.

And the title is amended as follows:

Delete lines 41-46 and insert: requiring the Department of Health, rather than each applicable board, to adopt rules for certain requirements related to identification and advertising of practitioner licensure and qualifications;

Amendment 1 (175492), as amended, was adopted.

SENATOR STARGEL PRESIDING

On motion by Senator Rodriguez, by two-thirds vote, **CS for CS for HB 861**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

CS for CS for SB 1702—A bill to be entitled An act relating to building safety; creating s. 553.899, F.S.; providing legislative findings; defining the term "milestone inspection"; specifying that the purpose of a milestone inspection is not to determine compliance with the Florida Building Code or the firesafety code; requiring owners of certain multifamily residential buildings to have milestone inspections performed at specified times; requiring condominium and cooperative associations to arrange for milestone inspections of condominium buildings and cooperative buildings, respectively; specifying that such associations are responsible for costs relating to milestone inspections; providing applicability; requiring that initial milestone inspections for certain buildings be performed before a specified date; specifying that milestone inspections consist of two phases; providing requirements for each phase of a milestone inspection; requiring architects and engineers performing a milestone inspection to submit a sealed copy of the inspection report and a summary that includes specified findings and recommendations to certain entities; requiring condominium associations and cooperative associations to distribute and post a copy of each inspection report and summary in a specified manner; authorizing local enforcement agencies to prescribe timelines and penalties relating to milestone inspections; requiring the Florida Building Commission to develop certain standards by a specified date and make such standards available to local governments for adoption; amending s. 718.103, F.S.; defining the term "alternative funding method"; amending s. 718.111, F.S.; revising the types of records that constitute the official records of a condominium association; requiring associations to maintain specified records for a certain timeframe; specifying that renters of a unit have the right to inspect and copy certain reports; requiring associations to post a copy of certain reports and reserve studies on the association's website; revising rulemaking requirements for the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation; amending s. 718.112, F.S.; revising certification and education requirements for directors of association boards; revising requirements for association budgets; revising applicability; requiring certain associations to periodically have a study conducted relating to required reserves after a specified date; requiring boards to annually review the results of such study to determine if reserves are sufficient; requiring the division to adopt rules; providing requirements for the reserve study; revising requirements for approval of using reserve funds for a purpose other than authorized reserve expenditures; requiring that budgets include specified disclosures relating to reserve funds under certain circumstances on or after a specified date; restating requirements for associations relating to milestone inspections; amending s. 718.113, F.S.; requiring associations to provide for the maintenance, repair, and replacement of condominium property; providing an exception; requiring associations to perform specified required maintenance under certain circumstances; specifying that necessary maintenance, repair, or replacement of condominium property does not require unit owner approval; specifying that associations are not liable for certain expenses if a unit is vacated or access to a common element is denied for specified reasons; amending s. 718.115, F.S.; authorizing boards to adopt a special assessment or borrow money for certain reasons without unit owner approval; conforming cross-references; amending s. 718.1255, F.S.; revising the definition of the term "dispute"; specifying that certain disputes are not subject to certain nonbinding arbitration and must be submitted to presuit mediation; amending s. 718.301, F.S.; revising reporting requirements relating to the transfer of association control; amending s. 718.503, F.S.; revising the documents that must be delivered to a prospective buyer or lessee of a residential unit; revising requirements for nondeveloper disclosures; amending s. 718.504, F.S.; revising requirements for prospectuses and offering circulars; amending s. 719.103, F.S.; defining the term "alternative funding method"; amending s. 719.104, F.S.; revising the types of records that constitute the official records of a cooperative association; requiring associations to maintain specified records for a certain timeframe; specifying that renters of a unit have the right to inspect and copy certain reports; revising rulemaking requirements for the division; specifying that maintenance of the cooperative property and common areas is the responsibility of associations; providing an exception; requiring associations to perform specified required maintenance under certain circumstances; specifying that necessary maintenance, repair, or replacement of cooperative property does not require unit owner approval; specifying that associations are not liable for certain expenses if a unit must be vacated or if access to a common area is denied for specified reasons; amending s. 719.106, F.S.; revising certification and education requirements for directors of association boards; revising requirements for association budgets; revising applicability; revising requirements for the use of reserve funds for a purpose other than authorized reverse expenditures; requiring certain associations to periodically have a study conducted relating to required reserves after a specified date; requiring boards to annually review the results of such study to determine if reserves are sufficient; requiring the division to adopt rules; providing requirements for the reserve study; requiring that budgets include specified disclosures relating to reserve funds under certain circumstances on or after a specified date; restating requirements for associations relating to milestone inspections; amending s. 719.107, F.S.; authorizing boards to adopt a special assessment or borrow money for certain reasons without unit owner approval; amending s. 719.301, F.S.; requiring developers to deliver a turnover inspection report relating to cooperative property under certain circumstances; requiring developers to deliver a copy of certain reserve studies and statements when relinquishing control of an association; amending s. 719.503, F.S.; revising the documents that must be delivered to a prospective buyer or lessee of a residential unit; revising

nondeveloper disclosure requirements; amending s. 719.504, F.S.; revising requirements for prospectuses and offering circulars; amending ss. 558.002, 718.116, 718.121, 718.706, and 720.3085, F.S.; conforming cross-references; reenacting s. 719.1255, F.S., relating to alternative resolution of disputes, to incorporate the amendment made to s. 718.1255, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1702**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7069** was withdrawn from the Committee on Rules.

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

CS for HB 7069—A bill to be entitled An act relating to condominium and cooperative associations; amending s. 468.4334, F.S.; requiring community association managers and community association management firms to comply with specified provisions under certain circumstances; amending s. 468.436, F.S.; providing grounds for disciplinary action; amending ss. 718.103 and 719.103, F.S.; providing definitions; amending ss. 718.104 and 719.1035, F.S.; requiring certain associations to provide certain information to the Division of Florida Condominiums, Timeshares, and Mobile Homes within a specified time; amending s. 718.111, F.S.; revising documents that constitute official records; requiring certain official records to be maintained for a specified period of time; providing that a renter of a unit has a right to copy and inspect certain written reports; revising documents that must be posted online; conforming a cross-reference; amending ss. 718.112 and 719.106, F.S.; specifying the method for determining reserve amounts; prohibiting certain members and associations from waiving or reducing reserves for certain items after a specified date; requiring certain associations to receive approval before waiving or reducing reserves for certain items; prohibiting certain associations from using reserve funds, or any interest accruing thereon, for certain purposes after a specified date; requiring certain associations to have a structural integrity reserve study completed at specified intervals and for certain buildings by a specified date; providing requirements for such study; conforming provisions to changes made by the act; amending s. 718.116, F.S.; conforming a cross-reference; amending s. 718.117, F.S.; providing that certain condominiums may be terminated by a majority vote under certain circumstances; providing requirements for meetings in which a plan of termination will be considered; specifying the method for determining a condominium's fair market value; conforming a cross-reference; creating ss. 718.132 and 719.132, F.S.; providing definitions; requiring certain associations to have specified buildings recertified at specified intervals; requiring phase 2 inspections under certain circumstances; providing requirements for such recertifications and inspections; providing notice requirements; providing requirements for certain associations and local building officials; authorizing local building officials to prescribe penalties, which must be posted on the building department's website; amending ss. 718.301 and 719.301, F.S.; requiring developers to deliver certain information to certain associations when transferring control; amending ss. 718.501 and 719.501, F.S.; providing that the division has jurisdiction to investigate specified complaints; requiring certain associations to provide certain information and updates to the division by a specified date and within a specified time; requiring the division to compile a list with certain information and post such list on its website; amending ss. 718.503 and 719.503, F.S.; requiring a developer or unit owner, as applicable, to deliver certain documents to a buyer or lessee of a unit; amending ss. 718.504 and 719.504, F.S.; requiring certain information to be included in a prospectus or an offering circular; amending s. 719.104, F.S.; revising documents that constitute official records; amending ss. 720.303, 720.311, and 721.15, F.S.; conforming cross-references; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1702** and read the second time by title.

Senator Bradley moved the following amendment which was adopted:

Amendment 1 (826750) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (1) of section 468.4334, Florida Statutes, is amended to read:

468.4334 Professional practice standards; liability.—

(1)*(a)* A community association manager or a community association management firm is deemed to act as agent on behalf of a community association as principal within the scope of authority authorized by a written contract or under this chapter. A community association manager and a community association management firm shall discharge duties performed on behalf of the association as authorized by this chapter loyally, skillfully, and diligently; dealing honestly and fairly; in good faith; with care and full disclosure to the community association; accounting for all funds; and not charging unreasonable or excessive fees.

(b) If a community association manager or a community association management firm has a contract with a community association that has a building on the association's property that is subject to s. 553.899, the community association manager or the community association management firm must comply with that section as directed by the board.

Section 2. Section 553.899, Florida Statutes, is created to read:

553.899 Mandatory structural inspections for condominium and cooperative buildings.—

(1) The Legislature finds that maintaining the structural integrity of a building throughout its service life is of paramount importance in order to ensure that buildings are structurally sound so as to not pose a threat to the public health, safety, or welfare. As such, the Legislature finds that the imposition of a statewide structural inspection program for aging condominium and cooperative buildings in this state is necessary to ensure that such buildings are safe for continued use.

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

(a) "Milestone inspection" means a structural inspection of a building, including an inspection of load-bearing walls and the primary structural members and primary structural systems as those terms are defined in s. 627.706, by a licensed architect or engineer authorized to practice in this state for the purposes of attesting to the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determining the general structural condition of the building as it affects the safety of such building, including a determination of any necessary maintenance, repair, or replacement of any structural component of the building. The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the Florida Building Code or the firesafety code.

(b) "Substantial structural deterioration" means substantial structural distress that negatively affects a building's general structural condition and integrity. The term does not include surface imperfections such as cracks, distortion, sagging, deflections, misalignment, signs of leakage, or peeling of finishes unless the licensed engineer or architect performing the phase one or phase two inspection determines that such surface imperfections are a sign of substantial structural deterioration.

(3) A condominium association under chapter 718 and a cooperative association under chapter 719 must have a milestone inspection performed for each building that is three stories or more in height by December 31 of the year in which the building reaches 30 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. If the building is located within 3 miles of a coastline as defined in s. 376.031, the condominium association or cooperative association must have a milestone inspection performed by December 31 of the year in which the building reaches 25 years of age, based on the date the certificate of occupancy for the building was issued, and every 10 years thereafter. The condominium association or cooperative association must arrange for the milestone inspection to be performed and is responsible for ensuring compliance with the requirements of this section. The condominium association or cooperative association is responsible for all costs associated with the inspection. This subsection does not apply to a two-family or three-family dwelling with three or fewer habitable stories above ground.

(4) If a milestone inspection is required under this section and the building's certificate of occupancy was issued on or before July 1, 1992, the building's initial milestone inspection must be performed before December 31, 2024. If the date of issuance for the certificate of occupancy is not available, the date of issuance of the building's certificate of oc-

cupancy shall be the date of occupancy evidenced in any record of the local building official.

(5) Upon determining that a building must have a milestone inspection, the local enforcement agency must provide written notice of such required inspection to the condominium association or cooperative association by certified mail, return receipt requested.

(6) Within 180 days after receiving the written notice under subsection (5), the condominium association or cooperative association must complete phase one of the milestone inspection. For purposes of this section, completion of phase one of the milestone inspection means the licensed engineer or architect who performed the phase one inspection submitted the inspection report by e-mail, United States Postal Service, or commercial delivery service to the local enforcement agency.

(7) A milestone inspection consists of two phases:

(a) For phase one of the milestone inspection, a licensed architect or engineer authorized to practice in this state shall perform a visual examination of habitable and nonhabitable areas of a building, including the major structural components of a building, and provide a qualitative assessment of the structural conditions of the building. If the architect or engineer finds no signs of substantial structural deterioration to any building components under visual examination, phase two of the inspection, as provided in paragraph (b), is not required. An architect or engineer who completes a phase one milestone inspection shall prepare and submit an inspection report pursuant to subsection (8).

(b) A phase two of the milestone inspection must be performed if any substantial structural deterioration is identified during phase one. A phase two inspection may involve destructive or nondestructive testing at the inspector's direction. The inspection may be as extensive or as limited as necessary to fully assess areas of structural distress in order to confirm that the building is structurally sound and safe for its intended use and to recommend a program for fully assessing and repairing distressed and damaged portions of the building. When determining testing locations, the inspector must give preference to locations that are the least disruptive and most easily repairable while still being representative of the structure. An inspector who completes a phase two milestone inspection shall prepare and submit an inspection report pursuant to subsection (8).

(8) Upon completion of a phase one or phase two milestone inspection, the architect or engineer who performed the inspection must submit a sealed copy of the inspection report with a separate summary of, at minimum, the material findings and recommendations in the inspection report to the condominium association or cooperative association, and to the building official of the local government which has jurisdiction. The inspection report must, at a minimum, meet all of the following criteria:

(a) Bear the seal and signature, or the electronic signature, of the licensed engineer or architect who performed the inspection.

(b) Indicate the manner and type of inspection forming the basis for the inspection report.

(c) Identify any substantial structural deterioration, within a reasonable professional probability based on the scope of the inspection, describe the extent of such deterioration, and identify any recommended repairs for such deterioration.

(d) State whether unsafe or dangerous conditions, as those terms are defined in the Florida Building Code, were observed.

(e) Recommend any remedial or preventive repair for any items that are damaged but are not substantial structural deterioration.

(f) Identify and describe any items requiring further inspection.

(9) The association must distribute a copy of the inspector-prepared summary of the inspection report to each condominium unit owner or cooperative unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery and by electronic transmission to unit owners who previously consented to received notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the condominium or cooperative property; and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.

(10) A local enforcement agency may prescribe timelines and penalties with respect to compliance with this section.

(11) A board of county commissioners may adopt an ordinance requiring that a condominium or cooperative association schedule or commence repairs for substantial structural deterioration within a specified timeframe after the local enforcement agency receives a phase two inspection report; however, such repairs must be commenced within 365 days after receiving such report. If an association fails to submit proof to the local enforcement agency that repairs have been scheduled or have commenced for substantial structural deterioration identified in a phase two inspection report within the required timeframe, the local enforcement agency must review and determine if the building is unsafe for human occupancy.

(12) The Florida Building Commission shall review the milestone inspection requirements under this section and make recommendations, if any, to the Legislature to ensure inspections are sufficient to determine the structural integrity of a building. The commission must provide a written report of any recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2022.

(13) The Florida Building Commission shall consult with the State Fire Marshal to provide recommendations to the Legislature for the adoption of comprehensive structural and life safety standards for maintaining and inspecting all types of buildings and structures in this state that are three stories or more in height. The commission shall provide a written report of its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2023.

Section 3. Paragraphs (a), (c), and (g) of subsection (12) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(12) OFFICIAL RECORDS.—

(a) From the inception of the association, the association shall maintain each of the following items, if applicable, which constitutes the official records of the association:

1. A copy of the plans, permits, warranties, and other items provided by the developer under s. 718.301(4).

2. A photocopy of the recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

3. A photocopy of the recorded bylaws of the association and each amendment to the bylaws.

4. A certified copy of the articles of incorporation of the association, or other documents creating the association, and each amendment thereto.

5. A copy of the current rules of the association.

6. A book or books that contain the minutes of all meetings of the association, the board of administration, and the unit owners.

7. A current roster of all unit owners and their mailing addresses, unit identifications, voting certifications, and, if known, telephone numbers. The association shall also maintain the e-mail addresses and facsimile numbers of unit owners consenting to receive notice by electronic transmission. The e-mail addresses and facsimile numbers are not accessible to unit owners if consent to receive notice by electronic transmission is not provided in accordance with sub-subparagraph (c) 3.e. However, the association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices.

8. All current insurance policies of the association and condominiums operated by the association.

9. A current copy of any management agreement, lease, or other contract to which the association is a party or under which the association or the unit owners have an obligation or responsibility.

10. Bills of sale or transfer for all property owned by the association.

11. Accounting records for the association and separate accounting records for each condominium that the association operates. Any person who knowingly or intentionally defaces or destroys such records, or who knowingly or intentionally fails to create or maintain such records, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(d). The accounting records must include, but are not limited to:

a. Accurate, itemized, and detailed records of all receipts and expenditures.

b. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid on the account, and the balance due.

c. All audits, reviews, accounting statements, and financial reports of the association or condominium.

d. All contracts for work to be performed. Bids for work to be performed are also considered official records and must be maintained by the association for at least 1 year after receipt of the bid.

12. Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by unit owners, which must be maintained for 1 year from the date of the election, vote, or meeting to which the document relates, notwithstanding paragraph (b).

13. All rental records if the association is acting as agent for the rental of condominium units.

14. A copy of the current question and answer sheet as described in s. 718.504.

15. A copy of the inspection *reports* ~~report as~~ described in *ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property. Such record must be maintained by the association for 15 years after receipt of the report* ~~s. 718.301(4)(p)~~.

16. Bids for materials, equipment, or services.

17. All affirmative acknowledgments made pursuant to s. 718.121(4)(c).

18. All other written records of the association not specifically included in the foregoing which are related to the operation of the association.

(c)1. The official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member or authorized representative of such member. A renter of a unit has a right to inspect and copy only the declaration of condominium*,* ~~and~~ the association's bylaws and rules*, and the inspection reports described in ss. 553.899 and 718.301(4)(p)*. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying but may not require a member to demonstrate any purpose or state any reason for the inspection. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with this paragraph. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply. Minimum damages are $50 per calendar day for up to 10 days, beginning on the 11th working day after receipt of the written request. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records.

2. Any person who knowingly or intentionally defaces or destroys accounting records that are required by this chapter to be maintained during the period for which such records are required to be maintained, or who knowingly or intentionally fails to create or maintain accounting records that are required to be created or maintained, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(d).

3. The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all amendments to each of the foregoing, as well as the question and answer sheet as described in s. 718.504 and year-end financial information required under this section, on the condominium property to ensure their availability to unit owners and prospective purchasers, and may charge its actual costs for preparing and furnishing these documents to those requesting the documents. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or his or her authorized representative with a copy of such records. The association may not charge a member or his or her authorized representative for the use of a portable device. Notwithstanding this paragraph, the following records are not accessible to unit owners:

a. Any record protected by the lawyer-client privilege as described in s. 90.502 and any record protected by the work-product privilege, including a record prepared by an association attorney or prepared at the attorney's express direction, which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association, and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.

b. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a unit.

c. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For purposes of this sub-subparagraph, the term "personnel records" does not include written employment agreements with an association employee or management company, or budgetary or financial records that indicate the compensation paid to an association employee.

d. Medical records of unit owners.

e. Social security numbers, driver license numbers, credit card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, addresses of a unit owner other than as provided to fulfill the association's notice requirements, and other personal identifying information of any person, excluding the person's name, unit designation, mailing address, property address, and any address, e-mail address, or facsimile number provided to the association to fulfill the association's notice requirements. Notwithstanding the restrictions in this sub-subparagraph, an association may print and distribute to unit owners a directory containing the name, unit address, and all telephone numbers of each unit owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this sub-subparagraph. The association is not liable for the inadvertent disclosure of information that is protected under this sub-subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

f. Electronic security measures that are used by the association to safeguard data, including passwords.

g. The software and operating system used by the association which allow the manipulation of data, even if the owner owns a copy of the same software used by the association. The data is part of the official records of the association.

h. All affirmative acknowledgments made pursuant to s. 718.121(4)(c).

(g)1. By January 1, 2019, an association managing a condominium with 150 or more units which does not contain timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website or make such documents available through an application that can be downloaded on a mobile device.

a. The association's website or application must be:

(I) An independent website, application, or web portal wholly owned and operated by the association; or

(II) A website, application, or web portal operated by a third-party provider with whom the association owns, leases, rents, or otherwise obtains the right to operate a web page, subpage, web portal, collection of subpages or web portals, or an application which is dedicated to the association's activities and on which required notices, records, and documents may be posted or made available by the association.

b. The association's website or application must be accessible through the Internet and must contain a subpage, web portal, or other protected electronic location that is inaccessible to the general public and accessible only to unit owners and employees of the association.

c. Upon a unit owner's written request, the association must provide the unit owner with a username and password and access to the protected sections of the association's website or application which contain any notices, records, or documents that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website or application:

a. The recorded declaration of condominium of each condominium operated by the association and each amendment to each declaration.

b. The recorded bylaws of the association and each amendment to the bylaws.

c. The articles of incorporation of the association, or other documents creating the association, and each amendment to the articles of incorporation or other documents. The copy posted pursuant to this subsubparagraph must be a copy of the articles of incorporation filed with the Department of State.

d. The rules of the association.

e. A list of all executory contracts or documents to which the association is a party or under which the association or the unit owners have an obligation or responsibility and, after bidding for the related materials, equipment, or services has closed, a list of bids received by the association within the past year. Summaries of bids for materials, equipment, or services which exceed $500 must be maintained on the website or application for 1 year. In lieu of summaries, complete copies of the bids may be posted.

f. The annual budget required by s. 718.112(2)(f) and any proposed budget to be considered at the annual meeting.

g. The financial report required by subsection (13) and any monthly income or expense statement to be considered at a meeting.

h. The certification of each director required by s. 718.112(2)(d)4.b.

i. All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated condominium association or any other entity in which an association director is also a director or officer and financially interested.

j. Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.436(2)(b)6. and 718.3027(3).

k. The notice of any unit owner meeting and the agenda for the meeting, as required by s. 718.112(2)(d)3., no later than 14 days before the meeting. The notice must be posted in plain view on the front page of the website or application, or on a separate subpage of the website or application labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website or application any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.

l. Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice under s. 718.112(2)(c).

m. The inspection reports described in ss. 553.899 and 718.301(4)(p) and any other inspection report relating to a structural or life safety inspection of condominium property.

3. The association shall ensure that the information and records described in paragraph (c), which are not allowed to be accessible to unit owners, are not posted on the association's website or application. If protected information or information restricted from being accessible to unit owners is included in documents that are required to be posted on the association's website or application, the association shall ensure the information is redacted before posting the documents. Notwithstanding the foregoing, the association or its agent is not liable for disclosing information that is protected or restricted under this paragraph unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

4. The failure of the association to post information required under subparagraph 2. is not in and of itself sufficient to invalidate any action or decision of the association's board or its committees.

Section 4. Paragraph (p) is added to subsection (2) of section 718.112, Florida Statutes, to read:

718.112 Bylaws.—

(2) REQUIRED PROVISIONS.—The bylaws shall provide for the following and, if they do not do so, shall be deemed to include the following:

(p) Mandatory milestone inspections.—If an association is required to have a milestone inspection performed pursuant to s. 553.899, the association must arrange for the milestone inspection to be performed and is responsible for ensuring compliance with the requirements of s. 553.899. The association is responsible for all costs associated with the inspection. If the officers or directors of an association willfully and knowingly fail to have a milestone inspection performed pursuant to s. 553.899, such failure is a breach of the officers' and directors' fiduciary relationship to the unit owners under s. 718.111(1)(a). Upon completion of a phase one or phase two milestone inspection and receipt of the inspector-prepared summary of the inspection report from the architect or engineer who performed the inspection, the association must distribute a copy of the inspector-prepared summary of the inspection report to each unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery and by electronic transmission to unit owners who previously consented to receive notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the condominium property; and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.

Section 5. Paragraph (p) of subsection (4) of section 718.301, Florida Statutes, is amended to read:

718.301 Transfer of association control; claims of defect by association.—

(4) At the time that unit owners other than the developer elect a majority of the members of the board of administration of an association, the developer shall relinquish control of the association, and the unit owners shall accept control. Simultaneously, or for the purposes of paragraph (c) not more than 90 days thereafter, the developer shall deliver to the association, at the developer's expense, all property of the unit owners and of the association which is held or controlled by the developer, including, but not limited to, the following items, if applicable, as to each condominium operated by the association:

(p) *Notwithstanding when the certificate of occupancy was issued or the height of the building,* a *milestone inspection* report *in compliance with s. 553.899* included in the official records, under seal of an architect or engineer authorized to practice in this state, *and* attesting to required maintenance, *condition,* useful life, and replacement costs of the

following applicable *condominium property* ~~common elements~~ comprising a turnover inspection report:

1. Roof.

2. Structure*, including load-bearing walls and primary structural members and primary structural systems as those terms are defined in s. 627.706*.

3. Fireproofing and fire protection systems.

4. Elevators.

5. Heating and cooling systems.

6. Plumbing.

7. Electrical systems.

8. Swimming pool or spa and equipment.

9. Seawalls.

10. Pavement and parking areas.

11. Drainage systems.

12. Painting.

13. Irrigation systems.

14. Waterproofing.

Section 6. Subsection (1) of section 718.501, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

718.501 Authority, responsibility, and duties of Division of Florida Condominiums, Timeshares, and Mobile Homes.—

(1) The division may enforce and ensure compliance with this chapter and rules relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units *and complaints related to the procedural completion of milestone inspections under s. 553.899*. In performing its duties, the division has complete jurisdiction to investigate complaints and enforce compliance with respect to associations that are still under developer control or the control of a bulk assignee or bulk buyer pursuant to part VII of this chapter and complaints against developers, bulk assignees, or bulk buyers involving improper turnover or failure to turnover, pursuant to s. 718.301. However, after turnover has occurred, the division has jurisdiction to investigate complaints related only to financial issues, elections, and the maintenance of and unit owner access to association records under s. 718.111(12).

(a)1. The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms.

2. The division may submit any official written report, worksheet, or other related paper, or a duly certified copy thereof, compiled, prepared, drafted, or otherwise made by and duly authenticated by a financial examiner or analyst to be admitted as competent evidence in any hearing in which the financial examiner or analyst is available for cross-examination and attests under oath that such documents were prepared as a result of an examination or inspection conducted pursuant to this chapter.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon the failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all affected persons, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or related rule has occurred, the division may institute enforcement proceedings in its own name against any developer, bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, bulk assignee, bulk buyer, association, developer-designated officer, or developer-designated member of the board of administration, developer-designated assignees or agents, bulk assignee-designated assignees or agents, bulk buyer-designated assignees or agents, community association manager, or community association management firm to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division carry out the purposes of this chapter. If the division finds that a developer, bulk assignee, bulk buyer, association, officer, or member of the board of administration, or its assignees or agents, is violating or is about to violate any provision of this chapter, any rule adopted or order issued by the division, or any written agreement entered into with the division, and presents an immediate danger to the public requiring an immediate final order, it may issue an emergency cease and desist order reciting with particularity the facts underlying such findings. The emergency cease and desist order is effective for 90 days. If the division begins nonemergency cease and desist proceedings, the emergency cease and desist order remains effective until the conclusion of the proceedings under ss. 120.569 and 120.57.

3. If a developer, bulk assignee, or bulk buyer fails to pay any restitution determined by the division to be owed, plus any accrued interest at the highest rate permitted by law, within 30 days after expiration of any appellate time period of a final order requiring payment of restitution or the conclusion of any appeal thereof, whichever is later, the division must bring an action in circuit or county court on behalf of any association, class of unit owners, lessees, or purchasers for restitution, declaratory relief, injunctive relief, or any other available remedy. The division may also temporarily revoke its acceptance of the filing for the developer to which the restitution relates until payment of restitution is made.

4. The division may petition the court for appointment of a receiver or conservator. If appointed, the receiver or conservator may take action to implement the court order to ensure the performance of the order and to remedy any breach thereof. In addition to all other means provided by law for the enforcement of an injunction or temporary restraining order, the circuit court may impound or sequester the property of a party defendant, including books, papers, documents, and related records, and allow the examination and use of the property by the division and a court-appointed receiver or conservator.

5. The division may apply to the circuit court for an order of restitution whereby the defendant in an action brought under subparagraph 4. is ordered to make restitution of those sums shown by the division to have been obtained by the defendant in violation of this chapter. At the option of the court, such restitution is payable to the conservator or receiver appointed under subparagraph 4. or directly to the persons whose funds or assets were obtained in violation of this chapter.

6. The division may impose a civil penalty against a developer, bulk assignee, or bulk buyer, or association, or its assignee or agent, for any violation of this chapter or related rule. The division may impose a civil penalty individually against an officer or board member who willfully and knowingly violates this chapter, an adopted rule, or a final order of the division; may order the removal of such individual as an officer or from the board of administration or as an officer of the association; and may prohibit such individual from serving as an officer or on the board of a community association for a period of time. The term “willfully and

knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, before initiating formal agency action under chapter 120, must afford the officer or board member an opportunity to voluntarily comply, and an officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but the penalty for any offense may not exceed $5,000. The division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer, bulk assignee, or bulk buyer, or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the condominium residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. If a developer, bulk assignee, or bulk buyer fails to pay the civil penalty and the amount deemed to be owed to the association, the division shall issue an order directing that such developer, bulk assignee, or bulk buyer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order is not effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

7. If a unit owner presents the division with proof that the unit owner has requested access to official records in writing by certified mail, and that after 10 days the unit owner again made the same request for access to official records in writing by certified mail, and that more than 10 days has elapsed since the second request and the association has still failed or refused to provide access to official records as required by this chapter, the division shall issue a subpoena requiring production of the requested records where the records are kept pursuant to s. 718.112.

8. In addition to subparagraph 6., the division may seek the imposition of a civil penalty through the circuit court for any violation for which the division may issue a notice to show cause under paragraph (r). The civil penalty shall be at least $500 but no more than $5,000 for each violation. The court may also award to the prevailing party court costs and reasonable attorney fees and, if the division prevails, may also award reasonable costs of investigation.

(e) The division may prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential condominiums in assessing the rights, privileges, and duties pertaining thereto.

(f) The division may adopt rules to administer and enforce this chapter.

(g) The division shall establish procedures for providing notice to an association and the developer, bulk assignee, or bulk buyer during the period in which the developer, bulk assignee, or bulk buyer controls the association if the division is considering the issuance of a declaratory statement with respect to the declaration of condominium or any related document governing such condominium community.

(h) The division shall furnish each association that pays the fees required by paragraph (2)(a) a copy of this chapter, as amended, and the rules adopted thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of condominiums which were rendered by the division during the previous year.

(j) The division shall provide training and educational programs for condominium association board members and unit owners. The training may, in the division's discretion, include web-based electronic media, and live training and seminars in various locations throughout the state. The division may review and approve education and training programs for board members and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such list available to board members and unit owners in a reasonable and cost-effective manner.

(k) The division shall maintain a toll-free telephone number accessible to condominium unit owners.

(l) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of condominium disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in alternative dispute resolution proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of volunteer mediators only the names of persons who have received at least 20 hours of training in mediation techniques or who have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements adopted by rule.

(m) If a complaint is made, the division must conduct its inquiry with due regard for the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and, within 90 days after receipt of the original complaint or of timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing under ss. 120.569 and 120.57. The division may adopt rules regarding the submission of a complaint against an association.

(n) Condominium association directors, officers, and employees; condominium developers; bulk assignees, bulk buyers, and community association managers; and community association management firms have an ongoing duty to reasonably cooperate with the division in any investigation under this section. The division shall refer to local law enforcement authorities any person whom the division believes has altered, destroyed, concealed, or removed any record, document, or thing required to be kept or maintained by this chapter with the purpose to impair its verity or availability in the department's investigation.

(o) The division may:

1. Contract with agencies in this state or other jurisdictions to perform investigative functions; or

2. Accept grants-in-aid from any source.

(p) The division shall cooperate with similar agencies in other jurisdictions to establish uniform filing procedures and forms, public offering statements, advertising standards, and rules and common administrative practices.

(q) The division shall consider notice to a developer, bulk assignee, or bulk buyer to be complete when it is delivered to the address of the developer, bulk assignee, or bulk buyer currently on file with the division.

(r) In addition to its enforcement authority, the division may issue a notice to show cause, which must provide for a hearing, upon written request, in accordance with chapter 120.

(s) The division shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees an annual report that includes, but need not be limited to, the number of training programs provided for condominium association board members and unit owners, the number of complaints received by type, the number and percent of complaints acknowledged in writing within 30 days and the number and percent of investigations acted upon within 90 days in accordance with paragraph (m), and the number of investigations exceeding the 90-day requirement. The annual report must also include an evaluation of the division's core business processes and make recommendations for improvements, including statutory changes. The report shall be submitted by September 30 following the end of the fiscal year.

(3)(a) On or before January 1, 2023, condominium associations existing on or before July 1, 2022, must provide the following information to the division in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website:

1. The number of buildings on the condominium property that are three stories or higher in height.

2. The total number of units in all such buildings.

3. The addresses of all such buildings.

4. The counties in which all such buildings are located.

(b) The division must compile a list of the number of buildings on condominium property that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. This list must include all of the following information:

1. The name of each association with buildings on the condominium property that are three stories or higher in height.

2. The number of such buildings on each association's property.

3. The addresses of all such buildings.

4. The counties in which all such buildings are located.

(c) An association must provide an update in writing to the division if there are any changes to the information in the list under paragraph (b) within 6 months after the change.

Section 7. Present paragraphs (b) and (c) of subsection (2) of section 718.503, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, a new paragraph (b) is added to that subsection, and paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of that section are amended, to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(1) DEVELOPER DISCLOSURE.—

(b) *Copies of documents to be furnished to prospective buyer or lessee.*—Until such time as the developer has furnished the documents listed below to a person who has entered into a contract to purchase a residential unit or lease it for more than 5 years, the contract may be voided by that person, entitling the person to a refund of any deposit together with interest thereon as provided in s. 718.202. The contract may be terminated by written notice from the proposed buyer or lessee delivered to the developer within 15 days after the buyer or lessee receives all of the documents required by this section. The developer may not close for 15 days *after* ~~following~~ the execution of the agreement and delivery of the documents to the buyer as evidenced by a signed receipt for documents unless the buyer is informed in the 15-day voidability period and agrees to close *before* ~~prior to~~ the expiration of the 15 days. The developer shall retain in his or her records a separate agreement signed by the buyer as proof of the buyer's agreement to close *before* ~~prior to~~ the expiration of *the* ~~said~~ voidability period. *The developer must retain such* ~~Said~~ proof ~~shall be retained~~ for a period of 5 years after the date of the closing of the transaction. The documents to be delivered to the prospective buyer are the prospectus or disclosure statement with all exhibits, if the development is subject to ~~the provisions of~~ s. 718.504, or, if not, then copies of the following which are applicable:

1. The question and answer sheet described in s. 718.504, and declaration of condominium, or the proposed declaration if the declaration has not been recorded, which shall include the certificate of a surveyor approximately representing the locations required by s. 718.104.

2. The documents creating the association.

3. The bylaws.

4. The ground lease or other underlying lease of the condominium.

5. The management contract, maintenance contract, and other contracts for management of the association and operation of the condominium and facilities used by the unit owners having a service term in excess of 1 year, and any management contracts that are renewable.

6. The estimated operating budget for the condominium and a schedule of expenses for each type of unit, including fees assessed pursuant to s. 718.113(1) for the maintenance of limited common elements where such costs are shared only by those entitled to use the limited common elements.

7. The lease of recreational and other facilities that will be used only by unit owners of the subject condominium.

8. The lease of recreational and other common facilities that will be used by unit owners in common with unit owners of other condominiums.

9. The form of unit lease if the offer is of a leasehold.

10. Any declaration of servitude of properties serving the condominium but not owned by unit owners or leased to them or the association.

11. If the development is to be built in phases or if the association is to manage more than one condominium, a description of the plan of phase development or the arrangements for the association to manage two or more condominiums.

12. If the condominium is a conversion of existing improvements, the statements and disclosure required by s. 718.616.

13. The form of agreement for sale or lease of units.

14. A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

15. A copy of all covenants and restrictions *that* ~~which~~ will affect the use of the property and ~~which~~ are not contained in the foregoing.

16. If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facilities intended to serve the condominium, a copy of any such acceptance or approval acquired by the time of filing with the division under s. 718.502(1), or a statement that such acceptance or approval has not been acquired or received.

17. Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed.

18. A copy of the inspector-prepared summary of the milestone inspection report as described in ss. 553.899 and 718.301(4)(p).

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by this chapter *must* ~~shall~~ comply with ~~the provisions of~~ this subsection *before* ~~prior to~~ the sale of his or her unit. Each prospective purchaser who has entered into a contract for the purchase of a condominium unit is entitled, at the seller's expense, to a current copy of *all of the following:*

1. The declaration of condominium.~~,~~

2. Articles of incorporation of the association.~~,~~

3. Bylaws and rules of the association.~~,~~

4. Financial information required by s. 718.111.~~,~~

5. A copy of the inspector-prepared summary of the milestone inspection report as described in ss. 553.899 and 718.301(4)(p), if applicable.

7. ~~and~~ The document entitled "Frequently Asked Questions and Answers" required by s. 718.504.

(b) ~~On and after January 1, 2009,~~ The prospective purchaser *is* ~~shall~~ also ~~be~~ entitled to receive from the seller a copy of a governance form. Such form shall be provided by the division summarizing governance of condominium associations. In addition to such other information as the division considers helpful to a prospective purchaser in understanding association governance, the governance form shall address the following subjects:

1. The role of the board in conducting the day-to-day affairs of the association on behalf of, and in the best interests of, the owners.

2. The board's responsibility to provide advance notice of board and membership meetings.

3. The rights of owners to attend and speak at board and membership meetings.

4. The responsibility of the board and of owners with respect to maintenance of the condominium property.

5. The responsibility of the board and owners to abide by the condominium documents, this chapter, rules adopted by the division, and reasonable rules adopted by the board.

6. Owners' rights to inspect and copy association records and the limitations on such rights.

7. Remedies available to owners with respect to actions by the board which may be abusive or beyond the board's power and authority.

8. The right of the board to hire a property management firm, subject to its own primary responsibility for such management.

9. The responsibility of owners with regard to payment of regular or special assessments necessary for the operation of the property and the potential consequences of failure to pay such assessments.

10. The voting rights of owners.

11. Rights and obligations of the board in enforcement of rules in the condominium documents and rules adopted by the board.

The governance form shall also include the following statement in conspicuous type: "This publication is intended as an informal educational overview of condominium governance. In the event of a conflict, the provisions of chapter 718, Florida Statutes, rules adopted by the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation, the provisions of the condominium documents, and reasonable rules adopted by the condominium association's board of administration prevail over the contents of this publication."

Section 8. Paragraph (q) is added to subsection (24) of section 718.504, Florida Statutes, to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(24) Copies of the following, to the extent they are applicable, shall be included as exhibits:

(q) A copy of the inspector-prepared summary of the milestone inspection report as described in ss. 553.899 and 718.301(4)(p), as applicable.

Section 9. Paragraphs (a) and (c) of subsection (2) of section 719.104, Florida Statutes, are amended to read:

719.104 Cooperatives; access to units; records; financial reports; assessments; purchase of leases.—

(2) OFFICIAL RECORDS.—

(a) From the inception of the association, the association shall maintain a copy of each of the following, where applicable, which shall constitute the official records of the association:

1. The plans, permits, warranties, and other items provided by the developer pursuant to s. 719.301(4).

2. A photocopy of the cooperative documents.

3. A copy of the current rules of the association.

4. A book or books containing the minutes of all meetings of the association, of the board of directors, and of the unit owners.

5. A current roster of all unit owners and their mailing addresses, unit identifications, voting certifications, and, if known, telephone numbers. The association shall also maintain the e-mail addresses and the numbers designated by unit owners for receiving notice sent by electronic transmission of those unit owners consenting to receive notice by electronic transmission. The e-mail addresses and numbers provided by unit owners to receive notice by electronic transmission shall be removed from association records when consent to receive notice by electronic transmission is revoked. However, the association is not liable for an erroneous disclosure of the e-mail address or the number for receiving electronic transmission of notices.

6. All current insurance policies of the association.

7. A current copy of any management agreement, lease, or other contract to which the association is a party or under which the association or the unit owners have an obligation or responsibility.

8. Bills of sale or transfer for all property owned by the association.

9. Accounting records for the association and separate accounting records for each unit it operates, according to good accounting practices. The accounting records shall include, but not be limited to:

a. Accurate, itemized, and detailed records of all receipts and expenditures.

b. A current account and a monthly, bimonthly, or quarterly statement of the account for each unit designating the name of the unit owner, the due date and amount of each assessment, the amount paid upon the account, and the balance due.

c. All audits, reviews, accounting statements, and financial reports of the association.

d. All contracts for work to be performed. Bids for work to be performed shall also be considered official records and shall be maintained for a period of 1 year.

10. Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by unit owners, which shall be maintained for a period of 1 year after the date of the election, vote, or meeting to which the document relates.

11. All rental records where the association is acting as agent for the rental of units.

12. A copy of the current question and answer sheet as described in s. 719.504.

13. All affirmative acknowledgments made pursuant to s. 719.108(3)(b)3.

14. *A copy of the inspection reports described in s. 553.899 and 719.301(4)(p) and any other inspection report relating to a structural or life safety inspection of the cooperative property. Such record must be maintained by the association for 15 years after receipt of the report.*

15. All other written records of the association not specifically included in the foregoing which are related to the operation of the association.

(c) The official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the association member. *A renter of a unit has a right to inspect and copy only the association's bylaws and rules and the inspection reports described in ss. 553.899 and 719.301(4)(p).* The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying, but may not require a member to demonstrate any purpose or state any reason for the inspection. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with this paragraph. A member who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply. The minimum damages are $50 per calendar day for up to 10 days, beginning on the 11th working day after receipt of the written request. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records. Any person who knowingly or intentionally defaces or destroys accounting records that are required by this chapter to be maintained during the period for which such records are required to be maintained, or who knowingly or intentionally fails to create or maintain accounting records that are required to be created or maintained, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty under s. 719.501(1)(d). The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all amendments to each of the foregoing, as well as the question and answer sheet as described in s. 719.504 and year-end financial information required by the department, on the cooperative property to ensure their availability to members and prospective purchasers, and may charge its actual costs for preparing and furnishing these documents to those requesting the same. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association providing the member or his or her authorized representative with a copy of such records. The association may not charge a member or his or her authorized representative for the use of a portable device. Notwithstanding this paragraph, the following records shall not be accessible to members:

1. Any record protected by the lawyer-client privilege as described in s. 90.502 and any record protected by the work-product privilege, including any record prepared by an association attorney or prepared at the attorney's express direction which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association, and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.

2. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a unit.

3. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For purposes of this subparagraph, the term "personnel records" does not include written employment agreements with an association employee or management company, or budgetary or financial records that indicate the compensation paid to an association employee.

4. Medical records of unit owners.

5. Social security numbers, driver license numbers, credit card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, addresses of a unit owner other than as provided to fulfill the association's notice requirements, and other personal identifying information of any person, excluding the person's name, unit designation, mailing address, property address, and any address, e-mail address, or facsimile number provided to the association to fulfill the association's notice requirements. Notwithstanding the restrictions in this subparagraph, an association may print and distribute to unit owners a directory containing the name, unit address, and all telephone numbers of each unit owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this subparagraph. The association is not liable for the inadvertent disclosure of information that is protected under this subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

6. Electronic security measures that are used by the association to safeguard data, including passwords.

7. The software and operating system used by the association which allow the manipulation of data, even if the owner owns a copy of the same software used by the association. The data is part of the official records of the association.

8. All affirmative acknowledgments made pursuant to s. 719.108(3)(b)3.

Section 10. Paragraph (n) is added to subsection (1) of section 719.106, Florida Statutes, to read:

719.106 Bylaws; cooperative ownership.—

(1) MANDATORY PROVISIONS.—The bylaws or other cooperative documents shall provide for the following, and if they do not, they shall be deemed to include the following:

(n) Mandatory milestone inspections.—If an association is required to have a milestone inspection performed pursuant to s. 553.899, the association must arrange for the milestone inspection to be performed and is responsible for ensuring compliance with the requirements of s. 553.899. The association is responsible for all costs associated with the inspection. If the officers or directors of an association willfully and knowingly fail to have a milestone inspection performed pursuant to s.

553.899, such failure is a breach of the officers' and directors' fiduciary relationship to the unit owners under s. 719.104(8)(a). Upon completion of a phase one or phase two milestone inspection and receipt of the inspector-prepared summary of the inspection report from the architect or engineer who performed the inspection, the association must distribute a copy of the inspector-prepared summary of the inspection report to each unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery and by electronic transmission to unit owners who previously consented to receive notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the cooperative property; and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.

Section 11. Paragraph (p) is added to subsection (4) of section 719.301, Florida Statutes, to read:

719.301 Transfer of association control.—

(4) When unit owners other than the developer elect a majority of the members of the board of administration of an association, the developer shall relinquish control of the association, and the unit owners shall accept control. Simultaneously, or for the purpose of paragraph (c) not more than 90 days thereafter, the developer shall deliver to the association, at the developer's expense, all property of the unit owners and of the association held or controlled by the developer, including, but not limited to, the following items, if applicable, as to each cooperative operated by the association:

(p) Notwithstanding when the certificate of occupancy was issued or the height of the building, a milestone inspection report in compliance with s. 553.899 included in the official records, under seal of an architect or engineer authorized to practice in this state, attesting to required maintenance, condition, useful life, and replacement costs of the following applicable cooperative property comprising a turnover inspection report:

1. Roof.

2. Structure, including load-bearing walls and primary structural members and primary structural systems as those terms are defined in s. 627.706.

3. Fireproofing and fire protection systems.

4. Elevators.

5. Heating and cooling systems.

6. Plumbing.

7. Electrical systems.

8. Swimming pool or spa and equipment.

9. Seawalls.

10. Pavement and parking areas.

11. Drainage systems.

12. Painting.

13. Irrigation systems.

14. Waterproofing.

Section 12. Subsection (1) of section 719.501, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

719.501 Powers and duties of Division of Florida Condominiums, Timeshares, and Mobile Homes.—

(1) The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the "division" in this part, in addition to other powers and duties prescribed by chapter 718, has the power to enforce and ensure compliance with this chapter and adopted rules relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units *and complaints related to the procedural completion of milestone inspections under s. 553.899*. In performing its duties, the division shall have the following powers and duties:

(a) The division may make necessary public or private investigations within or outside this state to determine whether any person has violated this chapter or any rule or order hereunder, to aid in the enforcement of this chapter, or to aid in the adoption of rules or forms hereunder.

(b) The division may require or permit any person to file a statement in writing, under oath or otherwise, as the division determines, as to the facts and circumstances concerning a matter to be investigated.

(c) For the purpose of any investigation under this chapter, the division director or any officer or employee designated by the division director may administer oaths or affirmations, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter which is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence. Upon failure by a person to obey a subpoena or to answer questions propounded by the investigating officer and upon reasonable notice to all persons affected thereby, the division may apply to the circuit court for an order compelling compliance.

(d) Notwithstanding any remedies available to unit owners and associations, if the division has reasonable cause to believe that a violation of any provision of this chapter or related rule has occurred, the division may institute enforcement proceedings in its own name against a developer, association, officer, or member of the board, or its assignees or agents, as follows:

1. The division may permit a person whose conduct or actions may be under investigation to waive formal proceedings and enter into a consent proceeding whereby orders, rules, or letters of censure or warning, whether formal or informal, may be entered against the person.

2. The division may issue an order requiring the developer, association, officer, or member of the board, or its assignees or agents, to cease and desist from the unlawful practice and take such affirmative action as in the judgment of the division will carry out the purposes of this chapter. Such affirmative action may include, but is not limited to, an order requiring a developer to pay moneys determined to be owed to a condominium association.

3. The division may bring an action in circuit court on behalf of a class of unit owners, lessees, or purchasers for declaratory relief, injunctive relief, or restitution.

4. The division may impose a civil penalty against a developer or association, or its assignees or agents, for any violation of this chapter or related rule. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division, and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed $5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were com-

mitted by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the cooperative residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

(e) The division may prepare and disseminate a prospectus and other information to assist prospective owners, purchasers, lessees, and developers of residential cooperatives in assessing the rights, privileges, and duties pertaining thereto.

(f) The division has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement and enforce the provisions of this chapter.

(g) The division shall establish procedures for providing notice to an association when the division is considering the issuance of a declaratory statement with respect to the cooperative documents governing such cooperative community.

(h) The division shall furnish each association which pays the fees required by paragraph (2)(a) a copy of this act, subsequent changes to this act on an annual basis, an amended version of this act as it becomes available from the Secretary of State's office on a biennial basis, and the rules adopted thereto on an annual basis.

(i) The division shall annually provide each association with a summary of declaratory statements and formal legal opinions relating to the operations of cooperatives which were rendered by the division during the previous year.

(j) The division shall adopt uniform accounting principles, policies, and standards to be used by all associations in the preparation and presentation of all financial statements required by this chapter. The principles, policies, and standards shall take into consideration the size of the association and the total revenue collected by the association.

(k) The division shall provide training and educational programs for cooperative association board members and unit owners. The training may, in the division's discretion, include web-based electronic media, and live training and seminars in various locations throughout the state. The division may review and approve education and training programs for board members and unit owners offered by providers and shall maintain a current list of approved programs and providers and make such list available to board members and unit owners in a reasonable and cost-effective manner.

(l) The division shall maintain a toll-free telephone number accessible to cooperative unit owners.

(m) When a complaint is made to the division, the division shall conduct its inquiry with reasonable dispatch and with due regard to the interests of the affected parties. Within 30 days after receipt of a complaint, the division shall acknowledge the complaint in writing and notify the complainant whether the complaint is within the jurisdiction of the division and whether additional information is needed by the division from the complainant. The division shall conduct its investigation and shall, within 90 days after receipt of the original complaint or timely requested additional information, take action upon the complaint. However, the failure to complete the investigation within 90 days does not prevent the division from continuing the investigation, accepting or considering evidence obtained or received after 90 days, or taking administrative action if reasonable cause exists to believe that a violation of this chapter or a rule of the division has occurred. If an investigation is not completed within the time limits established in this paragraph, the division shall, on a monthly basis, notify the complainant in writing of the status of the investigation. When reporting its action to the complainant, the division shall inform the complainant of any right to a hearing pursuant to ss. 120.569 and 120.57.

(n) The division shall develop a program to certify both volunteer and paid mediators to provide mediation of cooperative disputes. The division shall provide, upon request, a list of such mediators to any association, unit owner, or other participant in arbitration proceedings under s. 718.1255 requesting a copy of the list. The division shall include on the list of voluntary mediators only persons who have received at least 20 hours of training in mediation techniques or have mediated at least 20 disputes. In order to become initially certified by the division, paid mediators must be certified by the Supreme Court to mediate court cases in county or circuit courts. However, the division may adopt, by rule, additional factors for the certification of paid mediators, which factors must be related to experience, education, or background. Any person initially certified as a paid mediator by the division must, in order to continue to be certified, comply with the factors or requirements imposed by rules adopted by the division.

(3)(a) On or before January 1, 2023, cooperative associations existing on or before July 1, 2022, must provide the following information to the division in writing, by e-mail, United States Postal Service, commercial delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website:

1. The number of buildings on the cooperative property that are three stories or higher in height.

2. The total number of units in all such buildings.

3. The addresses of all such buildings.

4. The counties in which all such buildings are located.

(b) The division must compile a list of the number of buildings on cooperative property that are three stories or higher in height, which is searchable by county, and must post the list on the division's website. This list must include all of the following information:

1. The name of each association with buildings on the cooperative property that are three stories or higher in height.

2. The number of such buildings on each association's property.

3. The addresses of all such buildings.

4. The counties in which all such buildings are located.

(c) An association must provide an update in writing to the division if there are any changes to the information in the list under paragraph (b) within 6 months after the change.

Section 13. Paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of section 719.503, Florida Statutes, are amended to read:

719.503 Disclosure prior to sale.—

(1) DEVELOPER DISCLOSURE.—

(b) *Copies of documents to be furnished to prospective buyer or lessee.*—Until such time as the developer has furnished the documents listed below to a person who has entered into a contract to purchase a unit or lease it for more than 5 years, the contract may be voided by that person, entitling the person to a refund of any deposit together with interest thereon as provided in s. 719.202. The contract may be terminated by written notice from the proposed buyer or lessee delivered to the developer within 15 days after the buyer or lessee receives all of the documents required by this section. The developer *may* ~~shall~~ not close for 15 days *after* ~~following~~ the execution of the agreement and delivery of the documents to the buyer as evidenced by a receipt for documents

signed by the buyer unless the buyer is informed in the 15-day voidability period and agrees to close *before* ~~prior to~~ the expiration of the 15 days. The developer shall retain in his or her records a separate signed agreement as proof of the buyer's agreement to close *before* ~~prior to~~ the expiration of *the* ~~said~~ voidability period. *The developer must retain such* ~~Said~~ proof ~~shall be retained~~ for a period of 5 years after the date of the closing transaction. The documents to be delivered to the prospective buyer are the prospectus or disclosure statement with all exhibits, if the development is subject to ~~the provisions of~~ s. 719.504, or, if not, then copies of the following which are applicable:

1. The question and answer sheet described in s. 719.504, and cooperative documents, or the proposed cooperative documents if the documents have not been recorded, which shall include the certificate of a surveyor approximately representing the locations required by s. 719.104.

2. The documents creating the association.

3. The bylaws.

4. The ground lease or other underlying lease of the cooperative.

5. The management contract, maintenance contract, and other contracts for management of the association and operation of the cooperative and facilities used by the unit owners having a service term in excess of 1 year, and any management contracts that are renewable.

6. The estimated operating budget for the cooperative and a schedule of expenses for each type of unit, including fees assessed to a shareholder who has exclusive use of limited common areas, where such costs are shared only by those entitled to use such limited common areas.

7. The lease of recreational and other facilities that will be used only by unit owners of the subject cooperative.

8. The lease of recreational and other common areas that will be used by unit owners in common with unit owners of other cooperatives.

9. The form of unit lease if the offer is of a leasehold.

10. Any declaration of servitude of properties serving the cooperative but not owned by unit owners or leased to them or the association.

11. If the development is to be built in phases or if the association is to manage more than one cooperative, a description of the plan of phase development or the arrangements for the association to manage two or more cooperatives.

12. If the cooperative is a conversion of existing improvements, the statements and disclosure required by s. 719.616.

13. The form of agreement for sale or lease of units.

14. A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

15. A copy of all covenants and restrictions *that* ~~which~~ will affect the use of the property and ~~which~~ are not contained in the foregoing.

16. If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facilities intended to serve the cooperative, a copy of any such acceptance or approval acquired by the time of filing with the division pursuant to s. 719.502(1) or a statement that such acceptance or approval has not been acquired or received.

17. Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the cooperative is to be developed.

18. A copy of the inspector-prepared summary of the milestone inspection report as described in ss. 553.899 and 719.301(4)(p), if applicable.

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by this chapter must comply with ~~the provisions of~~ this subsection *before* ~~prior to~~ the sale of his or her interest in the association. Each prospective purchaser who has entered into a contract for the purchase of an interest in a cooperative is entitled, at the seller's expense, to a current copy of *all of the following:*

1. The articles of incorporation of the association.~~,~~

2. The bylaws~~,~~ and rules of the association.

3. ~~,as well as~~ A copy of the question and answer sheet as provided in s. 719.504.

4. A copy of the inspector-prepared summary of the milestone inspection report as described in ss. 553.899 and 719.301(4)(p), if applicable.

Section 14. Paragraph (q) is added to subsection (23) of section 719.504, Florida Statutes, to read:

719.504 Prospectus or offering circular.—Every developer of a residential cooperative which contains more than 20 residential units, or which is part of a group of residential cooperatives which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which must be in accordance with a format approved by the division. This page must, in readable language: inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which identifies the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of $100,000; and state whether membership in a recreational facilities association is mandatory and, if so, identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one cooperative, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(23) Copies of the following, to the extent they are applicable, shall be included as exhibits:

(q) A copy of the inspector-prepared summary of the milestone inspection report as described in ss. 553.899 and 719.301(4)(p), if applicable.

Section 15. This act shall take effect July 1, 2022.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to condominium and cooperative associations; amending s. 468.4334, F.S.; requiring community association managers and community association management firms to comply with a specified provision under certain circumstances; creating s. 553.899, F.S.; providing legislative findings; defining the terms "milestone inspection" and "substantial structural deterioration"; specifying that the purpose of a milestone inspection is not to determine compliance with the Florida Building Code or the firesafety code; requiring condominium associations and cooperative associations to have milestone inspections performed on certain buildings at specified times; specifying that such associations are responsible for costs relating to milestone inspections; providing applicability; requiring that initial milestone inspections for certain buildings be performed before a specified date; requiring local

enforcement agencies to provide certain written notice to condominium associations and cooperative associations; requiring condominium associations and cooperative associations to complete phase one of a milestone inspection within a specified timeframe; specifying that milestone inspections consist of two phases; providing requirements for each phase of a milestone inspection; requiring architects and engineers performing a milestone inspection to submit a sealed copy of the inspection report and a summary that includes specified findings and recommendations to certain entities; providing requirements for such inspection reports; requiring condominium associations and cooperative associations to distribute and post a copy of each inspection report and summary in a specified manner; authorizing local enforcement agencies to prescribe timelines and penalties relating to milestone inspections; authorizing boards of county commissioners to adopt certain ordinances relating to repairs for substantial structural deterioration; requiring local enforcement agencies to review and determine if a building is unsafe for human occupancy under certain circumstances; requiring the Florida Building Commission to review milestone inspection requirements and make any recommendations to the Governor and the Legislature by a specified date; requiring the commission to consult with the State Fire Marshal to provide certain recommendations to the Governor and the Legislature by a specified date; amending s. 718.111, F.S.; revising the types of records that constitute the official records of a condominium association; requiring associations to maintain specified records for a certain timeframe; specifying that renters of a unit have the right to inspect and copy certain reports; requiring associations to post a copy of certain reports and reserve studies on the association's website; amending s. 718.112, F.S.; restating requirements for associations relating to milestone inspections; specifying that if the officers or directors of a condominium association fail to have a milestone inspection performed, such failure is a breach of their fiduciary relationship to the unit owners; amending s. 718.301, F.S.; revising reporting requirements relating to the transfer of association control; amending s. 718.501, F.S.; revising the Division of Florida Condominiums, Timeshares, and Mobile Homes' authority relating to enforcement and compliance; requiring certain associations to provide certain information and updates to the division by a specified date and within a specified timeframe; requiring the division to compile a list with certain information and post such list on its website; amending s. 718.503, F.S.; revising the documents that must be delivered to a prospective buyer or lessee of a residential unit; revising requirements for nondeveloper disclosures; amending s. 718.504, F.S.; revising requirements for prospectuses and offering circulars; amending s. 719.104, F.S.; revising the types of records that constitute the official records of a cooperative association; requiring associations to maintain specified records for a certain timeframe; specifying that renters of a unit have the right to inspect and copy certain reports; amending s. 719.106, F.S.; restating requirements for associations relating to milestone inspections; specifying that if the officers or directors of a cooperative association fail to have a milestone inspection performed, such failure is a breach of their fiduciary relationship to the unit owners; amending s. 719.301, F.S.; requiring developers to deliver a turnover inspection report relating to cooperative property under certain circumstances; amending s. 719.501, F.S.; revising the division's authority relating to enforcement and compliance; requiring certain associations to provide certain information and updates to the division by a specified date and within a specified time; requiring the division to compile a list with certain information and post such list on its website; amending s. 719.503, F.S.; revising the documents that must be delivered to a prospective buyer or lessee of a residential unit; revising nondeveloper disclosure requirements; amending s. 719.504, F.S.; revising requirements for prospectuses and offering circulars; providing an effective date.

On motion by Senator Bradley, by two-thirds vote, **CS for HB 7069**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea to Nay—Farmer

SPECIAL RECOGNITION

Senator Bradley recognized Booter Imhof, Staff Director of the Committee on Regulated Industries, who was celebrating his birthday this day and present in the chamber.

CS for CS for HJR 1—A joint resolution proposing an amendment to Section 6 of Article VII and the creation of a new section in Article XII of the State Constitution to authorize the legislature, by general law, for all levies other than school district levies, to grant an additional homestead property tax exemption on $50,000 of the assessed value of homestead property owned by classroom teachers, law enforcement officers, correctional officers, firefighters, emergency medical technicians, paramedics, child welfare services professionals, active duty members of the United States Armed Forces, and Florida National Guard members.

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

That the following amendment to Section 6 of Article VII and the creation of a new section in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for special benefits, up to the assessed valuation of twenty-five thousand dollars and, for all levies other than school district levies, on the assessed valuation greater than fifty thousand dollars and up to seventy-five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. The exemption shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This exemption is repealed on the effective date of any amendment to this Article which provides for the assessment of homestead property at less than just value.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(d) The legislature may, by general law, allow counties or municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant either or both of the following additional homestead tax exemptions:

(1) An exemption not exceeding fifty thousand dollars to a person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained age sixty-five, and whose household income, as defined by general law, does not exceed twenty thousand dollars; or

(2) An exemption equal to the assessed value of the property to a person who has the legal or equitable title to real estate with a just value less than two hundred and fifty thousand dollars, as determined in the first tax year that the owner applies and is eligible for the exemption, and who has maintained thereon the permanent residence of the owner for not less than twenty-five years, who has attained age sixty-five, and whose household income does not exceed the income limitation prescribed in paragraph (1).

The general law must allow counties and municipalities to grant these additional exemptions, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

(e)(1) Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related and the veteran was honorably discharged upon separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this paragraph, an applicant must submit to the county property appraiser, by March 1, an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The Legislature may, by general law, waive the annual application requirement in subsequent years.

(2) If a veteran who receives the discount described in paragraph (1) predeceases his or her spouse, and if, upon the death of the veteran, the surviving spouse holds the legal or beneficial title to the homestead property and permanently resides thereon, the discount carries over to the surviving spouse until he or she remarries or sells or otherwise disposes of the homestead property. If the surviving spouse sells or otherwise disposes of the property, a discount not to exceed the dollar amount granted from the most recent ad valorem tax roll may be transferred to the surviving spouse's new homestead property, if used as his or her permanent residence and he or she has not remarried.

(3) This subsection is self-executing and does not require implementing legislation.

(f) By general law and subject to conditions and limitations specified therein, the Legislature may provide ad valorem tax relief equal to the total amount or a portion of the ad valorem tax otherwise owed on homestead property to:

(1) The surviving spouse of a veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces.

(2) The surviving spouse of a first responder who died in the line of duty.

(3) A first responder who is totally and permanently disabled as a result of an injury or injuries sustained in the line of duty. Causal connection between a disability and service in the line of duty shall not be presumed but must be determined as provided by general law. For purposes of this paragraph, the term "disability" does not include a chronic condition or chronic disease, unless the injury sustained in the line of duty was the sole cause of the chronic condition or chronic disease.

As used in this subsection and as further defined by general law, the term "first responder" means a law enforcement officer, a correctional officer, a firefighter, an emergency medical technician, or a paramedic, and the term "in the line of duty" means arising out of and in the actual performance of duty required by employment as a first responder.

(g) By general law and subject to conditions and limitations specified therein, for all levies other than school district levies, the legislature may provide an additional homestead exemption on the assessed valuation of greater than one hundred thousand dollars and up to one hundred fifty thousand dollars to a classroom teacher, a law enforcement officer, a correctional officer, a firefighter, an emergency medical technician, a paramedic, a child welfare services professional, an active duty member of the United States Armed Forces, or a member of the Florida National Guard who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner.

ARTICLE XII

SCHEDULE

Additional homestead property tax exemption for specified critical public services workforce.—This section and the amendment to Section 6 of Article VII, authorizing the legislature, for all levies other than school district levies, to grant an additional homestead property tax exemption on $50,000 of the assessed value of homestead property owned by classroom teachers, law enforcement officers, correctional officers, firefighters, emergency medical technicians, paramedics, child welfare services professionals, active duty members of the United States Armed Forces, and members of the Florida National Guard, shall take effect January 1, 2023.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 6

ARTICLE XII

ADDITIONAL HOMESTEAD PROPERTY TAX EXEMPTION FOR SPECIFIED CRITICAL PUBLIC SERVICES WORKFORCE.—Proposing an amendment to the State Constitution to authorize the Legislature, by general law, to grant an additional homestead tax exemption for nonschool levies of up to $50,000 of the assessed value of homestead property owned by classroom teachers, law enforcement officers, correctional officers, firefighters, emergency medical technicians, paramedics, child welfare services professionals, active duty members of the United States Armed Forces, and Florida National Guard members. This amendment shall take effect January 1, 2023.

—was read the second time by title. On motion by Senator Brodeur, by two-thirds vote, **CS for CS for HJR 1** was read the third time by title, passed by the required constitutional three-fifths vote of the membership, and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Powell

CS for CS for HB 1563—A bill to be entitled An act relating to homestead property tax exemptions for classroom teachers, law enforcement officers, firefighters, emergency medical technicians, paramedics, child welfare professionals, and servicemembers; amending s.

196.011, F.S.; specifying the information that must be supplied annually to the property appraiser by classroom teachers, law enforcement officers, firefighters, emergency medical technicians, paramedics, child welfare professionals, and servicemembers who qualify for a specified exemption; creating s. 196.077, F.S.; providing definitions; providing conditions under which a classroom teacher, law enforcement officer, a firefighter, an emergency medical technician, a paramedic, a child welfare professional, or a servicemember may receive an additional homestead property tax exemption; specifying the amount of the homestead property tax exemption; providing requirements for applying for and receiving an exemption; specifying actions a property appraiser may take if a taxpayer improperly claims an exemption; providing penalties under certain conditions; amending s. 218.125, F.S.; requiring the Legislature to appropriate moneys to offset reductions in ad valorem tax revenues experienced by fiscally constrained counties due to certain constitutional amendments; specifying procedures for distributing such moneys; specifying procedures for applying for and receiving such moneys; specifying necessary documentation; specifying the method for calculating each fiscally constrained county's reduction in ad valorem tax revenue; specifying a mechanism for reversion of funds under certain circumstances; authorizing the Department of Revenue to adopt emergency rules; providing applicability; providing a contingent effective date.

—was read the second time by title. On motion by Senator Brodeur, by two-thirds vote, **CS for CS for HB 1563** was read the third time by title, passed by the required constitutional two-thirds vote of the membership, and certified to the House. The vote on passage was:

Yeas—37

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

Nays—1

Powell

LOCAL BILL CALENDAR

SENATOR BEAN PRESIDING

MOTIONS

On motion by Senator Passidomo, the rules were waived and **CS for HB 455**, **HB 457**, **HB 471**, **HB 497**, **HB 535**, **CS for HB 651**, **HB 895**, **HB 927**, **HB 929**, **HB 993**, **CS for HB 995**, **HB 1045**, **CS for HB 1047**, **CS for HB 1049**, **HB 1103**, **HB 1105**, **HB 1107**, **HB 1135**, **HB 1161**, **HB 1189**, **CS for HB 1231**, **HB 1423**, **CS for HB 1427**, **HB 1429**, **HB 1431**, **HB 1433**, **CS for HB 1491**, **CS for HB 1493**, **CS for HB 1495**, **HB 1497**, **CS for HB 1499**, **HB 1581**, **CS for HB 1583**, and **HB 1591** on the Local Bill Calendar were withdrawn from the Committee on Rules, read a second and third time by title, and passed this day.

CS for HB 455—A bill to be entitled An act relating to the Rupert J. Smith Law Library, St. Lucie County; amending ch. 2001-326, Laws of Florida, as amended; providing for the appointment of an additional member to the board of trustees; providing an effective date.

—was read the second time by title. On motion by Senator Harrell, by two-thirds vote, **CS for HB 455** 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

HB 457—A bill to be entitled An act relating to St. Lucie County; providing for the transfer of real property from the Board of Trustees of the Internal Improvement Fund to the District Board of Trustees of Indian River State College; providing requirements for the use and the sale or disposition of the real property; providing for the conveyance of real property by a specified date; providing an effective date.

—was read the second time by title. On motion by Senator Harrell, by two-thirds vote, **HB 457** 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

HB 471—A bill to be entitled An act relating to the Town of Lake Clarke Shores, Palm Beach County; providing legislative findings; providing for the municipal annexation of specified territory; providing boundaries; providing an exception to general law; providing that specified territory be considered an enclave of the Town of Lake Clarke Shores; providing an effective date.

—was read the second time by title. On motion by Senator Berman, by two-thirds vote, **HB 471** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

Rouson	Stewart	Torres
Stargel	Taddeo	Wright

Nays—None

HB 497—A bill to be entitled An act relating to the Lee County School District, Lee County; providing legislative findings; repealing the Lee County School Board resolution which provides for an appointed superintendent of schools; providing for an elected superintendent of schools; providing for a referendum; providing effective dates.

—was read the second time by title. On motion by Senator Passidomo, by two-thirds vote, **HB 497** 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

HB 535—A bill to be entitled An act relating to Barefoot Bay Recreation District, Brevard County; authorizing an amendment to the district charter, subject to approval by a vote of the electors of the district, to increase the length of terms and stagger the election cycle for the members of the Board of Trustees of the Barefoot Bay Recreation District; providing exceptions to general law; providing an effective date.

—was read the second time by title. On motion by Senator Mayfield, by two-thirds vote, **HB 535** 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 HB 651—A bill to be entitled An act relating to Navarre Beach Fire Rescue District, Santa Rosa County; providing a short title; creating an independent special district to provide fire control, fire prevention, emergency medical, rescue response, and public safety services; providing for district boundaries, a governing board and the election, organization, and operation of such board; authorizing the district to levy non-ad valorem assessments; providing requirements for such assessments; providing for amendment only by special act; providing severability; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Broxson, by two-thirds vote, **CS for HB 651** 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

HB 895—A bill to be entitled An act relating to Lakewood Ranch Stewardship District, Manatee and Sarasota Counties; amending ch. 2005-338, Laws of Florida, as amended; revising the boundaries of the district; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Gruters, by two-thirds vote, **HB 895** 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

HB 927—A bill to be entitled An act relating to the Downtown Crystal River Entertainment District, Citrus County; designating boundaries of an entertainment district within the downtown area of the city; authorizing the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue special licenses or modify existing licenses for bona fide licensees operating within such entertainment district for the sale of certain alcoholic beverages for consumption off the premises; providing that special licenses or modifications of existing licenses are in addition to certain other authorized temporary permits; requiring the bona fide licensees to comply with all other statutory requirements; providing an effective date.

—was read the second time by title. On motion by Senator Baxley, by two-thirds vote, **HB 927** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

HB 929—A bill to be entitled An act relating to the City of West Palm Beach, Palm Beach County; amending ch. 24981 (1947), Laws of Florida, as amended; revising the definition of the term "salary"; providing that the definition does not include certain persons in a collective bargaining agreement; providing for retroactive restoration of the benefit accrual rate to 3 percent for all years of a member's service within a specified time period; conforming a provision to changes made by the act; providing that eligible members receive a lump-sum payment for accumulated leave payable upon retirement; providing exceptions; providing a directive to the Division of Law Revision; providing an effective date.

—was read the second time by title. On motion by Senator Berman, by two-thirds vote, **HB 929** 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

HB 993—A bill to be entitled An act relating to Sebring Airport Authority, Highlands County; amending ch. 2005-300, Laws of Florida, as amended; revising powers of the authority; authorizing the authority to issue bonds secured by and payable from any legally available source, to issue bonds on an unsecured basis, to pledge all legally available funds for the repayment of debt, and to enter into public-private partnerships to effectuate the purposes of the act; revising the bidding threshold to the statutory Category Two level; providing that all debt obligations issued by the authority are tax exempt to the extent allowed by general law; providing an effective date.

—was read the second time by title. On motion by Senator Albritton, by two-thirds vote, **HB 993** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for HB 995—A bill to be entitled An act relating to Sumter County; creating The Villages Independent Fire Control and Rescue District; providing a short title; creating the district and providing boundaries; providing purposes; providing for a district board of commissioners and membership, officers, and meetings thereof; providing powers and duties of the district and board; providing for appointment and terms of office for the board members; providing for modification of district boundaries; providing for amendment of the charter by special act of the Legislature; providing severability; requiring a referendum; providing effective dates.

—was read the second time by title. On motion by Senator Baxley, by two-thirds vote, **CS for HB 995** 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

HB 1045—A bill to be entitled An act relating to West Villages Improvement District, Sarasota County; amending chapter 2004-456, Laws of Florida, as amended; revising the boundaries of the district; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Gruters, by two-thirds vote, **HB 1045** 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 HB 1047—A bill to be entitled An act relating to the Cedar Hammock Fire Control District, Manatee County; amending chapter 2000-391, Laws of Florida, as amended; revising boundaries; providing for expansion of the district; authorizing the district to provide fire

control and emergency medical services, levy and collect taxes, assessments, and fees, and administer fire rescue programs and services within the district's expanded boundaries; requiring a referendum; providing an effective date.

—was read the second time by title. On motion by Senator Boyd, by two-thirds vote, **CS for HB 1047** 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 HB 1049—A bill to be entitled An act relating to Trailer Estates Fire Control District, Manatee County; repealing ch. 2005-350, Laws of Florida; abolishing the district; transferring assets of the district; providing an effective date.

—was read the second time by title. On motion by Senator Boyd, by two-thirds vote, **CS for HB 1049** 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

HB 1103—A bill to be entitled An act relating to the North River Ranch Improvement Stewardship District, Manatee County; amending ch. 2020-191, Laws of Florida; revising boundaries of the district; providing an effective date.

—was read the second time by title. On motion by Senator Boyd, by two-thirds vote, **HB 1103** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 1105—A bill to be entitled An act relating to the Lake County Water District, Lake County; amending ch. 2005-314, Laws of Florida, as amended; providing an exception to general law; revising the purpose of the district; providing that the district is a dependent special taxing district; providing for the appointment of members to the board of advisors; deleting provisions relating to the development, ownership, maintenance, or operation of certain parks by the Lake County Water Authority and authorizing the board of advisors to sell or donate land for parks to certain entities under certain circumstances; requiring the Board of County Commissioners of Lake County to consider and approve, modify, or reject the annual budget and millage proposed by the board of advisors and approve the district's final budget and millage; requiring district revenues to be used only for specified purposes; providing for initial appointments to the board of advisors and staggered terms; revising construction; providing that all special acts comprising the charter of the district are ordinances of Lake County and may be revised, amended, or repealed by the board of county commissioners; providing an effective date.

—was read the second time by title. On motion by Senator Baxley, by two-thirds vote, **HB 1105** 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

HB 1107—A bill to be entitled An act relating to City of Inverness, Citrus County; creating a special zone; providing boundaries; providing an exception to general law; providing requirements for the issuance of a special permit for a bona fide licensed vendor operating within the described area for the sale of alcoholic beverages for consumption off the licensed premises and on public rights-of-way and public park property during city-approved special events; providing that special permits are in addition to certain other authorized temporary permits; requiring a bona fide licensed vendor to comply with all other statutory requirements; providing an effective date.

—was read the second time by title. On motion by Senator Baxley, by two-thirds vote, **HB 1107** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

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

Nays—None

HB 1135—A bill to be entitled An act relating to Santa Rosa County; amending chapter 79-561, Laws of Florida, as amended; revising definitions; removing the school board as a taxing authority; revising the method of electing the civil service board and budget appropriations; repealing implementing rules relating to the classified pay plan, leave, and holiday policies; providing that actions related to suspensions, demotions, and dismissals may be filed through the board of county commissioners' human resources department; providing an effective date.

—was read the second time by title. On motion by Senator Broxson, by two-thirds vote, **HB 1135** 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

HB 1161—A bill to be entitled An act relating to Manatee County; creating the Northlake Stewardship District; providing a short title, legislative findings and intent, and definitions; establishing compliance with minimum requirements in s. 189.031(3), F.S., for creation of an independent special district; providing for creation and establishment of the district; establishing the legal boundaries of the district; providing for the jurisdiction and charter of the district; providing for a governing board; providing for membership, election, and terms of office; providing for meetings; providing administrative duties of the board; providing a method for transition of the board from landowner control to control by the resident electors of the district; providing for a district manager and district personnel; providing for a district treasurer, selection of a public depository, and district budgets and financial reports; providing for the general powers of the district; providing for the special powers of the district to plan, finance, and provide community infrastructure and services within the district; providing for bonds; providing for borrowing; providing for future ad valorem taxation; providing for special assessments; providing for issuance of certificates of indebtedness; providing for tax liens; providing for competitive procurement; providing for fees and charges; providing for amending the charter; providing for required notices to purchasers of residential units within the district; providing for merger; providing for construction; providing severability; providing for a referendum; providing effective dates.

—was read the second time by title. On motion by Senator Boyd, by two-thirds vote, **HB 1161** 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

HB 1189—A bill to be entitled An act relating to the Firefighters' Relief and Pension Fund of the City of Pensacola, Escambia County; amending ch. 21483, Laws of Florida, 1941, as amended; removing reductions to a retiree's spousal benefits and the prohibition of remarriage for the widow or widower; providing for pensionable overtime hours and basic life support; providing an effective date.

—was read the second time by title. On motion by Senator Broxson, by two-thirds vote, **HB 1189** 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 HB 1231—A bill to be entitled An act relating to the East Lake Tarpon Community, Pinellas County; amending ch. 2012-243, Laws of Florida; revising boundaries; removing the municipal annexation expiration date; providing an effective date.

—was read the second time by title. On motion by Senator Hooper, by two-thirds vote, **CS for HB 1231** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

Perry	Rodrigues	Stewart
Pizzo	Rodriguez	Taddeo
Polsky	Rouson	Torres
Powell	Stargel	Wright

Nays—None

HB 1423—A bill to be entitled An act relating to the City of Edgewood, Orange County; creating special zones in the City of Edgewood; providing boundaries; providing an exception to general law; providing space, seating, and minimum gross revenue requirements for special alcoholic beverage licenses for restaurants in described areas; providing an effective date.

—was read the second time by title. On motion by Senator Stewart, by two-thirds vote, **HB 1423** 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 HB 1427—A bill to be entitled An act relating to the Hillsborough County Aviation Authority; codifying, reenacting, and amending the Authority's special acts; revising definitions; providing that independent special districts operate to serve a public purpose; providing that operation of public airports serve a governmental, municipal, or public purpose or function and are essential to the safety, security, and welfare of the people within the county; providing for advertisement as provided by law; providing the ability to employ or contract with lobbyists; providing for electronic execution of instruments; authorizing the lease of equipment, support, and services; providing for imposition of certain fees; authorizing application for and the holding of trademarks and service marks, the solicitation of air carriers, and permitting receiving and providing sponsorships; providing ability to self-insure, enter into risk management programs, or purchase liability insurance; revising the list of governmental entities that the Authority can enter into interlocal agreements with and removing maximum duration on such interlocal agreements; providing requirements for award of contracts and when such requirements do not apply; providing for recodification; repealing chapters 2012-234 and 2014-250, Laws of Florida, relating to the Authority; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Burgess, by two-thirds vote, **CS for HB 1427** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 1429—A bill to be entitled An act relating to City of Ocala, Marion County; creating and designating boundaries of an entertainment event zone within the downtown area of the city; providing an exception to general law; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue a special permit to bona fide licensed vendors operating within the entertainment event zone for the sale of alcoholic beverages for consumption off the licensed premises and on public rights-of-way and public park property during city-approved special events; requiring adoption of a resolution approving such special events by the Ocala City Council during an advertised public hearing; providing that special permits are in addition to certain other authorized temporary permits; requiring bona fide licensed vendors to comply with all other statutory requirements; providing an exemption from general law; providing an effective date.

—was read the second time by title. On motion by Senator Perry, by two-thirds vote, **HB 1429** 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

HB 1431—A bill to be entitled An act relating to City of Apopka, Orange County; providing an exception to general law; providing space, seating, and minimum gross revenue requirements for special alcoholic beverage licenses for restaurants in described areas; providing boundaries; providing an effective date.

—was read the second time by title. On motion by Senator Stewart, by two-thirds vote, **HB 1431** 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

HB 1433—A bill to be entitled An act relating to Orange County; creating a special zone in Orange County; providing boundaries; providing an exception to general law; providing space, seating, and minimum gross revenue requirements for special alcoholic beverage licenses for restaurants in described areas; providing an effective date.

—was read the second time by title. On motion by Senator Stewart, by two-thirds vote, **HB 1433** 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 HB 1491—A bill to be entitled An act relating to Alligator Point Water Resources District, Franklin County; amending ch. 2005-351, Laws of Florida; revising district boundaries; requiring a referendum; providing effective dates.

—was read the second time by title. On motion by Senator Ausley, by two-thirds vote, **CS for HB 1491** 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 HB 1493—A bill to be entitled An act relating to Alachua County; amending the Alachua County Home Rule Charter to require the election of county commissioners in single-member districts; providing for a referendum; providing effective dates.

—was read the second time by title. On motion by Senator Perry, by two-thirds vote, **CS for HB 1493** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for HB 1495—A bill to be entitled An act relating to the Immokalee Water and Sewer District, Collier County; codifying, amending, reenacting, and repealing special acts relating to the district; repealing chs. 98-495, 2005-298, 2015-205, and 2021-263, Laws of Florida; codifying, amending, repealing, and reenacting special acts relating to the district; providing purpose and construction; providing severability; providing an effective date.

—was read the second time by title. On motion by Senator Mayfield, by two-thirds vote, **CS for HB 1495** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	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

HB 1497—A bill to be entitled An act relating to the City of Jacksonville, Duval County; amending ch. 87-471, Laws of Florida, as amended; creating a special zone in downtown Jacksonville; providing boundaries; providing an exception to general law; providing space, seating, and minimum gross revenue requirements for special alcoholic beverage licenses for public food service establishments in described areas; providing an effective date.

—was read the second time by title. On motion by Senator Gibson, by two-thirds vote, **HB 1497** 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 HB 1499—A bill to be entitled An act relating to City of Key West, Monroe County; authorizing a certain number and type of affordable housing units to be constructed for certain public sector governmental and essential services personnel under certain circumstances; providing an effective date.

—was read the second time by title. On motion by Senator Rodriguez, by two-thirds vote, **CS for HB 1499** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	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

HB 1581—A bill to be entitled An act relating to Jackson County Sheriff's Office; repealing ch. 2008-296, Laws of Florida, relating to the permanent status for certain employees of the Office of the Sheriff; providing an effective date.

—was read the second time by title. On motion by Senator Gainer, by two-thirds vote, **HB 1581** 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 HB 1583—A bill to be entitled An act relating to Emerald Coast Utilities Authority, Escambia County; amending ch. 2001-324, Laws of Florida; providing requirements for filling vacancies on the Emerald Coast Utilities Authority; prohibiting certain members from reelection under certain circumstances; revising personnel guidelines; removing a personnel appeals board; revising the personnel appeals process and procedure; revising the qualifications for the executive director; removing the exclusion of certain personnel from civil service protections; providing an effective date.

—was read the second time by title. On motion by Senator Broxson, by two-thirds vote, **CS for HB 1583** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

HB 1591—A bill to be entitled An act relating to Hernando County; amending ch. 65-1618, Laws of Florida, as amended; designating the board of county commissioners to serve as the Hernando County Port Authority; providing an effective date.

—was read the second time by title. On motion by Senator Hooper, by two-thirds vote, **HB 1591** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

Mr. President	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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 692, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 692—A bill to be entitled An act relating to sexual offenses; amending s. 90.404, F.S.; providing that substantial similarity is not required for the admissibility of certain evidence in a criminal case in which the defendant is charged with a sexual offense; amending s. 365.161, F.S.; revising the definitions of the terms "sexual battery" and "sexual bestiality"; amending s. 491.0112, F.S.; revising the definition of the term "sexual misconduct"; amending s. 775.0847, F.S.; revising the definitions of the terms "sexual battery" and "sexual bestiality"; amending s. 775.15, F.S.; providing a time limitation for the prosecution of specified sexual battery offenses; providing applicability; amending s. 794.011, F.S.; defining the term "female genitals"; revising the definition of the term "sexual battery"; providing that a person who threatens to use actual physical force likely to cause serious bodily injury or death while committing specified sexual battery offenses commits a life felony; amending ss. 794.05, 796.07, 800.04, and 825.1025, F.S.; revising the definition of the term "sexual activity"; amending ss. 827.071 and 847.001, F.S.; revising the definitions of the terms "sexual battery" and "sexual bestiality"; amending s. 872.06, F.S.; revising the definition of the term "sexual abuse"; amending s. 944.35, F.S.; revising the definition of the term "sexual misconduct"; amending s. 951.27, F.S.; requiring that HIV test results performed on inmates arrested for

sexual offenses involving female genital penetration be disclosed under certain circumstances; amending ss. 395.0197, 415.102, and 847.0141, F.S.; conforming cross-references; providing an effective date.

House Amendment 1 (028079) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (1) of section 365.161, Florida Statutes, is amended to read:

365.161 Prohibition of certain obscene telephone communications; penalty.—

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

(a)~~(b)~~ "Deviate sexual intercourse" means sexual conduct between persons consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva.

(b) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(c)~~(a)~~ "Obscene" means that status of a communication which:

1. The average person applying contemporary community standards would find, taken as a whole, appeals to the prurient interests;

2. Describes, in a patently offensive way, deviate sexual intercourse, sadomasochistic abuse, sexual battery, bestiality, sexual conduct, or sexual excitement; and

3. Taken as a whole, lacks serious literary, artistic, political, or scientific value.

(d)~~(c)~~ "Sadomasochistic abuse" means flagellation or torture by or upon a person, or the condition of being fettered, bound, or otherwise physically restrained, for the purpose of deriving sexual satisfaction from inflicting harm on another or receiving such harm oneself.

(e)~~(d)~~ "Sexual battery" means oral, anal, or *female genital* ~~vaginal~~ penetration by, or union with, the sexual organ of another or the anal or *female genital* ~~vaginal~~ penetration of another by any other object.

(f)~~(e)~~ "Sexual bestiality" means any sexual act between a person and an animal involving the sex organ of the one and the mouth, anus, or *female genitals* ~~vagina~~ of the other.

(g)~~(f)~~ "Sexual conduct" means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; or any act or conduct which constitutes sexual battery.

(h)~~(g)~~ "Sexual excitement" means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

Section 2. Subsection (4) of section 491.0112, Florida Statutes, is amended to read:

491.0112 Sexual misconduct by a psychotherapist; penalties.—

(4) For the purposes of this section*, the term*:

(a)~~(d)~~ "Client" means a person to whom the services of a psychotherapist are provided.

(b) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(c)~~(a)~~ ~~The term~~ "Psychotherapist" means any person licensed pursuant to chapter 458, chapter 459, part I of chapter 464, chapter 490, or chapter 491, or any other person who provides or purports to provide treatment, diagnosis, assessment, evaluation, or counseling of mental or emotional illness, symptom, or condition.

(d)~~(c)~~ "Sexual misconduct" means the oral, anal, or *female genital* ~~vaginal~~ penetration of another by, or contact with, the sexual organ of another or the anal or *female genital* ~~vaginal~~ penetration of another by any object.

(e)~~(b)~~ "Therapeutic deception" means a representation to the client that sexual contact by the psychotherapist is consistent with or part of the treatment of the client.

Section 3. Paragraphs (c) through (f) of subsection (1) of section 775.0847, Florida Statutes, are redesignated as paragraphs (d) through (g), respectively, a new paragraph (c) is added to that subsection, and present paragraphs (d) and (e) of that subsection are amended, to read:

775.0847 Possession or promotion of certain images of child pornography; reclassification.—

(1) For purposes of this section:

(c) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(e)~~(d)~~ "Sexual battery" means oral, anal, or *female genital* ~~vaginal~~ penetration by, or union with, the sexual organ of another or the anal or *female genital* ~~vaginal~~ penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.

(f)~~(e)~~ "Sexual bestiality" means any sexual act, actual or simulated, between a person and an animal involving the sex organ of the one and the mouth, anus, or *female genitals* ~~vagina~~ of the other.

For purposes of sentencing under chapter 921 and determining incentive gain-time eligibility under chapter 944, a felony offense that is reclassified under this section is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Section 4. Subsections (1), (3), and (8) of section 794.011, Florida Statutes, are amended to read:

794.011 Sexual battery.—

(1) As used in this chapter:

(a) "Consent" means intelligent, knowing, and voluntary consent and does not include coerced submission. "Consent" shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.

(b) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(c)~~(b)~~ "Mentally defective" means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct.

(d)~~(c)~~ "Mentally incapacitated" means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.

(e)~~(d)~~ "Offender" means a person accused of a sexual offense in violation of a provision of this chapter.

(f)~~(e)~~ "Physically helpless" means unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.

(g)~~(j)~~ "Physically incapacitated" means bodily impaired or handicapped and substantially limited in ability to resist or flee.

(h)~~(f)~~ "Retaliation" includes, but is not limited to, threats of future physical punishment, kidnapping, false imprisonment or forcible confinement, or extortion.

(i)~~(g)~~ "Serious personal injury" means great bodily harm or pain, permanent disability, or permanent disfigurement.

(j)~~(h)~~ "Sexual battery" means oral, anal, or *female genital* ~~vaginal~~ penetration by, or union with, the sexual organ of another or the anal or *female genital* ~~vaginal~~ penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.

(k)~~(i)~~ "Victim" means a person who has been the object of a sexual offense.

(3) A person who commits sexual battery upon a person 12 years of age or older, without that person's consent, and in the process thereof*:*

(a) Uses or threatens to use a deadly weapon*;* or

(b) Uses actual physical force likely to cause serious personal injury

commits a life felony, punishable as provided in s. 775.082, s. 775.083, s. 775.084, or s. 794.0115.

(8) Without regard to the willingness or consent of the victim, which is not a defense to prosecution under this subsection, a person who is in a position of familial or custodial authority to a person less than 18 years of age and who:

(a) Solicits that person to engage in any act which would constitute sexual battery ~~under paragraph (1)(h)~~ commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Engages in any act with that person while the person is 12 years of age or older but younger than 18 years of age which constitutes sexual battery ~~under paragraph (1)(h)~~ commits a felony of the first degree, punishable by a term of years not exceeding life or as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Engages in any act with that person while the person is less than 12 years of age which constitutes sexual battery ~~under paragraph (1)(h)~~, or in an attempt to commit sexual battery injures the sexual organs of such person commits a capital or life felony, punishable pursuant to subsection (2).

Section 5. Subsections (2) through (4) of section 794.05, Florida Statutes, are renumbered as subsections (3) through (5), respectively, and subsection (1) of that section is amended to read:

794.05 Unlawful sexual activity with certain minors.—

(1) A person 24 years of age or older who engages in sexual activity with a person 16 or 17 years of age commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(a) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(b) "Sexual activity" means oral, anal, or *female genital* ~~vaginal~~ penetration by, or union with, the sexual organ of another or the anal or *female genital* ~~vaginal~~ penetration of another by any other object; however, sexual activity does not include an act done for a bona fide medical purpose.

Section 6. Paragraphs (a) through (d) of subsection (1) of section 796.07, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, a new paragraph (a) is added to that subsection, and present paragraph (d) of that subsection is amended, to read:

796.07 Prohibiting prostitution and related acts.—

(1) As used in this section:

(a) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(e)~~(d)~~ "Sexual activity" means oral, anal, or *female genital* ~~vaginal~~ penetration by, or union with, the sexual organ of another; anal or *female genital* ~~vaginal~~ penetration of another by any other object; or the handling or fondling of the sexual organ of another for the purpose of masturbation; however, the term does not include acts done for bona fide medical purposes.

Section 7. Subsection (1) of section 800.04, Florida Statutes, is amended to read:

800.04 Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.—

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

(a)~~(e)~~ "Coercion" means the use of exploitation, bribes, threats of force, or intimidation to gain cooperation or compliance.

(b) "Consent" means intelligent, knowing, and voluntary consent, and does not include submission by coercion.

(c) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(d)~~(a)~~ "Sexual activity" means the oral, anal, or *female genital* ~~vaginal~~ penetration by, or union with, the sexual organ of another or the anal or *female genital* ~~vaginal~~ penetration of another by any other object; however, sexual activity does not include an act done for a bona fide medical purpose.

(e)~~(d)~~ "Victim" means a person upon whom an offense described in this section was committed or attempted or a person who has reported a violation of this section to a law enforcement officer.

Section 8. Subsection (1) of section 825.1025, Florida Statutes, is amended to read:

825.1025 Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.—

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

(a) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(b) "Sexual activity" means the oral, anal, or *female genital* ~~vaginal~~ penetration by, or union with, the sexual organ of another or the anal or *female genital* ~~vaginal~~ penetration of another by any other object; however, sexual activity does not include an act done for a bona fide medical purpose.

Section 9. Paragraphs (b) through (j) of subsection (1) of section 827.071, Florida Statutes, are redesignated as paragraphs (c) through (k), respectively, a new paragraph (b) is added to that subsection, and present paragraphs (f), (g), and (j) of that subsection are amended, to read:

827.071 Sexual performance by a child; penalties.—

(1) As used in this section, the following definitions shall apply:

(b) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(g)~~(f)~~ "Sexual battery" means oral, anal, or *female genital* ~~vaginal~~ penetration by, or union with, the sexual organ of another or the anal or *female genital* ~~vaginal~~ penetration of another by any other object; however, "sexual battery" does not include an act done for a bona fide medical purpose.

(h)~~(g)~~ "Sexual bestiality" means any sexual act between a person and an animal involving the sex organ of the one and the mouth, anus, or *female genitals* ~~vagina~~ of the other.

(k)~~(j)~~ "Simulated" means the explicit depiction of conduct set forth in paragraph *(i)* ~~(h)~~ which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks.

Section 10. Subsections (6) through (20) of section 847.001, Florida Statutes, are renumbered as subsections (7) through (21), respectively, a new subsection (6) is added to that section, and present subsections (14), (15), and (19) of that section are amended, to read:

847.001 Definitions.—As used in this chapter, the term:

(6) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(15)~~(14)~~ "Sexual battery" means oral, anal, or *female genital* ~~vaginal~~ penetration by, or union with, the sexual organ of another or the anal or *female genital* ~~vaginal~~ penetration of another by any other object;

however, "sexual battery" does not include an act done for a bona fide medical purpose.

(16)~~(15)~~ "Sexual bestiality" means any sexual act, actual or simulated, between a person and an animal involving the sex organ of the one and the mouth, anus, or *female genitals* ~~vagina~~ of the other.

(20)~~(19)~~ "Simulated" means the explicit depiction of conduct described in subsection *(17)* ~~(16)~~ which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks.

Section 11. Section 872.06, Florida Statutes, is amended to read:

872.06 Abuse of a dead human body; penalty.—

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

(a) "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

(b) "Sexual abuse" means:

1.~~(a)~~ Anal or *female genital* ~~vaginal~~ penetration of a dead human body by the sexual organ of a person or by any other object;

2.~~(b)~~ Contact or union of the penis, *female genitals* ~~vagina~~, or anus of a person with the mouth, penis, *female genitals* ~~vagina~~, or anus of a dead human body; or

3.~~(c)~~ Contact or union of a person's mouth with the penis, *female genitals* ~~vagina~~, or anus of a dead human body.

(2) A person who mutilates, commits sexual abuse upon, or otherwise grossly abuses a dead human body commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any act done for a bona fide medical purpose or for any other lawful purpose does not under any circumstance constitute a violation of this section.

Section 12. Paragraph (b) of subsection (3) of section 944.35, Florida Statutes, is amended to read:

944.35 Authorized use of force; malicious battery and sexual misconduct prohibited; reporting required; penalties.—

(3)

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

a. "Female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.

b. "Sexual misconduct" means the oral, anal, or *female genital* ~~vaginal~~ penetration by, or union with, the sexual organ of another or the anal or *female genital* ~~vaginal~~ penetration of another by any other object, but does not include an act done for a bona fide medical purpose or an internal search conducted in the lawful performance of the employee's duty.

2. Any employee of the department or a private correctional facility as defined in s. 944.710 who engages in sexual misconduct with an inmate or an offender supervised by the department in the community, without committing the crime of sexual battery, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The consent of the inmate or offender supervised by the department in the community to any act of sexual misconduct may not be raised as a defense to a prosecution under this paragraph.

4. This paragraph does not apply to any employee of the department or any employee of a private correctional facility who is legally married to an inmate or an offender supervised by the department in the community, nor does it apply to any employee who has no knowledge, and would have no reason to believe, that the person with whom the employee has engaged in sexual misconduct is an inmate or an offender under community supervision of the department.

Section 13. Subsection (2) of section 951.27, Florida Statutes, is amended to read:

951.27 Blood tests of inmates.—

(2) Except as otherwise provided in this subsection, serologic blood test results obtained pursuant to subsection (1) are confidential and exempt from ~~the provisions of~~ s. 119.07(1) and s. 24(a), Art. I of the State Constitution. However, such results may be provided to employees or officers of the sheriff or chief correctional officer who are responsible for the custody and care of the affected inmate and have a need to know such information, and as provided in ss. 775.0877 and 960.003. In addition, upon request of the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, the results of any HIV test performed on an inmate ~~who has been~~ arrested for any sexual offense involving oral, anal, or *female genital* ~~vaginal~~ penetration by, or union with, the sexual organ of another, *must* ~~shall~~ be disclosed to the victim or the victim's legal guardian, or to the parent or legal guardian of the victim if the victim is a minor. In such cases, the county or municipal detention facility shall furnish the test results to the Department of Health, which is responsible for disclosing the results to public health agencies as provided in s. 775.0877 and to the victim or the victim's legal guardian, or the parent or legal guardian of the victim if the victim is a minor, as provided in s. 960.003(3). *As used in this subsection, the term "female genitals" includes the labia minora, labia majora, clitoris, vulva, hymen, and vagina.*

Section 14. Paragraph (j) of subsection (1) of section 288.1254, Florida Statutes, is amended to read:

288.1254 Entertainment industry financial incentive program.—

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

(j) "Qualified production" means a production in this state meeting the requirements of this section. The term does not include a production:

1. In which, for the first 2 years of the incentive program, less than 50 percent, and thereafter, less than 60 percent, of the positions that make up its production cast and below-the-line production crew, or, in the case of digital media projects, less than 75 percent of such positions, are filled by legal residents of this state, whose residency is demonstrated by a valid Florida driver license or other state-issued identification confirming residency, or students enrolled full-time in a film-and-entertainment-related course of study at an institution of higher education in this state; or

2. That contains obscene content as defined in *s. 847.001* ~~s. 847.001(10)~~.

Section 15. Subsection (10) of section 395.0197, Florida Statutes, is amended to read:

395.0197 Internal risk management program.—

(10) Any witness who witnessed or who possesses actual knowledge of the act that is the basis of an allegation of sexual abuse shall:

(a) Notify the local police; and

(b) Notify the hospital risk manager and the administrator.

For purposes of this subsection, "sexual abuse" means acts of a sexual nature committed for the sexual gratification of anyone upon, or in the presence of, a vulnerable adult, without the vulnerable adult's informed consent, or a minor. "Sexual abuse" includes, but is not limited to, the acts defined in *s. 794.011(1)(j)* ~~s. 794.011(1)(h)~~, fondling, exposure of a vulnerable adult's or minor's sexual organs, or the use of the vulnerable adult or minor to solicit for or engage in prostitution or sexual performance. "Sexual abuse" does not include any act intended for a valid medical purpose or any act which may reasonably be construed to be a normal caregiving action.

Section 16. Subsection (26) of section 415.102, Florida Statutes, is amended to read:

415.102 Definitions of terms used in ss. 415.101-415.113.—As used in ss. 415.101-415.113, the term:

(26) "Sexual abuse" means acts of a sexual nature committed in the presence of a vulnerable adult without that person's informed consent. "Sexual abuse" includes, but is not limited to, the acts defined in *s. 794.011(1)(j)* ~~s. 794.011(1)(h)~~, fondling, exposure of a vulnerable adult's sexual organs, or the use of a vulnerable adult to solicit for or engage in prostitution or sexual performance. "Sexual abuse" does not include any act intended for a valid medical purpose or any act that may reasonably be construed to be normal caregiving action or appropriate display of affection.

Section 17. Subsection (1) of section 847.0141, Florida Statutes, is amended to read:

847.0141 Sexting; prohibited acts; penalties.—

(1) A minor commits the offense of sexting if he or she knowingly:

(a) Uses a computer, or any other device capable of electronic data transmission or distribution, to transmit or distribute to another minor any photograph or video of any person which depicts nudity, as defined in *s. 847.001* ~~s. 847.001(9)~~, and is harmful to minors, as defined in *s. 847.001* ~~s. 847.001(6)~~.

(b) Possesses a photograph or video of any person that was transmitted or distributed by another minor which depicts nudity, as defined in *s. 847.001* ~~s. 847.001(9)~~, and is harmful to minors, as defined in *s. 847.001* ~~s. 847.001(6)~~. A minor does not violate this paragraph if all of the following apply:

1. The minor did not solicit the photograph or video.

2. The minor took reasonable steps to report the photograph or video to the minor's legal guardian or to a school or law enforcement official.

3. The minor did not transmit or distribute the photograph or video to a third party.

Section 18. This act shall take effect October 1, 2022.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to sexual offenses definitions; amending s. 365.161, F.S.; defining the term "female genitals" and revising the definitions of the terms "sexual battery" and "sexual bestiality"; amending s. 491.0112, F.S.; defining the term "female genitals" and revising the definition of the term "sexual misconduct"; amending s. 775.0847, F.S.; defining the term "female genitals" and revising the definitions of the terms "sexual battery" and "sexual bestiality"; amending s. 794.011, F.S.; defining the term "female genitals"; revising the definition of the term "sexual battery"; amending ss. 794.05, 796.07, 800.04, and 825.1025, F.S.; defining the term "female genitals" and revising the definition of the term "sexual activity"; amending ss. 827.071 and 847.001, F.S.; defining the term "female genitals" and revising the definitions of the terms "sexual battery" and "sexual bestiality"; amending s. 872.06, F.S.; defining the term "female genitals" and revising the definition of the term "sexual abuse"; amending s. 944.35, F.S.; defining the term "female genitals" and revising the definition of the term "sexual misconduct"; amending s. 951.27, F.S.; requiring that HIV test results performed on inmates arrested for sexual offenses involving female genital penetration be disclosed under certain circumstances; defining the term "female genitals"; amending ss. 288.1254, 395.0197, 415.102, and 847.0141, F.S.; conforming cross-references; providing an effective date.

On motion by Senator Stewart, the Senate concurred in **House Amendment 1 (028079)**.

CS for CS for SB 692 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 758, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 758—A bill to be entitled An act relating to education; creating s. 1002.3301, F.S.; establishing the Charter School Review Commission within the Department of Education; providing the purpose of the commission; specifying membership of the commission and the duration of members' terms; requiring the Commissioner of Education to appoint members; providing that a majority of the commission members constitutes a quorum; providing that the commission has the same powers and duties as sponsors do in reviewing and approving charter schools; designating the district school board where a proposed charter school will be located as the school's sponsor and supervisor; requiring a district school board to take specified actions within a certain timeframe regarding the commission's granting of a charter school application; requiring a charter school applicant to provide a school district with a copy of the application within a specified timeframe; authorizing the school district to provide input to the commission within a specified timeframe; requiring the commission to consider such input; providing for the appeal of commission decisions; amending s. 1002.33, F.S.; providing legislative intent; authorizing the commission to solicit and review charter school applications; requiring that the district school board that oversees the school district where a charter school approved by the commission will be located shall serve as the charter school's sponsor; prohibiting sponsors from imposing additional reporting requirements on a charter school so long as the charter school meets specified requirements; revising the terms and conditions for charter renewal; revising the procedure and causes for nonrenewal or termination of a charter; providing that any facility may provide space to charter schools under its existing zoning and land use designations without obtaining a special exception, rezoning, or a land use change; requiring that educational impact fees required to be paid in connection with new residential dwelling units be designated instead for the construction of charter school facilities; requiring the Office of Program Policy Analysis and Government Accountability to conduct an analysis of charter school capital outlay and submit a report to the Governor and the Legislature by a specified date; providing an effective date.

House Amendment 1 (496561) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 1001.4205, Florida Statutes, is amended to read:

1001.4205 *Individuals authorized to visit schools*

~~Visitation of schools by an individual school board or charter school governing board member~~.—An individual member of a district school board may, on any day and at any time at his or her pleasure, visit any district school in his or her school district. An individual charter school governing board member may, on any day and at any time at his or her pleasure, visit any charter school governed by the charter school's governing board. *A member of the Legislature may visit any public school in the legislative district of the member. An individual visiting a school pursuant to this section* ~~The board member~~ must sign in and sign out at the school's main office and wear his or her ~~board~~ identification badge at all times while present on school premises. The board, the school, or any other person or entity, including, but not limited to, the principal of the school, the school superintendent, or any other board

member, may not require *an individual visiting the school pursuant to this section* ~~the visiting board member~~ to provide notice before visiting the school. The school may offer, but may not require, an escort to accompany *an individual visiting the school pursuant to this section* ~~a visiting board member~~ during the visit. Another board member or a district employee, including, but not limited to, the superintendent, the school principal, or his or her designee, may not limit the duration or scope of the visit or direct *an individual visiting the school pursuant to this section* ~~a visiting board member~~ to leave the premises. A board, district, or school administrative policy or practice may not prohibit or limit the authority granted to *an individual* ~~a board member~~ under this section.

Section 2. Section 1002.3301, Florida Statutes, is created to read:

1002.3301 Charter School Review Commission.—Subject to an appropriation, the Charter School Review Commission is created within the Department of Education to review and approve applications for charter schools overseen by district school boards.

(1) The commission shall consist of seven members who have charter school experience, selected by the State Board of Education and subject to confirmation by the Senate. The commissioner shall designate one member as the chair. Each member shall be appointed to a 4-year term. However, for the purpose of achieving staggered terms, of the initial appointments, three members shall be appointed to 2-year terms and four members shall be appointed to 4-year terms. All subsequent appointments shall be for 4-year terms. A majority of the members of the commission constitutes a quorum.

(2) The commission has the same powers and duties as sponsors pursuant to s. 1002.33 in regard to reviewing and approving charter schools.

(3) The Department of Education shall contract with a college or university to provide administrative and technical assistance to the commission by reviewing and providing an analysis of charter school applications submitted to the commission.

(4) The district school board of the school district in which the proposed charter school will be located shall be the sponsor of and supervisor for the new charter school and shall provide an initial proposed charter contract to the charter school pursuant to s. 1002.33(7)(b) within 30 calendar days after the commission's decision granting an application.

(5) Within 3 calendar days after an applicant submits an application for a charter school to the commission, the applicant must also provide a copy of the application to the school district in which the proposed charter school will be located. Within 30 calendar days after receiving a copy of the application, the school district may provide input to the commission on a form prescribed by the department. The commission must consider such input in reviewing the application.

(6) The decisions of the commission may be appealed in accordance with s. 1002.33(6)(c).

(7) The State Board of Education shall adopt rules to implement this section.

Section 3. Subsection (2), paragraphs (a) and (b) of subsection (5), paragraph (c) of subsection (7), paragraph (a) of subsection (8), paragraph (p) of subsection (9), paragraphs (a), (c), and (f) of subsection (18), and paragraph (a) of subsection (20) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(2) GUIDING PRINCIPLES; PURPOSE*; LEGISLATIVE INTENT*.—

(a) Charter schools in Florida shall be guided by the following principles:

1. Meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within *this* ~~the~~ state's public school system.

2. Promote enhanced academic success and financial efficiency by aligning responsibility with accountability.

3. Provide parents with sufficient information on whether their child is reading at grade level and whether the child gains at least a year's worth of learning for every year spent in the charter school.

(b) Charter schools shall fulfill the following purposes:

1. Improve student learning and academic achievement.

2. Increase learning opportunities for all students, with special emphasis on low-performing students and reading.

3. Encourage the use of innovative learning methods.

4. Require the measurement of learning outcomes.

(c) Charter schools may fulfill the following purposes:

1. Create innovative measurement tools.

2. Provide rigorous competition within the public school system to stimulate continual improvement in all public schools.

3. Expand the capacity of the public school system.

4. Mitigate the educational impact created by the development of new residential dwelling units.

5. Create new professional opportunities for teachers, including ownership of the learning program at the school site.

(d) It is the intent of the Legislature that charter school students be considered as important as all other students in this state and, to that end, comparable funding levels from existing and future sources should be maintained for charter school students.

(5) SPONSOR; DUTIES.—

(a) *Sponsoring entities.*—

1. A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.

2. A state university may grant a charter to a lab school created under s. 1002.32 and shall be considered to be the school's sponsor. Such school shall be considered a charter lab school.

3. Because needs relating to educational capacity, workforce qualifications, and career education opportunities are constantly changing and extend beyond school district boundaries:

a. A state university may, upon approval by the Department of Education, solicit applications and sponsor a charter school to meet regional education or workforce demands by serving students from multiple school districts.

b. A Florida College System institution may, upon approval by the Department of Education, solicit applications and sponsor a charter school in any county within its service area to meet workforce demands and may offer postsecondary programs leading to industry certifications to eligible charter school students. A charter school established under subparagraph (b)4. may not be sponsored by a Florida College System institution until its existing charter with the school district expires as provided under subsection (7).

c. Notwithstanding paragraph (6)(b), a state university or Florida College System institution may, at its discretion, deny an application for a charter school.

d. The Charter School Review Commission, as authorized under s. 1002.3301, may solicit and review applications for charter schools overseen by district school boards and, upon the commission approving an application, the district school board that oversees the school district in which the charter school will be located shall serve as sponsor.

(b) *Sponsor duties.*—

1.a. The sponsor shall monitor and review the charter school in its progress toward the goals established in the charter.

b. The sponsor shall monitor the revenues and expenditures of the charter school and perform the duties provided in s. 1002.345.

c. The sponsor may approve a charter for a charter school before the applicant has identified space, equipment, or personnel, if the applicant indicates approval is necessary for it to raise working funds.

d. The sponsor *may* ~~shall~~ not apply its policies to a charter school unless mutually agreed to by both the sponsor and the charter school. If the sponsor subsequently amends any agreed-upon sponsor policy, the version of the policy in effect at the time of the execution of the charter, or any subsequent modification thereof, shall remain in effect and the sponsor may not hold the charter school responsible for any provision of a newly revised policy until the revised policy is mutually agreed upon.

e. The sponsor shall ensure that the charter is innovative and consistent with the state education goals established by s. 1000.03(5).

f. The sponsor shall ensure that the charter school participates in the state's education accountability system. If a charter school falls short of performance measures included in the approved charter, the sponsor shall report such shortcomings to the Department of Education.

g. The sponsor *is* ~~shall~~ not ~~be~~ liable for civil damages under state law for personal injury, property damage, or death resulting from an act or omission of an officer, employee, agent, or governing body of the charter school.

h. The sponsor *is* ~~shall~~ not ~~be~~ liable for civil damages under state law for any employment actions taken by an officer, employee, agent, or governing body of the charter school.

i. The sponsor's duties to monitor the charter school *do* ~~shall~~ not constitute the basis for a private cause of action.

j. The sponsor *may* ~~shall~~ not impose additional reporting requirements on a charter school *as long as the charter school has not been identified as having a deteriorating financial condition or financial emergency pursuant to s. 1002.345* ~~without providing reasonable and specific justification in writing to the charter school~~.

k. The sponsor shall submit an annual report to the Department of Education in a web-based format to be determined by the department.

(I) The report shall include the following information:

(A) The number of applications received during the school year and up to August 1 and each applicant's contact information.

(B) The date each application was approved, denied, or withdrawn.

(C) The date each final contract was executed.

(II) Annually, by November 1, the sponsor shall submit to the department the information for the applications submitted the previous year.

(III) The department shall compile an annual report, by sponsor, and post the report on its website by January 15 of each year.

2. Immunity for the sponsor of a charter school under subparagraph 1. applies only with respect to acts or omissions not under the sponsor's direct authority as described in this section.

3. This paragraph does not waive a sponsor's sovereign immunity.

4. A Florida College System institution may work with the school district or school districts in its designated service area to develop charter schools that offer secondary education. These charter schools must include an option for students to receive an associate degree upon high school graduation. If a Florida College System institution operates an approved teacher preparation program under s. 1004.04 or s. 1004.85, the institution may operate charter schools that serve students in kindergarten through grade 12 in any school district within the service area of the institution. District school boards shall cooperate with and assist the Florida College System institution on the charter application. Florida College System institution applications for charter schools are not subject to the time deadlines outlined in subsection (6) and may be approved by the district school board at any time during the year. Florida College System institutions may not report FTE for any students participating under this subparagraph who receive FTE funding through the Florida Education Finance Program.

5. For purposes of assisting the development of a charter school, a school district may enter into nonexclusive interlocal agreements with federal and state agencies, counties, municipalities, and other governmental entities that operate within the geographical borders of the school district to act on behalf of such governmental entities in the inspection, issuance, and other necessary activities for all necessary permits, licenses, and other permissions that a charter school needs in order for development, construction, or operation. A charter school may use, but may not be required to use, a school district for these services. The interlocal agreement must include, but need not be limited to, the identification of fees that charter schools will be charged for such services. The fees must consist of the governmental entity's fees plus a fee for the school district to recover no more than actual costs for providing such services. These services and fees are not included within the services to be provided pursuant to subsection (20). Notwithstanding any other provision of law, an interlocal agreement *or ordinance that imposes a greater regulatory burden on charter schools than school districts or that* ~~between a school district and a federal or state agency, county, municipality, or other governmental entity which~~ prohibits or limits the creation of a charter school ~~within the geographic borders of the school district~~ is void and unenforceable. *An interlocal agreement entered into by a school district for the development of only its own schools, including provisions relating to the extension of infrastructure, may be used by charter schools.*

6. The board of trustees of a sponsoring state university or Florida College System institution under paragraph (a) is the local educational agency for all charter schools it sponsors for purposes of receiving federal funds and accepts full responsibility for all local educational agency requirements and the schools for which it will perform local educational agency responsibilities. A student enrolled in a charter school that is sponsored by a state university or Florida College System institution may not be included in the calculation of the school district's grade under s. 1008.34(5) for the school district in which he or she resides.

(7) CHARTER.—The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school shall use the standard charter contract pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(c)1. A charter may be renewed provided that a program review demonstrates that the criteria in paragraph (a) have been successfully accomplished and that none of the grounds for nonrenewal established by paragraph (8)(a) *have* ~~has~~ been *expressly found. The charter of a charter school that meets these requirements and has received a school grade lower than a "B" pursuant to s. 1008.34 in the most recently graded school year must be renewed for no less than a 5-year term except as provided in paragraph (9)(n)* ~~documented~~. In order to facilitate long-term financing for charter school construction, charter schools operating for a minimum of 3 years and demonstrating exemplary academic programming and fiscal management are eligible for a 15-year charter renewal. Such long-term charter is subject to annual review and may be terminated during the term of the charter.

2. The 15-year charter renewal that may be granted pursuant to subparagraph 1. *must* ~~shall~~ be granted to a charter school that has received a school grade of "A" or "B" pursuant to s. 1008.34 in *the most recently graded school year* ~~3 of the past 4 years~~ and *that* is not in a state of financial emergency or deficit position as defined by this section. Such long-term charter is subject to annual review and may be terminated during the term of the charter pursuant to subsection (8).

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(a) The sponsor shall make student academic achievement for all students the most important factor when determining whether to renew or terminate the charter. The sponsor may ~~also~~ choose not to renew or may terminate the charter *only* if the sponsor *expressly* finds that one of the grounds set forth below exists by clear and convincing evidence:

1. Failure to participate in the state's education accountability system created in s. 1008.31, as required in this section, or failure to meet the requirements for student performance stated in the charter.

2. Failure to meet generally accepted standards of fiscal management *due to deteriorating financial conditions or financial emergencies determined pursuant to s. 1002.345*.

3. Material violation of law.

~~4. Other good cause shown.~~

(9) CHARTER SCHOOL REQUIREMENTS.—

(p)1. Each charter school shall maintain a website that enables the public to obtain information regarding the school; the school's academic performance; the names of the governing board members; the programs at the school; any management companies, service providers, or education management corporations associated with the school; the school's annual budget and its annual independent fiscal audit; the school's grade pursuant to s. 1008.34; and, on a quarterly basis, the minutes of governing board meetings.

2. Each charter school's governing board must appoint a representative to facilitate parental involvement, provide access to information, assist parents and others with questions and concerns, and resolve disputes. The representative must reside in the school district in which the charter school is located and may be a governing board member, a charter school employee, or an individual contracted to represent the governing board. If the governing board oversees multiple charter schools in the same school district, the governing board must appoint a separate representative for each charter school in the district. The representative's contact information must be provided annually in writing to parents and posted prominently on the charter school's website. The sponsor may not require governing board members to reside in the school district in which the charter school is located if the charter school complies with this subparagraph.

3. Each charter school's governing board must hold at least two public meetings per school year in the school district where the charter school is located. The meetings must be noticed, open, and accessible to the public, and attendees must be provided an opportunity to receive information and provide input regarding the charter school's operations. The appointed representative and charter school principal or director, or his or her designee, must be physically present at each meeting. Members of the governing board *or any member of a committee formed or designated by the governing board* may attend in person or by means of communications media technology used in accordance with rules adopted by the Administration Commission under s. 120.54(5).

(18) FACILITIES.—

(a) A startup charter school shall utilize facilities which comply with the Florida Building Code pursuant to chapter 553 except for the State Requirements for Educational Facilities. Conversion charter schools shall utilize facilities that comply with the State Requirements for Educational Facilities provided that the school district and the charter school have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain charter school facilities in the same manner as its other public schools within the district. Charter schools, with the exception of conversion charter schools, are not required to comply, but may choose to comply, with the State Requirements for Educational Facilities of the Florida Building Code adopted pursuant to s. 1013.37. The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. A local governing authority must treat charter schools equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools that are not charter schools*, including such provisions that are established by interlocal agreement. An interlocal agreement entered into by a school district for the development of only its own schools, including provisions relating to the extension of infrastructure, may be used by charter schools. A charter school may not be subject to any land use regulation requiring a change to a local government comprehensive plan or requiring a development order or development permit, as those terms are defined in s. 163.3164, that would not be required for a public school in the same location.* The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. If an official or employee of the local governing authority refuses to comply with this paragraph, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded attorney fees and court costs.

(c) Any facility, or portion thereof, used to house a charter school whose charter has been approved by the sponsor and the governing board, pursuant to subsection (7), *is* ~~shall be~~ exempt from ad valorem taxes pursuant to s. 196.1983. *Any* library, community service, museum, performing arts, theatre, cinema, *or* church *facility; any facility or land owned by a*~~,~~ Florida College System institution *or*~~, college, and~~ university*; any similar public institutional* facilities*; and any facility recently used to house a school or child care facility licensed under s. 402.305* may provide space to charter schools within their facilities under their preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change.

(f) To the extent that charter school facilities are specifically created to mitigate the educational impact created by the development of new residential dwelling units, pursuant to subparagraph (2)(c)4., *a proportionate share of costs per student station* ~~some of or all~~ of ~~the~~ educational impact fees required to be paid in connection with the new residential dwelling units *must* ~~may~~ be designated ~~instead~~ for the construction of the charter school facilities that will mitigate the student station impact*, including charter school facilities described in subparagraph (10)(e)7*. Such facilities shall be built to the State Requirements for Educational Facilities and shall be owned by a public or nonprofit entity. The local school district retains the right to monitor and inspect such facilities to ensure compliance with the State Requirements for Educational Facilities. If a facility ceases to be used for public educational purposes, either the facility shall revert to the school district subject to any debt owed on the facility, or the owner of the facility shall have the option to refund all educational impact fees utilized for the facility to the school district. The district and the owner of the facility may contractually agree to another arrangement for the facilities if the facilities cease to be used for educational purposes. The owner of property planned or approved for new residential dwelling units and the entity levying educational impact fees shall enter into an agreement that designates the educational impact fees that will be allocated for the charter school student stations and that ensures the timely construction of the charter school student stations concurrent with the expected occupancy of the residential units. The application for use of educational impact fees shall include an approved charter school application. To assist the school district in forecasting student station needs, the entity levying the impact fees shall notify the affected district of any agreements it has approved for the purpose of mitigating student station impact from the new residential dwelling units. *Any entity contributing toward the construction of such facilities shall receive a credit toward any impact fees or exactions imposed for public educational facilities to the extent that the entity has not received a credit for such contribution pursuant to s. 163.3180(6)(h)2.*

(20) SERVICES.—

(a)1. A sponsor shall provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services; exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program, consistent with the needs of the charter school, are provided by the sponsor at the request of the charter school, that any funds due to the charter school under the National School Lunch Program be paid to the charter school as soon as

the charter school begins serving food under the National School Lunch Program, and that the charter school is paid at the same time and in the same manner under the National School Lunch Program as other public schools serviced by the sponsor or the school district; test administration services, including payment of the costs of state-required or district-required student assessments; processing of teacher certificate data services; and information services, including equal access to the sponsor's student information systems that are used by public schools in the district in which the charter school is located or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district. Student performance data for each student in a charter school, including, but not limited to, FCAT scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the sponsor to a charter school in the same manner provided to other public schools in the district or by schools in the sponsor's portfolio of charter schools if the sponsor is not a school district.

2. A sponsor may withhold an administrative fee for the provision of such services which shall be a percentage of the available funds defined in paragraph (17)(b) calculated based on weighted full-time equivalent students. If the charter school serves 75 percent or more exceptional education students as defined in s. 1003.01(3), the percentage shall be calculated based on unweighted full-time equivalent students. The administrative fee shall be calculated as follows:

a. Up to 5 percent for:

(I) Enrollment of up to and including 250 students in a charter school as defined in this section.

(II) Enrollment of up to and including 500 students within a charter school system which meets all of the following:

(A) Includes conversion charter schools and nonconversion charter schools.

(B) Has all of its schools located in the same county.

(C) Has a total enrollment exceeding the total enrollment of at least one school district in this state.

(D) Has the same governing board for all of its schools.

(E) Does not contract with a for-profit service provider for management of school operations.

(III) Enrollment of up to and including 250 students in a virtual charter school.

b. Up to 2 percent for enrollment of up to and including 250 students in a high-performing charter school as defined in s. 1002.331.

c. Up to 2 percent for enrollment of up to and including 250 students in an exceptional student education center that meets the requirements of the rules adopted by the State Board of Education pursuant to s. 1008.3415(3).

3. A sponsor may not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this paragraph. *A sponsor may not charge or withhold any administrative fee against a charter school for any funds specifically allocated by the Legislature for teacher compensation.*

4. A sponsor shall provide to the department by September 15 of each year the total amount of funding withheld from charter schools pursuant to this subsection for the prior fiscal year. The department must include the information in the report required under sub-subsubparagraph (5)(b)1.k.(III).

Section 4. Section 1004.88, Florida Statutes, is created to read:

1004.88 Florida Institute for Charter School Innovation.—

(1) The Florida Institute for Charter School Innovation is established at Miami Dade College, subject to appropriation, for the purpose of improving charter school authorizing practices in this state.

(2) The institute shall do all of the following:

(a) Analyze charter school applications, identify best practices, and create a state resource for developing and reviewing charter school applications.

(b) Provide charter school sponsors with training, technical assistance, and support in reviewing initial and renewal charter applications.

(c) Conduct applied research on policy and practices related to charter schools.

(d) Conduct or compile basic research on the status of educational choice, charter authorizing, and charter school performance in this state, and other topics related to charter schools.

(e) Collaborate with the Department of Education in developing the sponsor evaluation framework under s. 1002.33(5)(c).

(f) Disseminate information regarding research-based charter school teaching practices to teacher educators in this state.

(g) Host research workshops and conferences that allow charter school sponsors, charter school operators, students, and parents to engage in topics related to charter schools.

(3) The institute may apply for and receive federal, state, or local agency grants for the purposes of this section.

(4) The District Board of Trustees of Miami Dade College shall establish policies for the supervision, administration, and governance of the institute.

Section 5. *(1) The Office of Program Policy Analysis and Government Accountability shall conduct an analysis of the current methodologies for the distribution of capital outlay funds and federal funds through Titles I, II, III, and IV of the Elementary and Secondary Education Act, as amended, and the Individuals with Disabilities Education Act, as amended, to charter schools. Based on its analysis, the office shall recommend any changes to provide an equitable allocation of capital outlay funds and specified federal funds to all public schools.*

(2) The analysis of capital outlay funds must include, at a minimum:

(a) An analysis of the calculation methodology for the allocation of state funds appropriated in the General Appropriations Act under s. 1013.62(2), Florida Statutes.

(b) An analysis of the calculation methodology to determine the amount of revenue that a school district must distribute to a charter school under s. 1013.62(3), Florida Statutes.

(c) For the most recent 3 years, a comparison of the charter school capital outlay amounts between the allocation of state funds and revenue that would result from the discretionary millage authorized under s. 1011.71(2), Florida Statutes.

(d) Other state policies and methodologies for the distribution of charter school capital outlay funds.

(3) The office shall submit a report of its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2023.

Section 6. Paragraphs (a) and (c) of subsection (16) of section 1011.62, Florida Statutes, are amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(16) TEACHER SALARY INCREASE ALLOCATION.—The Legislature may annually provide in the Florida Education Finance Program a teacher salary increase allocation to assist school districts in their recruitment and retention of classroom teachers and other instructional personnel. The amount of the allocation shall be specified in the General Appropriations Act.

(a) Each school district shall receive an allocation based on the school district's proportionate share of the base FEFP allocation. Each school district shall provide each charter school within its district its proportionate share calculated pursuant to s. 1002.33(17)(b). *If a district school board has not received its allocation due to its failure to submit an approved district salary distribution plan, the district school board must still provide each charter school that has submitted a salary distribution plan within its district its proportionate share of the allocation.*

(c) Before distributing allocation funds received pursuant to paragraph (a), each school district and each charter school shall develop a salary distribution plan that clearly delineates the planned distribution of funds pursuant to paragraph (b) in accordance with modified salary schedules, as necessary, for the implementation of this subsection.

1. Each school district superintendent and each charter school administrator must submit its proposed salary distribution plan to the district school board or the charter school governing body, as appropriate, for approval.

2. Each school district shall submit the approved district salary distribution plan *and*~~, along with~~ the approved salary distribution plan for each charter school in the district~~,~~ to the department by October 1 of each fiscal year.

Section 7. This act shall take effect July 1, 2022.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to education; amending s. 1001.4205, F.S.; authorizing members of the Legislature to visit any public school in the legislative district of the member; providing requirements for such visits; creating s. 1002.3301, F.S.; creating the Charter School Review Commission within the Department of Education, subject to appropriation; providing the purpose of the commission; specifying membership of the commission and the duration of members' terms; requiring the State Board of Education to appoint members, subject to confirmation by the Senate; providing that a majority of the commission members constitutes a quorum; providing that the commission has the same powers and duties relating to reviewing and approving charter schools as a sponsor; requiring the department to contract with a college or university to provide administrative and technical assistance to the commission; designating the district school board in which a proposed charter school will be located as the new charter school's sponsor and supervisor; requiring a district school board to take specified actions within a certain timeframe after the commission grants a charter school application; requiring a charter school applicant to provide the school district in which the proposed charter school will be located with a copy of the application within a specified timeframe; authorizing the school district to provide input to the commission within a specified timeframe; requiring the commission to consider such input; authorizing the appeal of commission decisions; requiring the State Board of Education to adopt rules; amending s. 1002.33, F.S.; providing legislative intent; authorizing the commission to solicit and review certain charter school applications; requiring the district school board that oversees the school district in which a charter school approved by the commission will be located to serve as the charter school's sponsor; prohibiting sponsors from imposing additional reporting requirements unless a charter school meets specified criteria; providing that certain interlocal agreements and ordinances are void and unenforceable; authorizing charter schools to use school district interlocal agreements; revising the terms and conditions for charter renewal; revising the procedure and causes for nonrenewal or termination of a charter; authorizing members of certain committees of a charter school governing board to attend specified meetings in person or through the use of communications media technology; authorizing charter schools to use certain interlocal agreements; prohibiting a charter school from being subject to certain land use regulations if such regulations would not be required for certain public schools; providing that specified facilities may provide space to charter schools under existing zoning and land use designations without obtaining a special exception, rezoning, or a land use change; requiring a specified proportionate share of certain educational impact fees to be designated for the construction of certain charter school facilities; providing credits toward certain impact fees or exactions for certain entities; providing that a sponsor may not charge or withhold administrative fees for certain allocations; creating s. 1004.88, F.S.; establishing the Florida Institute for Charter Schools Innovation at Miami Dade College, subject to appropriation; providing the purpose of the institute; specifying the duties of the institute; authorizing the institute to apply for and receive certain grants; requiring the District Board of Trustees of Miami Dade College to establish policies regarding the institute; requiring the Office of Program Policy Analysis and Government Accountability to conduct an analysis of charter school capital outlay funds and certain federal funds and submit a report to the Governor and Legislature by a specified date; amending s. 1011.62, F.S.; providing that a district school board must provide a specified amount of funding to charter schools within the district if the teacher salary increase allocation is delayed for specified reasons; providing an effective date.

On motion by Senator Diaz, the Senate concurred in **House Amendment 1 (496561)**.

CS for CS for SB 758 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—27

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

Nays—11

Berman	Gibson	Powell
Book	Jones	Taddeo
Cruz	Pizzo	Torres
Farmer	Polsky	

Vote after roll call:

Yea to Nay—Rouson, Stewart

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 768, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 768—A bill to be entitled An act relating to the Department of Health; amending s. 381.0045, F.S.; revising the purpose of the department's targeted outreach program for certain pregnant women; requiring the department to encourage high-risk pregnant women of unknown status to be tested for sexually transmissible diseases; requiring the department to provide specified information to pregnant women who have human immunodeficiency virus (HIV); requiring the department to link women with mental health services when available; requiring the department to educate pregnant women who have HIV on certain information; requiring the department to provide, for a specified purpose, continued oversight of newborns exposed to HIV; amending s. 381.0303, F.S.; removing the Children's Medical Services office from parties required to coordinate in the development of local emergency management plans for special needs shelters; amending s. 381.986, F.S.; authorizing certain applicants for medical marijuana treatment center licenses to transfer their initial application fee to one subsequent opportunity to apply for licensure under certain circumstances; prohibiting the department from renewing a medical marijuana treatment center's license under certain circumstances; authorizing the department to select samples of marijuana from medical marijuana treatment center facilities for certain testing; authorizing the department to select samples of marijuana delivery devices from medical marijuana treatment centers to determine whether such devices are safe for use; requiring the department to adopt certain rules using negotiated rulemaking procedures; requiring medi-

cal marijuana treatment centers to recall marijuana and marijuana delivery devices, instead of just edibles, under certain circumstances; exempting the department and its employees from criminal provisions if they acquire, possess, test, transport, or lawfully dispose of marijuana and marijuana delivery devices under certain circumstances; amending s. 381.99, F.S.; revising the membership of the Rare Disease Advisory Council; amending s. 383.216, F.S.; authorizing the organization representing all Healthy Start Coalitions to use any method of telecommunication to conduct meetings under certain circumstances; amending s. 456.039, F.S.; requiring certain applicants for licensure as physicians to provide specified documentation to the department at the time of application; amending s. 460.406, F.S.; revising provisions related to chiropractic physician licensing; amending s. 464.008, F.S.; deleting a requirement that certain nursing program graduates complete a specified preparatory course; amending s. 464.018, F.S.; revising grounds for disciplinary action against licensed nurses; amending s. 467.003, F.S.; revising and defining terms; amending s. 467.009, F.S.; revising provisions related to accredited and approved midwifery programs; amending s. 467.011, F.S.; revising requirements for licensure of midwives; amending s. 467.0125, F.S.; revising requirements for licensure by endorsement of midwives; revising requirements for temporary certificates to practice midwifery in this state; amending s. 467.205, F.S.; revising provisions relating to approval, continued monitoring, probationary status, provisional approval, and approval rescission of midwifery programs; amending s. 468.803, F.S.; revising provisions related to orthotist and prosthetist registration, examination, and licensing; amending s. 483.824, F.S.; revising educational requirements for clinical laboratory directors; amending s. 490.003, F.S.; defining the terms "doctoral degree from an American Psychological Association accredited program" and "doctoral degree in psychology"; amending ss. 490.005 and 490.0051, F.S.; revising education requirements for psychologist licensure and provisional licensure, respectively; amending s. 491.005, F.S.; revising requirements for licensure of clinical social workers, marriage and family therapists, and mental health counselors; amending s. 766.31, F.S.; revising eligibility requirements for certain retroactive payments to parents or legal guardians under the Florida Birth-Related Neurological Injury Compensation Plan; providing retroactive applicability; requiring the plan to make certain retroactive payments to eligible parents or guardians; authorizing the plan to make such payments in a lump sum or periodically as designated by eligible parents or legal guardians; requiring the plan to make the payments by a specified date; amending s. 766.314, F.S.; deleting obsolete language and updating provisions to conform to current law; revising the frequency with which the department must submit certain reports to the Florida Birth-Related Neurological Injury Compensation Association; revising the content of such reports; authorizing the association to enforce the collection of certain assessments in circuit court under certain circumstances; requiring the association to notify the department and the applicable regulatory board of any unpaid final judgment against a physician within a specified timeframe; providing effective dates.

House Amendment 1 (816737) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsections (2) and (3) of section 381.0045, Florida Statutes, are amended to read:

381.0045 Targeted outreach for pregnant women.—

(2) It is the purpose of this section to establish a targeted outreach program for high-risk pregnant women who may not seek proper prenatal care, who suffer from substance abuse *or mental health* problems, or who *have acquired* ~~are infected with~~ human immunodeficiency virus (HIV), and to provide these women with links to *much-needed* ~~much needed~~ services and information.

(3) The department shall:

(a) Conduct outreach programs through contracts with, grants to, or other working relationships with persons or entities where the target population is likely to be found.

(b) Provide outreach that is peer-based, culturally sensitive, and performed in a nonjudgmental manner.

(c) Encourage high-risk pregnant women of unknown status to be tested for HIV *and other sexually transmissible diseases as specified by department rule*.

(d) Educate women not receiving prenatal care as to the benefits of such care.

(e) Provide ~~HIV-infected~~ pregnant women *who have HIV* with information *on the need for antiretroviral medication for their newborn, their medication options, and how they can access the medication after their discharge from the hospital* ~~so they can make an informed decision about the use of Zidovudine (AZT)~~.

(f) Link women with substance abuse treatment *and mental health services*, when available, and act as a liaison with Healthy Start coalitions, children's medical services, Ryan White-funded providers, and other services of the Department of Health.

(g) *Educate pregnant women who have HIV on the importance of engaging in and continuing HIV care.*

(h) Provide continued oversight *of any newborn exposed to HIV to determine the newborn's final HIV status and ensure continued linkage to care if the newborn is diagnosed with HIV* ~~to HIV-exposed newborns~~.

Section 2. Paragraphs (a) and (c) of subsection (2) of section 381.0303, Florida Statutes, are amended to read:

381.0303 Special needs shelters.—

(2) SPECIAL NEEDS SHELTER PLAN; STAFFING; STATE AGENCY ASSISTANCE.—If funds have been appropriated to support disaster coordinator positions in county health departments:

(a) The department shall assume lead responsibility for the coordination of local medical and health care providers, the American Red Cross, and other interested parties in developing a plan for the staffing and medical management of special needs shelters *and*. ~~The local Children's Medical Services offices shall assume lead responsibility for the coordination of local medical and health care providers, the American Red Cross, and other interested parties in developing a plan for the staffing and medical management of~~ pediatric special needs shelters. Plans must conform to the local comprehensive emergency management plan.

(c) The appropriate county health department~~, Children's Medical Services office,~~ and local emergency management agency shall jointly decide who has responsibility for medical supervision in each special needs shelter.

Section 3. Effective upon this act becoming a law, paragraph (a) of subsection (8) of section 381.986, Florida Statutes, is amended to read:

381.986 Medical use of marijuana.—

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(a) The department shall license medical marijuana treatment centers to ensure reasonable statewide accessibility and availability as necessary for qualified patients registered in the medical marijuana use registry and who are issued a physician certification under this section.

1. As soon as practicable, but no later than July 3, 2017, the department shall license as a medical marijuana treatment center any entity that holds an active, unrestricted license to cultivate, process, transport, and dispense low-THC cannabis, medical cannabis, and cannabis delivery devices, under former s. 381.986, Florida Statutes 2016, before July 1, 2017, and which meets the requirements of this section. In addition to the authority granted under this section, these entities are authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices ordered pursuant to former s. 381.986, Florida Statutes 2016, which were entered into the compassionate use registry before July 1, 2017, and are authorized to begin dispensing marijuana under this section on July 3, 2017. The department may grant variances from the representations made in such an entity's original application for approval under former s. 381.986, Florida Statutes 2014, pursuant to paragraph (e).

2. The department shall license as medical marijuana treatment centers 10 applicants that meet the requirements of this section, under the following parameters:

a. As soon as practicable, but no later than August 1, 2017, the department shall license any applicant whose application was reviewed, evaluated, and scored by the department and which was denied a dispensing organization license by the department under former s. 381.986, Florida Statutes 2014; which had one or more administrative or judicial challenges pending as of January 1, 2017, or had a final

ranking within one point of the highest final ranking in its region under former s. 381.986, Florida Statutes 2014; which meets the requirements of this section; and which provides documentation to the department that it has the existing infrastructure and technical and technological ability to begin cultivating marijuana within 30 days after registration as a medical marijuana treatment center.

b. As soon as practicable, the department shall license one applicant that is a recognized class member of Pigford v. Glickman, 185 F.R.D. 82 (D.D.C. 1999), or In Re Black Farmers Litig., 856 F. Supp. 2d 1 (D.D.C. 2011). An applicant licensed under this sub-subparagraph is exempt from the requirement of subparagraph (b)2. *An applicant that applies for licensure under this sub-subparagraph, pays its initial application fee, is determined by the department through the application process to qualify as a recognized class member, and is not awarded a license under this sub-subparagraph may transfer its initial application fee to one subsequent opportunity to apply for licensure under subparagraph 4.*

c. As soon as practicable, but no later than October 3, 2017, the department shall license applicants that meet the requirements of this section in sufficient numbers to result in 10 total licenses issued under this subparagraph, while accounting for the number of licenses issued under sub-subparagraphs a. and b.

3. For up to two of the licenses issued under subparagraph 2., the department shall give preference to applicants that demonstrate in their applications that they own one or more facilities that are, or were, used for the canning, concentrating, or otherwise processing of citrus fruit or citrus molasses and will use or convert the facility or facilities for the processing of marijuana.

4. Within 6 months after the registration of 100,000 active qualified patients in the medical marijuana use registry, the department shall license four additional medical marijuana treatment centers that meet the requirements of this section. Thereafter, the department shall license four medical marijuana treatment centers within 6 months after the registration of each additional 100,000 active qualified patients in the medical marijuana use registry that meet the requirements of this section.

Section 4. Paragraphs (e) through (h) of subsection (14) of section 381.986, Florida Statutes, are redesignated as paragraphs (f) through (i), respectively, paragraphs (b) and (e) of subsection (8) are amended, and a new paragraph (e) is added to subsection (14) of that section, to read:

381.986 Medical use of marijuana.—

(8) MEDICAL MARIJUANA TREATMENT CENTERS.—

(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the costs of administering ss. 381.989 and 1004.4351. The department shall identify applicants with strong diversity plans reflecting this state's commitment to diversity and implement training programs and other educational programs to enable minority persons and minority business enterprises, as defined in s. 288.703, and veteran business enterprises, as defined in s. 295.187, to compete for medical marijuana treatment center licensure and contracts. Subject to the requirements in subparagraphs (a)2.-4., the department shall issue a license to an applicant if the applicant meets the requirements of this section and pays the initial application fee. The department shall renew the licensure of a medical marijuana treatment center biennially if the licensee meets the requirements of this section and pays the biennial renewal fee. *However, the department may not renew the license of a medical marijuana treatment center that has not begun to cultivate, process, and dispense marijuana by the date that the medical marijuana treatment center is required to renew its license.* An individual may not be an applicant, owner, officer, board member, or manager on more than one application for licensure as a medical marijuana treatment center. An individual or entity may not be awarded more than one license as a medical marijuana treatment center. An applicant for licensure as a medical marijuana treatment center must demonstrate:

1. That, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in the state.

2. Possession of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131.

3. The technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.

4. The ability to secure the premises, resources, and personnel necessary to operate as a medical marijuana treatment center.

5. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.

6. An infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.

7. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the department.

a. Upon approval, the applicant must post a $5 million performance bond issued by an authorized surety insurance company rated in one of the three highest rating categories by a nationally recognized rating service. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a $2 million performance bond.

b. In lieu of the performance bond required under sub-subparagraph a., the applicant may provide an irrevocable letter of credit payable to the department or provide cash to the department. If provided with cash under this sub-subparagraph, the department shall deposit the cash in the Grants and Donations Trust Fund within the Department of Health, subject to the same conditions as the bond regarding requirements for the applicant to forfeit ownership of the funds. If the funds deposited under this sub-subparagraph generate interest, the amount of that interest shall be used by the department for the administration of this section.

8. That all owners, officers, board members, and managers have passed a background screening pursuant to subsection (9).

9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.

10. A diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in s. 288.703, or veteran business enterprises, as defined in s. 295.187, in ownership, management, and employment. An applicant for licensure renewal must show the effectiveness of the diversity plan by including the following with his or her application for renewal:

a. Representation of minority persons and veterans in the medical marijuana treatment center's workforce;

b. Efforts to recruit minority persons and veterans for employment; and

c. A record of contracts for services with minority business enterprises and veteran business enterprises.

(e) A licensed medical marijuana treatment center shall cultivate, process, transport, and dispense marijuana for medical use. A licensed medical marijuana treatment center may not contract for services directly related to the cultivation, processing, and dispensing of marijuana or marijuana delivery devices, except that a medical marijuana treatment center licensed pursuant to subparagraph (a)1. may contract with a single entity for the cultivation, processing, transporting, and dispensing of marijuana and marijuana delivery devices. A licensed medical marijuana treatment center must, at all times, maintain compliance with the criteria demonstrated and representations made in the initial application and the criteria established in this subsection. Upon request, the department may grant a medical marijuana treatment center a variance from the representations made in the initial application. Consideration of such a request shall be based upon the individual facts and circumstances surrounding the request. A variance may not be granted unless the requesting medical marijuana treatment center can demonstrate to the department that it has a proposed alternative to the specific representation made in its application which fulfills the same or a similar purpose as the specific representation in a way that the department can reasonably determine will not be a lower

standard than the specific representation in the application. A variance may not be granted from the requirements in subparagraph 2. and subparagraphs (b)1. and 2.

1. A licensed medical marijuana treatment center may transfer ownership to an individual or entity who meets the requirements of this section. A publicly traded corporation or publicly traded company that meets the requirements of this section is not precluded from ownership of a medical marijuana treatment center. To accommodate a change in ownership:

a. The licensed medical marijuana treatment center shall notify the department in writing at least 60 days before the anticipated date of the change of ownership.

b. The individual or entity applying for initial licensure due to a change of ownership must submit an application that must be received by the department at least 60 days before the date of change of ownership.

c. Upon receipt of an application for a license, the department shall examine the application and, within 30 days after receipt, notify the applicant in writing of any apparent errors or omissions and request any additional information required.

d. Requested information omitted from an application for licensure must be filed with the department within 21 days after the department's request for omitted information or the application shall be deemed incomplete and shall be withdrawn from further consideration and the fees shall be forfeited.

e. Within 30 days after the receipt of a complete application, the department shall approve or deny the application.

2. A medical marijuana treatment center, and any individual or entity who directly or indirectly owns, controls, or holds with power to vote 5 percent or more of the voting shares of a medical marijuana treatment center, may not acquire direct or indirect ownership or control of any voting shares or other form of ownership of any other medical marijuana treatment center.

3. A medical marijuana treatment center may not enter into any form of profit-sharing arrangement with the property owner or lessor of any of its facilities where cultivation, processing, storing, or dispensing of marijuana and marijuana delivery devices occurs.

4. All employees of a medical marijuana treatment center must be 21 years of age or older and have passed a background screening pursuant to subsection (9).

5. Each medical marijuana treatment center must adopt and enforce policies and procedures to ensure employees and volunteers receive training on the legal requirements to dispense marijuana to qualified patients.

6. When growing marijuana, a medical marijuana treatment center:

a. May use pesticides determined by the department, after consultation with the Department of Agriculture and Consumer Services, to be safely applied to plants intended for human consumption, but may not use pesticides designated as restricted-use pesticides pursuant to s. 487.042.

b. Must grow marijuana within an enclosed structure and in a room separate from any other plant.

c. Must inspect seeds and growing plants for plant pests that endanger or threaten the horticultural and agricultural interests of the state in accordance with chapter 581 and any rules adopted thereunder.

d. Must perform fumigation or treatment of plants, or remove and destroy infested or infected plants, in accordance with chapter 581 and any rules adopted thereunder.

7. Each medical marijuana treatment center must produce and make available for purchase at least one low-THC cannabis product.

8. A medical marijuana treatment center that produces edibles must hold a permit to operate as a food establishment pursuant to chapter 500, the Florida Food Safety Act, and must comply with all the requirements for food establishments pursuant to chapter 500 and any rules adopted thereunder. Edibles may not contain more than 200 milligrams of tetrahydrocannabinol, and a single serving portion of an edible may not exceed 10 milligrams of tetrahydrocannabinol. Edibles may have a potency variance of no greater than 15 percent. Edibles may not be attractive to children; be manufactured in the shape of humans, cartoons, or animals; be manufactured in a form that bears any reasonable resemblance to products available for consumption as commercially available candy; or contain any color additives. To discourage consumption of edibles by children, the department shall determine by rule any shapes, forms, and ingredients allowed and prohibited for edibles. Medical marijuana treatment centers may not begin processing or dispensing edibles until after the effective date of the rule. The department shall also adopt sanitation rules providing the standards and requirements for the storage, display, or dispensing of edibles.

9. Within 12 months after licensure, a medical marijuana treatment center must demonstrate to the department that all of its processing facilities have passed a Food Safety Good Manufacturing Practices, such as Global Food Safety Initiative or equivalent, inspection by a nationally accredited certifying body. A medical marijuana treatment center must immediately stop processing at any facility which fails to pass this inspection until it demonstrates to the department that such facility has met this requirement.

10. A medical marijuana treatment center that produces prerolled marijuana cigarettes may not use wrapping paper made with tobacco or hemp.

11. When processing marijuana, a medical marijuana treatment center must:

a. Process the marijuana within an enclosed structure and in a room separate from other plants or products.

b. Comply with department rules when processing marijuana with hydrocarbon solvents or other solvents or gases exhibiting potential toxicity to humans. The department shall determine by rule the requirements for medical marijuana treatment centers to use such solvents or gases exhibiting potential toxicity to humans.

c. Comply with federal and state laws and regulations and department rules for solid and liquid wastes. The department shall determine by rule procedures for the storage, handling, transportation, management, and disposal of solid and liquid waste generated during marijuana production and processing. The Department of Environmental Protection shall assist the department in developing such rules.

d. Test the processed marijuana using a medical marijuana testing laboratory before it is dispensed. Results must be verified and signed by two medical marijuana treatment center employees. Before dispensing, the medical marijuana treatment center must determine that the test results indicate that low-THC cannabis meets the definition of low-THC cannabis, the concentration of tetrahydrocannabinol meets the potency requirements of this section, the labeling of the concentration of tetrahydrocannabinol and cannabidiol is accurate, and all marijuana is safe for human consumption and free from contaminants that are unsafe for human consumption. The department shall determine by rule which contaminants must be tested for and the maximum levels of each contaminant which are safe for human consumption. The Department of Agriculture and Consumer Services shall assist the department in developing the testing requirements for contaminants that are unsafe for human consumption in edibles. The department shall also determine by rule the procedures for the treatment of marijuana that fails to meet the testing requirements of this section, s. 381.988, or department rule. The department may select *samples of marijuana* ~~a random sample~~ from ~~edibles available for purchase in~~ a *medical marijuana treatment center* ~~dispensing~~ facility which shall be tested by the department to determine *whether* ~~that~~ the *marijuana* ~~edible~~ meets the potency requirements of this section, is safe for human consumption, and *is accurately labeled with* ~~the labeling of~~ the tetrahydrocannabinol and cannabidiol concentration *or to verify the result of marijuana testing conducted by a marijuana testing laboratory. The department may also select samples of marijuana delivery devices from a medical marijuana treatment center to determine whether the marijuana delivery device is safe for use by qualified patients* ~~is accurate~~. A medical marijuana treatment center may not require payment from the department for the sample. A medical marijuana treatment center must recall *marijuana* ~~edibles~~, including all *marijuana and marijuana products* ~~edibles~~ made from the same batch of marijuana, *that fails* ~~which fail~~ to meet the potency re-

quirements of this section, *that is* ~~which are~~ unsafe for human consumption, or for which the labeling of the tetrahydrocannabinol and cannabidiol concentration is inaccurate. *The department shall adopt rules to establish marijuana potency variations of no greater than 15 percent using negotiated rulemaking pursuant to s. 120.54(2)(d) which accounts for, but is not limited to, time lapses between testing, testing methods, testing instruments, and types of marijuana sampled for testing. The department may not issue any recalls for product potency as it relates to product labeling before issuing a rule relating to potency variation standards. A medical marijuana treatment center must also recall all marijuana delivery devices determined to be unsafe for use by qualified patients.* The medical marijuana treatment center must retain records of all testing and samples of each homogenous batch of marijuana for at least 9 months. The medical marijuana treatment center must contract with a marijuana testing laboratory to perform audits on the medical marijuana treatment center's standard operating procedures, testing records, and samples and provide the results to the department to confirm that the marijuana or low-THC cannabis meets the requirements of this section and that the marijuana or low-THC cannabis is safe for human consumption. A medical marijuana treatment center shall reserve two processed samples from each batch and retain such samples for at least 9 months for the purpose of such audits. A medical marijuana treatment center may use a laboratory that has not been certified by the department under s. 381.988 until such time as at least one laboratory holds the required certification, but in no event later than July 1, 2018.

e. Package the marijuana in compliance with the United States Poison Prevention Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq.

f. Package the marijuana in a receptacle that has a firmly affixed and legible label stating the following information:

(I) The marijuana or low-THC cannabis meets the requirements of sub-subparagraph d.

(II) The name of the medical marijuana treatment center from which the marijuana originates.

(III) The batch number and harvest number from which the marijuana originates and the date dispensed.

(IV) The name of the physician who issued the physician certification.

(V) The name of the patient.

(VI) The product name, if applicable, and dosage form, including concentration of tetrahydrocannabinol and cannabidiol. The product name may not contain wording commonly associated with products marketed by or to children.

(VII) The recommended dose.

(VIII) A warning that it is illegal to transfer medical marijuana to another person.

(IX) A marijuana universal symbol developed by the department.

12. The medical marijuana treatment center shall include in each package a patient package insert with information on the specific product dispensed related to:

a. Clinical pharmacology.

b. Indications and use.

c. Dosage and administration.

d. Dosage forms and strengths.

e. Contraindications.

f. Warnings and precautions.

g. Adverse reactions.

13. In addition to the packaging and labeling requirements specified in subparagraphs 11. and 12., marijuana in a form for smoking must be packaged in a sealed receptacle with a legible and prominent warning to keep away from children and a warning that states marijuana smoke contains carcinogens and may negatively affect health. Such receptacles for marijuana in a form for smoking must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol.

14. The department shall adopt rules to regulate the types, appearance, and labeling of marijuana delivery devices dispensed from a medical marijuana treatment center. The rules must require marijuana delivery devices to have an appearance consistent with medical use.

15. Each edible shall be individually sealed in plain, opaque wrapping marked only with the marijuana universal symbol. Where practical, each edible shall be marked with the marijuana universal symbol. In addition to the packaging and labeling requirements in subparagraphs 11. and 12., edible receptacles must be plain, opaque, and white without depictions of the product or images other than the medical marijuana treatment center's department-approved logo and the marijuana universal symbol. The receptacle must also include a list of all the edible's ingredients, storage instructions, an expiration date, a legible and prominent warning to keep away from children and pets, and a warning that the edible has not been produced or inspected pursuant to federal food safety laws.

16. When dispensing marijuana or a marijuana delivery device, a medical marijuana treatment center:

a. May dispense any active, valid order for low-THC cannabis, medical cannabis and cannabis delivery devices issued pursuant to former s. 381.986, Florida Statutes 2016, which was entered into the medical marijuana use registry before July 1, 2017.

b. May not dispense more than a 70-day supply of marijuana within any 70-day period to a qualified patient or caregiver. May not dispense more than one 35-day supply of marijuana in a form for smoking within any 35-day period to a qualified patient or caregiver. A 35-day supply of marijuana in a form for smoking may not exceed 2.5 ounces unless an exception to this amount is approved by the department pursuant to paragraph (4)(f).

c. Must have the medical marijuana treatment center's employee who dispenses the marijuana or a marijuana delivery device enter into the medical marijuana use registry his or her name or unique employee identifier.

d. Must verify that the qualified patient and the caregiver, if applicable, each have an active registration in the medical marijuana use registry and an active and valid medical marijuana use registry identification card, the amount and type of marijuana dispensed matches the physician certification in the medical marijuana use registry for that qualified patient, and the physician certification has not already been filled.

e. May not dispense marijuana to a qualified patient who is younger than 18 years of age. If the qualified patient is younger than 18 years of age, marijuana may only be dispensed to the qualified patient's caregiver.

f. May not dispense or sell any other type of cannabis, alcohol, or illicit drug-related product, including pipes or wrapping papers made with tobacco or hemp, other than a marijuana delivery device required for the medical use of marijuana and which is specified in a physician certification.

g. Must, upon dispensing the marijuana or marijuana delivery device, record in the registry the date, time, quantity, and form of marijuana dispensed; the type of marijuana delivery device dispensed; and the name and medical marijuana use registry identification number of the qualified patient or caregiver to whom the marijuana delivery device was dispensed.

h. Must ensure that patient records are not visible to anyone other than the qualified patient, his or her caregiver, and authorized medical marijuana treatment center employees.

(14) EXCEPTIONS TO OTHER LAWS.—

(e) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other law, but subject to the requirements of this section, the department, including an employee of the department acting within the scope of his or

her employment, may acquire, possess, test, transport, and lawfully dispose of marijuana and marijuana delivery devices as provided in this section, in s. 381.988, and by department rule.

Section 5. Paragraphs (b) and (c) of subsection (2) of section 381.99, Florida Statutes, are amended to read:

381.99 Rare Disease Advisory Council.—

(2) The advisory council is composed of the following members:

(b) As appointed by the President of the Senate:

1. A representative from an academic research institution in this state which receives grant funding for research regarding rare diseases.

2. A physician who is licensed under chapter 458 or chapter 459 and practicing in this state with experience in treating rare diseases.

3. An individual who is 18 years of age or older who has a rare disease.

4. *Two individuals* ~~An individual~~ who *are, or were previously, caregivers for individuals* ~~is a caregiver of an individual~~ with a rare disease.

5. A representative of an organization operating in this state which provides care or other support to individuals with rare diseases.

(c) As appointed by the Speaker of the House of Representatives:

1. A representative from an academic research institution in this state which receives grant funding for research regarding rare diseases.

2. A physician who is licensed under chapter 458 or chapter 459 and practicing in this state with experience in treating rare diseases.

3. An individual who is 18 years of age or older who has a rare disease.

4. *Two individuals* ~~An individual~~ who *are, or were previously, caregivers for individuals* ~~is a caregiver of an individual~~ with a rare disease.

5. A representative of organizations in this state which provide care or other support to individuals with rare diseases.

Any vacancy on the advisory council must be filled in the same manner as the original appointment.

Section 6. Subsection (9) of section 383.216, Florida Statutes, is amended to read:

383.216 Community-based prenatal and infant health care.—

(9) Local prenatal and infant health care coalitions shall incorporate as not-for-profit corporations for the purpose of seeking and receiving grants from federal, state, and local government and other contributors. However, a coalition need not be designated as a tax-exempt organization under s. 501(c)(3) of the Internal Revenue Code. *The administrative services organization representing all Healthy Start Coalitions under s. 409.975(4) may use any method of telecommunication to conduct meetings for any authorized function, provided that the public is given proper notice of and reasonable access to the meeting.*

Section 7. Subsection (1) of section 406.11, Florida Statutes, is amended to read:

406.11 Examinations, investigations, and autopsies.—

(1) In any of the following circumstances involving the death of a human being, the medical examiner of the district in which the death occurred or the body was found shall determine the cause of death ~~and certify the death~~ and shall, for that purpose, make or perform such examinations, investigations, and autopsies as he or she deems necessary or as requested by the state attorney:

(a) When any person dies in this state:

1. Of criminal violence.

2. By accident.

3. By suicide.

4. Suddenly, when in apparent good health.

5. Unattended by a practicing physician or other recognized practitioner.

6. In any prison or penal institution.

7. In police custody.

8. In any suspicious or unusual circumstance.

9. By criminal abortion.

10. By poison.

11. By disease constituting a threat to public health.

12. By disease, injury, or toxic agent resulting from employment.

(b) When a dead body is brought into this state without proper medical certification.

(c) When a body is to be cremated, dissected, or buried at sea.

Section 8. Subsection (1) of section 456.039, Florida Statutes, is amended to read:

456.039 Designated health care professionals; information required for licensure.—

(1) Each person who applies for initial licensure *or license renewal* as a physician under chapter 458, chapter 459, chapter 460, or chapter 461, except a person applying for registration pursuant to ss. 458.345 and 459.021, must *furnish the following information to the department*~~,~~ at the time of application *or*~~, and each physician who applies for license renewal under chapter 458, chapter 459, chapter 460, or chapter 461, except a person registered pursuant to ss. 458.345 and 459.021, must,~~ in conjunction with the renewal of such license ~~and~~ under procedures adopted by the department ~~of Health,~~ and in addition to any other information that may be required from the applicant~~, furnish the following information to the Department of Health~~:

(a)1. The name of each medical school that the applicant has attended, with the dates of attendance and the date of graduation, and a description of all graduate medical education completed by the applicant, excluding any coursework taken to satisfy medical licensure continuing education requirements.

2. The name of each hospital at which the applicant has privileges.

3. The address at which the applicant will primarily conduct his or her practice.

4. Any certification that the applicant has received from a specialty board that is recognized by the board to which the applicant is applying.

5. The year that the applicant began practicing medicine.

6. Any appointment to the faculty of a medical school which the applicant currently holds and an indication as to whether the applicant has had the responsibility for graduate medical education within the most recent 10 years.

7. A description of any criminal offense of which the applicant has been found guilty, regardless of whether adjudication of guilt was withheld, or to which the applicant has pled guilty or nolo contendere. A criminal offense committed in another jurisdiction which would have been a felony or misdemeanor if committed in this state must be reported. If the applicant indicates that a criminal offense is under appeal and submits a copy of the notice for appeal of that criminal offense, the department must state that the criminal offense is under appeal if the criminal offense is reported in the applicant's profile. If the applicant indicates to the department that a criminal offense is under appeal, the applicant must, upon disposition of the appeal, submit to the department a copy of the final written order of disposition.

8. A description of any final disciplinary action taken within the previous 10 years against the applicant by the agency regulating the profession that the applicant is or has been licensed to practice, whether in this state or in any other jurisdiction, by a specialty board that is recognized by the American Board of Medical Specialties, the American Osteopathic Association, or a similar national organization, or by a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home. Disciplinary action includes resignation from or nonrenewal of medical staff membership or the restriction of privileges at a licensed hospital, health maintenance organization, prepaid health clinic, ambulatory surgical center, or nursing home taken in lieu of or in settlement of a pending disciplinary case related to competence or character. If the applicant indicates that the disciplinary action is under appeal and submits a copy of the document initiating an appeal of the disciplinary action, the department must state that the disciplinary action is under appeal if the disciplinary action is reported in the applicant's profile.

9. Relevant professional qualifications as defined by the applicable board.

(b) In addition to the information required under paragraph (a), *for* each applicant *seeking* ~~who seeks~~ licensure under chapter 458, chapter 459, or chapter 461~~, and~~ who has practiced previously in this state or in another jurisdiction or a foreign country*,* ~~must provide~~ the information required of licensees under those chapters pursuant to s. 456.049. An applicant for licensure under chapter 460 who has practiced previously in this state or in another jurisdiction or a foreign country must provide the same information as is required of licensees under chapter 458, pursuant to s. 456.049.

(c) For each applicant seeking licensure under chapter 458 or chapter 459, proof of payment of the assessment required under s. 766.314, if applicable.

Section 9. Subsection (1) of section 460.406, Florida Statutes, is amended to read:

460.406 Licensure by examination.—

(1) Any person desiring to be licensed as a chiropractic physician must apply to the department to take the licensure examination. There shall be an application fee set by the board not to exceed $100 which shall be nonrefundable. There shall also be an examination fee not to exceed $500 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Board of Chiropractic Examiners or a similar national organization, which may be refundable if the applicant is found ineligible to take the examination. The department shall examine each applicant *whom* ~~who~~ the board certifies has *met all of the following criteria*:

(a) Completed the application form and remitted the appropriate fee.

(b) Submitted proof satisfactory to the department that he or she is not less than 18 years of age.

(c) Submitted proof satisfactory to the department that he or she is a graduate of a chiropractic college which is accredited by or has status with the Council on Chiropractic Education or its predecessor agency. However, any applicant who is a graduate of a chiropractic college that was initially accredited by the Council on Chiropractic Education in 1995, who graduated from such college within the 4 years immediately preceding such accreditation, and who is otherwise qualified *is* ~~shall be~~ eligible to take the examination. *An* ~~No~~ application for a license to practice chiropractic medicine *may not* ~~shall~~ be denied solely because the applicant is a graduate of a chiropractic college that subscribes to one philosophy of chiropractic medicine as distinguished from another.

(d)1. For an applicant who has matriculated in a chiropractic college *before* ~~prior to~~ July 2, 1990, completed at least 2 years of residence college work, consisting of a minimum of one-half the work acceptable for a bachelor's degree granted on the basis of a 4-year period of study, in a college or university accredited by an *institutional* accrediting agency recognized and approved by the United States Department of Education. However, *before* ~~prior to~~ being certified by the board to sit for the examination, each applicant who has matriculated in a chiropractic college after July 1, 1990, *must* ~~shall~~ have been granted a bachelor's degree, based upon 4 academic years of study, by a college or university accredited by *an institutional* ~~a regional~~ accrediting agency *that* ~~which~~ is a member of the Commission on Recognition of Postsecondary Accreditation.

2. Effective July 1, 2000, completed, *before* ~~prior to~~ matriculation in a chiropractic college, at least 3 years of residence college work, consisting of a minimum of 90 semester hours leading to a bachelor's degree in a liberal arts college or university accredited by an *institutional* accrediting agency recognized and approved by the United States Department of Education. However, *before* ~~prior to~~ being certified by the board to sit for the examination, each applicant who has matriculated in a chiropractic college after July 1, 2000, *must* ~~shall~~ have been granted a bachelor's degree from an institution holding accreditation for that degree from *an institutional* ~~a regional~~ accrediting agency *that* ~~which~~ is recognized by the United States Department of Education. The applicant's chiropractic degree must consist of credits earned in the chiropractic program and may not include academic credit for courses from the bachelor's degree.

(e) Successfully completed the National Board of Chiropractic Examiners certification examination in parts I, II, III, and IV, and the physiotherapy examination of the National Board of Chiropractic Examiners, with a score approved by the board.

(f) Submitted to the department a set of fingerprints on a form and under procedures specified by the department, along with payment in an amount equal to the costs incurred by the Department of Health for the criminal background check of the applicant.

The board may require an applicant who graduated from an institution accredited by the Council on Chiropractic Education more than 10 years before the date of application to the board to take the National Board of Chiropractic Examiners Special Purposes Examination for Chiropractic, or its equivalent, as determined by the board. The board shall establish by rule a passing score.

Section 10. Subsection (4) of section 464.008, Florida Statutes, is amended to read:

464.008 Licensure by examination.—

~~(4) If an applicant who graduates from an approved program does not take the licensure examination within 6 months after graduation, he or she must enroll in and successfully complete a board-approved licensure examination preparatory course. The applicant is responsible for all costs associated with the course and may not use state or federal financial aid for such costs. The board shall by rule establish guidelines for licensure examination preparatory courses.~~

Section 11. Paragraph (e) of subsection (1) of section 464.018, Florida Statutes, is amended to read:

464.018 Disciplinary actions.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in ss. 456.072(2) and 464.0095:

(e) Having been found guilty of~~, regardless of adjudication,~~ or entered a plea of nolo contendere or guilty to~~,~~ *regardless of adjudication,* any offense prohibited under s. 435.04 or similar statute of another jurisdiction; or having committed an act which constitutes domestic violence as defined in s. 741.28.

Section 12. Subsections (13) and (14) of section 467.003, Florida Statutes, are renumbered as subsections (14) and (15), respectively, subsections (1) and (12) are amended, and a new subsection (13) is added to that section, to read:

467.003 Definitions.—As used in this chapter, unless the context otherwise requires:

(1) "Approved *midwifery* program" means ~~a midwifery school or~~ a midwifery training program ~~which is~~ approved by the department pursuant to s. 467.205.

(12) "Preceptor" means a physician *licensed under chapter 458 or chapter 459*, a ~~licensed~~ midwife *licensed under this chapter*, or a certified nurse midwife *licensed under chapter 464*~~,~~ who has a minimum of 3 years' professional experience~~,~~ and who directs, teaches, supervises, and

evaluates the learning experiences of *a* ~~the~~ student midwife *as part of an approved midwifery program*.

(13) "Prelicensure course" means a course of study, offered by an accredited midwifery program and approved by the department, which an applicant for licensure must complete before a license may be issued and which provides instruction in the laws and rules of this state and demonstrates the student's competency to practice midwifery under this chapter.

Section 13. Section 467.009, Florida Statutes, is amended to read:

467.009 *Accredited and approved* midwifery programs; education and training requirements.—

(1) The department shall adopt standards for *accredited and approved* midwifery programs *which must include, but need not be limited to, standards for all of the following:*

(a) ~~. The standards shall encompass~~ Clinical and classroom instruction in all aspects of prenatal, intrapartal, and postpartal care, including *all of the following:*

1. Obstetrics.~~;~~

2. Neonatal pediatrics.~~;~~

3. Basic sciences.~~;~~

4. Female reproductive anatomy and physiology.~~;~~

5. Behavioral sciences.~~;~~

6. Childbirth education.~~;~~

7. Community care.~~;~~

8. Epidemiology.~~;~~

9. Genetics.~~;~~

10. Embryology.~~;~~

11. Neonatology.~~;~~

12. Applied pharmacology.~~;~~

13. The medical and legal aspects of midwifery.~~;~~

14. Gynecology and women's health.~~;~~

15. Family planning.~~;~~

16. Nutrition during pregnancy and lactation.~~;~~

17. Breastfeeding.~~; and~~

18. Basic nursing skills~~; and any other instruction determined by the department and council to be necessary~~.

(b) ~~The standards shall incorporate the~~ Core competencies*, incorporating those* established by the American College of Nurse Midwives and the Midwives Alliance of North America, including knowledge, skills, and professional behavior in *all of* the following areas:

1. Primary management, collaborative management, referral, and medical consultation.~~;~~

2. Antepartal, intrapartal, postpartal, and neonatal care.~~;~~

3. Family planning and gynecological care.~~;~~

4. Common complications.~~; and~~

5. Professional responsibilities.

(c) Noncurricular ~~The standards shall include noncurriculum~~ matters under this section, including, but not limited to, staffing and teacher qualifications.

(2) An *accredited and* approved midwifery program *must offer* ~~shall include~~ a course of study ~~and clinical training~~ for a minimum of 3 years *which incorporates all of the standards, curriculum guidelines, and educational objectives provided in this section and the rules adopted hereunder*.

(3) An accredited and approved midwifery program may reduce ~~If the applicant is a registered nurse or a licensed practical nurse or has previous nursing or midwifery education,~~ the required period of training ~~may be reduced~~ to the extent of the *student's* ~~applicant's~~ qualifications *as a registered nurse or licensed practical nurse or based on prior completion of equivalent nursing or midwifery education*, as determined ~~under rules adopted~~ by ~~the~~ department *rule*~~. In no case shall the training be reduced to a period of less than 2 years~~.

(4)~~(3)~~ *An accredited and approved midwifery program may accept students who* ~~To be accepted into an approved midwifery program, an applicant shall~~ have *both*:

(a) A high school diploma or its equivalent.

(b) Taken three college-level credits each of math and English or demonstrated competencies in communication and computation.

(5)~~(4)~~ *As part of its course of study, an accredited and approved midwifery program must require clinical training that includes all of the following:*

(a) ~~A student midwife, during training, shall undertake, under the supervision of a preceptor,~~ The care of 50 women in each of the prenatal, intrapartal, and postpartal periods *under the supervision of a preceptor*.~~, but~~ The same women need not be seen through all three periods.

(b)~~(5)~~ *Observation of* ~~The student midwife shall observe~~ an additional 25 women in the intrapartal period ~~before qualifying for a license~~.

(6) *Clinical* ~~The~~ training required under this section *must include all of the following:*

(a) ~~shall include~~ Training in ~~either~~ hospitals or alternative birth settings, or both.

(b) A requirement that students demonstrate competency in the assessment of and differentiation~~, with particular emphasis on learning the ability to differentiate~~ between low-risk pregnancies and high-risk pregnancies.

(7) A hospital or birthing center receiving public funds shall be required to provide student midwives access to observe labor, delivery, and postpartal procedures, provided the woman in labor has given informed consent. The Department of Health shall assist in facilitating access to hospital training for *accredited and* approved midwifery programs.

(8)~~(7)~~ The Department of Education shall adopt curricular frameworks for midwifery programs *offered by* ~~conducted within~~ public educational institutions *under* ~~pursuant to~~ this section.

~~(8) Nonpublic educational institutions that conduct approved midwifery programs shall be accredited by a member of the Commission on Recognition of Postsecondary Accreditation and shall be licensed by the Commission for Independent Education.~~

Section 14. Section 467.011, Florida Statutes, is amended to read:

467.011 *Licensed midwives; qualifications; examination* ~~Licensure by examination~~.—

~~(1) The department shall administer an examination to test the proficiency of applicants in the core competencies required to practice midwifery as specified in s. 467.009.~~

~~(2) The department shall develop, publish, and make available to interested parties at a reasonable cost a bibliography and guide for the examination.~~

~~(3)~~ The department shall issue a license to practice midwifery to an applicant who *meets all of the following criteria:*

(1) Demonstrates that he or she has graduated from *one of the following:*

(a) An *accredited and* approved midwifery program.

(b) A medical or midwifery program offered in another state, jurisdiction, territory, or country whose graduation requirements were equivalent to or exceeded those required by s. 467.009 and the rules adopted thereunder at the time of graduation.

(2) Demonstrates that he or she has ~~and~~ successfully completed *a prelicensure course offered by an accredited and approved midwifery program. Students graduating from an accredited and approved midwifery program may meet this requirement by showing that the content requirements for the prelicensure course were covered as part of their course of study.*

(3) Submits an application for licensure on a form approved by the department and pays the appropriate fee.

(4) Demonstrates that he or she has received a passing score on an ~~the~~ examination *specified by the department*~~, upon payment of the required licensure fee~~.

Section 15. Section 467.0125, Florida Statutes, is amended to read:

467.0125 *Licensed midwives; qualifications;* ~~Licensure by~~ endorsement*; temporary certificates*.—

(1) The department shall issue a license by endorsement to practice midwifery to an applicant who, upon applying to the department, demonstrates to the department that she or he *meets all of the following criteria*:

(a)~~1. Holds a valid certificate or diploma from a foreign institution of medicine or midwifery or from a midwifery program offered in another state, bearing the seal of the institution or otherwise authenticated, which renders the individual eligible to practice midwifery in the country or state in which it was issued, provided the requirements therefor are deemed by the department to be substantially equivalent to, or to exceed, those established under this chapter and rules adopted under this chapter, and submits therewith a certified translation of the foreign certificate or diploma; or~~

~~2.~~ Holds *an active, unencumbered* ~~a valid certificate or~~ license to practice midwifery in another state, *jurisdiction, or territory* ~~issued by that state~~, provided the *licensing* requirements *of that state, jurisdiction, or territory at the time the license was issued were* ~~therefor are deemed by the department to be~~ substantially equivalent to~~,~~ or *exceeded* ~~to exceed,~~ those established under this chapter and *the* rules adopted *hereunder* ~~under this chapter~~.

(b) Has *successfully* completed a ~~4 month~~ prelicensure course conducted by an *accredited and* approved *midwifery* program ~~and has submitted documentation to the department of successful completion~~.

(c) *Submits an application for licensure on a form approved by the department and pays the appropriate fee* ~~Has successfully passed the licensed midwifery examination~~.

(2) The department may issue a temporary certificate to practice in areas of critical need to *an applicant* ~~any midwife who is~~ qualifying for *a midwifery license* ~~licensure by endorsement~~ under subsection (1) *who meets all of the following criteria*~~, with the following restrictions~~:

(a) *Submits an application for a temporary certificate on a form approved by the department and pays the appropriate fee, which may not exceed $50 and is in addition to the fee required for licensure by endorsement under subsection (1).*

(b) Specifies on the application that he or she will ~~The Department of Health shall determine the areas of critical need, and the midwife so certified shall~~ practice only in *one or more of the following locations:*

1. A county health department.

2. A correctional facility.

3. A United States Department of Veterans Affairs clinic.

4. A community health center funded by s. 329, s. 330, or s. 340 of the Public Health Service Act.

5. Any other agency or institution that is approved by the State Surgeon General and provides health care to meet the needs of an underserved population in this state.

(c) Will practice only ~~those specific areas,~~ under the *supervision* ~~auspices~~ of a physician licensed *under* ~~pursuant to~~ chapter 458 or chapter 459, a certified nurse midwife licensed *under* ~~pursuant to~~ part I of chapter 464, or a midwife licensed under this chapter~~,~~ who has a minimum of 3 years' professional experience.

(3) The department may issue a temporary certificate under this section with the following restrictions:

(a) A requirement that a temporary certificateholder practice only in areas of critical need. The State Surgeon General shall determine the areas of critical need, which ~~Such areas shall~~ include, but *are* not ~~be~~ limited to, health professional shortage areas designated by the United States Department of Health and Human Services.

(b) *A requirement that if a temporary certificateholder's practice area ceases to be an area of critical need, within 30 days after such change the certificateholder must either:*

1. Report a new practice area of critical need to the department; or

2. Voluntarily relinquish the temporary certificate.

(4) The department shall review a temporary certificateholder's practice at least annually to determine whether the certificateholder is meeting the requirements of subsections (2) and (3) and the rules adopted thereunder. If the department determines that a certificateholder is not meeting these requirements, the department must revoke the temporary certificate.

(5) A temporary certificate issued under this section *is* ~~shall be~~ valid ~~only as long as an area~~ for ~~which it is issued remains an area of critical need, but no longer than~~ 2 years~~,~~ and *is* ~~shall~~ not ~~be~~ renewable.

~~(c) The department may administer an abbreviated oral examination to determine the midwife's competency, but no written regular examination shall be necessary.~~

~~(d) The department shall not issue a temporary certificate to any midwife who is under investigation in another state for an act which would constitute a violation of this chapter until such time as the investigation is complete, at which time the provisions of this section shall apply.~~

~~(e) The department shall review the practice under a temporary certificate at least annually to ascertain that the minimum requirements of the midwifery rules promulgated under this chapter are being met. If it is determined that the minimum requirements are not being met, the department shall immediately revoke the temporary certificate.~~

~~(f) The fee for a temporary certificate shall not exceed $50 and shall be in addition to the fee required for licensure.~~

Section 16. Section 467.205, Florida Statutes, is amended to read:

467.205 Approval of midwifery programs.—

(1) *The department must approve an accredited or state-licensed public or private institution seeking to provide midwifery education and training as an approved midwifery program in this state if the institution meets all of the following criteria:*

(a) Submits an application for approval on a form approved by the department.

(b) Demonstrates to the department's satisfaction that the proposed midwifery program complies with s. 467.009 and the rules adopted thereunder.

(c) For a private institution, demonstrates its accreditation by a member of the Council for Higher Education Accreditation or an ac-

crediting agency approved by the United States Department of Education as an institutional accrediting agency for direct-entry midwifery education programs and its licensing or provisional licensing by the Commission for Independent Education ~~An organization desiring to conduct an approved program for the education of midwives shall apply to the department and submit such evidence as may be required to show that it complies with s. 467.009 and with the rules of the department. Any accredited or state-licensed institution of higher learning, public or private, may provide midwifery education and training.~~

~~(2) The department shall adopt rules regarding educational objectives, faculty qualifications, curriculum guidelines, administrative procedures, and other training requirements as are necessary to ensure that approved programs graduate midwives competent to practice under this chapter.~~

~~(3) The department shall survey each organization applying for approval. If the department is satisfied that the program meets the requirements of s. 467.009 and rules adopted pursuant to that section, it shall approve the program~~.

(2)~~(4)~~ The department shall, at least once every 3 years, certify whether each approved midwifery program *is currently compliant, and has maintained compliance,* ~~complies~~ with the *requirements of* ~~standards developed under~~ s. 467.009 *and the rules adopted thereunder*.

(3)~~(5)~~ If the department finds that an approved *midwifery* program *is not in compliance with the requirements of s. 467.009 or the rules adopted thereunder, or has lost its accreditation status, the department must provide its finding to the program in writing and* ~~no longer meets the required standards, it~~ may place the program on probationary status *for a specified period of time, which may not exceed 3 years* ~~until such time as the standards are restored~~.

(4) If a program *on probationary status does not come into compliance with the requirements of s. 467.009 or the rules adopted thereunder, or regain its accreditation status, as applicable, within the period specified by the department* ~~fails to correct these conditions within a specified period of time~~, the department may rescind the *program's* approval.

(5) A ~~Any~~ program *that has* ~~having~~ its approval rescinded *has* ~~shall have~~ the right to reapply *for approval*.

(6) *The department may grant* provisional approval of a new program *seeking accreditation status, for a period not to exceed 5 years, provided that all other requirements of this section are met.*

(7) The department may rescind provisional approval of a program that fails to meet the requirements of s. 467.009, this section, or the rules adopted thereunder, in accordance with procedures provided in subsections (3) and (4) ~~may be granted pending the licensure results of the first graduating class~~.

Section 17. Subsections (2), (3), and (4) and paragraphs (a) and (b) of subsection (5) of section 468.803, Florida Statutes, are amended to read:

468.803 License, registration, and examination requirements.—

(2) An applicant for registration, examination, or licensure must apply to the department on a form prescribed by the board for consideration of board approval. Each initial applicant shall submit ~~a set of~~ fingerprints to the department *in accordance with* ~~on a form and under~~ procedures specified by the department~~, along with payment in an amount equal to the costs incurred by the department~~ for state and national criminal history checks of the applicant. ~~The department shall submit the fingerprints provided by an applicant to the Department of Law Enforcement for a statewide criminal history check, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check of the applicant.~~ The board shall screen the results to determine if an applicant meets licensure requirements. The board shall consider for examination, registration, or licensure each applicant *whom* ~~who~~ the board verifies:

(a) Has submitted the completed application and *completed* the *fingerprinting requirements* ~~fingerprint forms~~ and has paid the applicable application fee, not to exceed $500~~, and the cost of the state and national criminal history checks~~. The application fee *is* ~~and cost of the criminal history checks shall be~~ nonrefundable;

(b) Is of good moral character;

(c) Is 18 years of age or older; and

(d) Has completed the appropriate educational preparation.

(3) A person seeking to attain the orthotics or prosthetics experience required for licensure in this state must be approved by the board and registered as a resident by the department. Although a registration may be held in both disciplines, for independent registrations the board may not approve a second registration until at least 1 year after the issuance of the first registration. Notwithstanding subsection (2), a person who has been approved by the board and registered by the department in one discipline may apply for registration in the second discipline without an additional state or national criminal history check during the period in which the first registration is valid. Each independent registration or dual registration is valid for 2 years after the date of issuance unless otherwise revoked by the department upon recommendation of the board. The board shall set a registration fee not to exceed $500 to be paid by the applicant. A registration may be renewed once by the department upon recommendation of the board for a period no longer than 1 year, as such renewal is defined by ~~the~~ board ~~by~~ rule. The renewal fee may not exceed one-half the current registration fee. To be considered by the board for approval of registration as a resident, the applicant must have one of the following:

(a) A Bachelor of Science or higher-level postgraduate degree in orthotics and prosthetics from *an institutionally* ~~a regionally~~ accredited college or university recognized by the Commission on Accreditation of Allied Health Education Programs.

(b) A minimum of a bachelor's degree from *an institutionally* ~~a regionally~~ accredited college or university and a certificate in orthotics or prosthetics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board.

(c) A minimum of a bachelor's degree from *an institutionally* ~~a regionally~~ accredited college or university and a dual certificate in both orthotics and prosthetics from programs recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board.

(4) The department may develop and administer a state examination for an orthotist or a prosthetist license, or the board may approve the existing examination of a national standards organization. The examination must be predicated on a minimum of a baccalaureate-level education and formalized specialized training in the appropriate field. Each examination must demonstrate a minimum level of competence in basic scientific knowledge, written problem solving, and practical clinical patient management. The board shall require an examination fee not to exceed the actual cost to the board in developing, administering, and approving the examination, which fee must be paid by the applicant. To be considered by the board for examination, the applicant must have:

(a) For an examination in orthotics:

1. A Bachelor of Science or higher-level postgraduate degree in orthotics and prosthetics from *an institutionally* ~~a regionally~~ accredited college or university recognized by the Commission on Accreditation of Allied Health Education Programs or, at a minimum, a bachelor's degree from *an institutionally* ~~a regionally~~ accredited college or university and a certificate in orthotics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board; and

2. An approved orthotics internship of 1 year of qualified experience, as determined by the board, or an orthotic residency or dual residency program recognized by the board.

(b) For an examination in prosthetics:

1. A Bachelor of Science or higher-level postgraduate degree in orthotics and prosthetics from *an institutionally* ~~a regionally~~ accredited college or university recognized by the Commission on Accreditation of Allied Health Education Programs or, at a minimum, a bachelor's degree from *an institutionally* ~~a regionally~~ accredited college or university and a certificate in prosthetics from a program recognized by the

Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board; and

2. An approved prosthetics internship of 1 year of qualified experience, as determined by the board, or a prosthetic residency or dual residency program recognized by the board.

(5) In addition to the requirements in subsection (2), to be licensed as:

(a) An orthotist, the applicant must pay a license fee not to exceed $500 and must have:

1. A Bachelor of Science or higher-level postgraduate degree in orthotics and prosthetics from *an institutionally* ~~a regionally~~ accredited college or university *recognized by the Commission on Accreditation of Allied Health Education Programs*, or a bachelor's degree *from an institutionally accredited college or university and* ~~with~~ a certificate in orthotics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board;

2. An *approved* ~~appropriate~~ internship of 1 year of qualified experience, as determined by the board, or a residency program recognized by the board;

3. Completed the mandatory courses; and

4. Passed the state orthotics examination or the board-approved orthotics examination.

(b) A prosthetist, the applicant must pay a license fee not to exceed $500 and must have:

1. A Bachelor of Science or higher-level postgraduate degree in orthotics and prosthetics from *an institutionally* ~~a regionally~~ accredited college or university *recognized by the Commission on Accreditation of Allied Health Education Programs*, or a bachelor's degree *from an institutionally accredited college or university and* ~~with~~ a certificate in prosthetics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board;

2. An internship of 1 year of qualified experience, as determined by the board, or a residency program recognized by the board;

3. Completed the mandatory courses; and

4. Passed the state prosthetics examination or the board-approved prosthetics examination.

Section 18. Section 483.824, Florida Statutes, is amended to read:

483.824 Qualifications of clinical laboratory director.—A clinical laboratory director must have 4 years of clinical laboratory experience with 2 years of experience in the specialty to be directed or be nationally board certified in the specialty to be directed, and must meet one of the following requirements:

(1) Be a physician licensed under chapter 458 or chapter 459;

(2) Hold an earned doctoral degree in a chemical, physical, or biological science from *an institutionally* ~~a regionally~~ accredited institution and maintain national certification requirements equal to those required by the federal Health Care Financing Administration; or

(3) For the subspecialty of oral pathology, be a physician licensed under chapter 458 or chapter 459 or a dentist licensed under chapter 466.

Section 19. Subsection (3) of section 490.003, Florida Statutes, is amended to read:

490.003 Definitions.—As used in this chapter:

(3)*(a) "Doctoral degree from an American Psychological Association accredited program" means* ~~Effective July 1, 1999, "doctoral level psychological education" and "doctoral degree in psychology" mean~~ a Psy.D., an Ed.D. in psychology, or a Ph.D. in psychology from a psychology program at an educational institution that, at the time the applicant was enrolled and graduated:

1.~~(a)~~ Had institutional accreditation from an agency recognized and approved by the United States Department of Education or was recognized as a member in good standing with *Universities Canada* ~~the Association of Universities and Colleges of Canada~~; and

2.~~(b)~~ Had programmatic accreditation from the American Psychological Association.

(b) "Doctoral degree in psychology" means a Psy.D., an Ed.D. in psychology, or a Ph.D. in psychology from a psychology program at an educational institution that, at the time the applicant was enrolled and graduated, had institutional accreditation from an agency recognized and approved by the United States Department of Education or was recognized as a member in good standing with Universities Canada.

Section 20. Subsection (1) of section 490.005, Florida Statutes, is amended to read:

490.005 Licensure by examination.—

(1) Any person desiring to be licensed as a psychologist shall apply to the department to take the licensure examination. The department shall license each applicant *whom* ~~who~~ the board certifies has *met all of the following requirements*:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed $500 and an examination fee set by the board sufficient to cover the actual per applicant cost to the department for development, purchase, and administration of the examination, but not to exceed $500.

(b) Submitted proof satisfactory to the board that the applicant has received:

1. *A doctoral degree from an American Psychological Association accredited program* ~~Doctoral level psychological education~~; or

2. The equivalent of a *doctoral degree from an American Psychological Association accredited program* ~~doctoral level psychological education, as defined in s. 490.003(3),~~ from ~~a program at~~ a school or university located outside the United States of America which was officially recognized by the government of the country in which it is located as an institution or program to train students to practice professional psychology. The applicant has the burden of establishing that this requirement has been met.

(c) Had at least 2 years or 4,000 hours of experience in the field of psychology in association with or under the supervision of a licensed psychologist meeting the academic and experience requirements of this chapter or the equivalent as determined by the board. The experience requirement may be met by work performed on or off the premises of the supervising psychologist if the off-premises work is not the independent, private practice rendering of psychological services that does not have a psychologist as a member of the group actually rendering psychological services on the premises.

(d) Passed the examination. However, an applicant who has obtained a passing score, as established by the board by rule, on the psychology licensure examination designated by the board as the national licensure examination need only pass the Florida law and rules portion of the examination.

Section 21. Subsection (1) of section 490.0051, Florida Statutes, is amended to read:

490.0051 Provisional licensure; requirements.—

(1) The department shall issue a provisional psychology license to each applicant *whom* ~~who~~ the board certifies has *met all of the following criteria*:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed $250, as set by board rule.

(b) Earned a doctoral degree *from an American Psychological Association accredited program* ~~in psychology as defined in s. 490.003(3)~~.

(c) Met any additional requirements established by board rule.

Section 22. Effective upon this act becoming a law, subsections (1), (3), and (4) of section 491.005, Florida Statutes, are amended to read:

491.005 Licensure by examination.—

(1) CLINICAL SOCIAL WORK.—Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, ~~plus the actual per applicant cost to the department for purchase of the examination from the American Association of State Social Worker's Boards or a similar national organization,~~ the department shall issue a license as a clinical social worker to an applicant *whom* ~~who~~ the board certifies *has met all of the following criteria*:

(a) ~~Has~~ Submitted an application and paid the appropriate fee.

(b)1. ~~Has~~ Received a doctoral degree in social work from a graduate school of social work which at the time the applicant graduated was accredited by an accrediting agency recognized by the United States Department of Education or ~~has~~ received a master's degree in social work from a graduate school of social work which at the time the applicant graduated:

a. Was accredited by the Council on Social Work Education;

b. Was accredited by the Canadian Association *for* ~~of Schools of~~ Social Work *Education*; or

c. Has been determined to have been a program equivalent to programs approved by the Council on Social Work Education by the Foreign Equivalency Determination Service of the Council on Social Work Education. An applicant who graduated from a program at a university or college outside of the United States or Canada must present documentation of the equivalency determination from the council in order to qualify.

2. The applicant's graduate program ~~must have~~ emphasized direct clinical patient or client health care services, including, but not limited to, coursework in clinical social work, psychiatric social work, medical social work, social casework, psychotherapy, or group therapy. The applicant's graduate program must have included all of the following coursework:

a. A supervised field placement which was part of the applicant's advanced concentration in direct practice, during which the applicant provided clinical services directly to clients.

b. Completion of 24 semester hours or 32 quarter hours in theory of human behavior and practice methods as courses in clinically oriented services, including a minimum of one course in psychopathology, and no more than one course in research, taken in a school of social work accredited or approved pursuant to subparagraph 1.

3. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant *provided* ~~shall be required to provide~~ additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

(c) *Completed* ~~Has had~~ at least 2 years of clinical social work experience, which took place subsequent to completion of a graduate degree in social work at an institution meeting the accreditation requirements of this section, under the supervision of a licensed clinical social worker or the equivalent who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy clinical experience requirements must register pursuant to s. 491.0045 before commencing practice. If the applicant's graduate program was not a program which emphasized direct clinical patient or client health care services as described in subparagraph (b)2., the supervised experience requirement must take place after the applicant has completed a minimum of 15 semester hours or 22 quarter hours of the coursework required. A doctoral internship may be applied toward the clinical social work experience requirement. A licensed mental health professional must be on the premises when clinical services are provided by a registered intern in a private practice setting.

(d) ~~Has~~ Passed a theory and practice examination *designated by board rule* ~~provided by the department for this purpose~~.

(e) ~~Has~~ Demonstrated, in a manner designated by *board* rule ~~of the board~~, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

(3) MARRIAGE AND FAMILY THERAPY.—Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, ~~plus the actual cost of the purchase of the examination from the Association of Marital and Family Therapy Regulatory Board, or similar national organization,~~ the department shall issue a license as a marriage and family therapist to an applicant *whom* ~~who~~ the board certifies *has met all of the following criteria*:

(a) ~~Has~~ Submitted an application and paid the appropriate fee.

(b)*1. Attained one of the following:*

a. A minimum of a master's degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education.

b. A minimum of a master's degree with a major emphasis in marriage and family therapy or a closely related field from a university program accredited by the Council on Accreditation of Counseling and Related Educational Programs and graduate courses approved by the board.

c. ~~Has~~ A minimum of a master's degree with *an* ~~major~~ emphasis in marriage and family therapy or a closely related field*, with a degree conferred before September 1, 2027, from an institutionally accredited college or university* ~~from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education or from a Florida university program accredited by the Council for Accreditation of Counseling and Related Educational Programs~~ and graduate courses approved by the board ~~of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling~~.

2. If the course title that appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant *provided* ~~shall provide~~ additional documentation, including, but not limited to, a syllabus or catalog description published for the course. The required master's degree must have been received in an institution of higher education that, at the time the applicant graduated, was fully accredited by *an institutional* ~~a regional~~ accrediting body recognized by the *Council for Higher Education Accreditation or its successor organization* ~~Commission on Recognition of Postsecondary Accreditation~~ or *was* ~~publicly recognized as~~ a member in good standing with *Universities Canada* ~~the Association of Universities and Colleges of Canada~~, or an institution of higher education located outside the United States and Canada which, at the time the applicant was enrolled and at the time the applicant graduated, maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by *an institutional* ~~a regional~~ accrediting body recognized by the *Council for Higher Education Accreditation or its successor organization* ~~Commission on Recognition of Postsecondary Accreditation~~. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as professional marriage and family therapists or psychotherapists. The applicant has the burden of establishing that the requirements of this provision have been met, and the board shall require documentation, such as an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country. An applicant with a master's degree from a program that did not emphasize marriage and family therapy may complete the coursework requirement in a training institution fully accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education.

(c) *Completed* ~~Has had~~ at least 2 years of clinical experience during which 50 percent of the applicant's clients were receiving marriage and family therapy services, which must be at the post-master's level under the supervision of a licensed marriage and family therapist with at least 5 years of experience, or the equivalent, who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy the clinical experience requirements must register pursuant to s. 491.0045 before commencing practice. If a graduate has a master's degree with a major emphasis in marriage and family therapy

or a closely related field which did not include all of the coursework required by paragraph (b), credit for the post-master's level clinical experience may not commence until the applicant has completed a minimum of 10 of the courses required by paragraph (b), as determined by the board, and at least 6 semester hours or 9 quarter hours of the course credits must have been completed in the area of marriage and family systems, theories, or techniques. Within the 2 years of required experience, the applicant shall provide direct individual, group, or family therapy and counseling to cases including those involving unmarried dyads, married couples, separating and divorcing couples, and family groups that include children. A doctoral internship may be applied toward the clinical experience requirement. A licensed mental health professional must be on the premises when clinical services are provided by a registered intern in a private practice setting.

(d) ~~Has~~ Passed a theory and practice examination *designated by board rule* ~~provided by the department~~.

(e) ~~Has~~ Demonstrated, in a manner designated by board rule, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

For the purposes of dual licensure, the department shall license as a marriage and family therapist any person who meets the requirements of s. 491.0057. Fees for dual licensure may not exceed those stated in this subsection.

(4) MENTAL HEALTH COUNSELING.—Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, ~~plus the actual per applicant cost of purchase of the examination from the National Board for Certified Counselors or its successor organization,~~ the department shall issue a license as a mental health counselor to an applicant *whom* ~~who~~ the board certifies *has met all of the following criteria*:

(a) ~~Has~~ Submitted an application and paid the appropriate fee.

(b)1. *Attained* ~~Has~~ a minimum of an earned master's degree from a mental health counseling program accredited by the Council for the Accreditation of Counseling and Related Educational Programs which consists of at least 60 semester hours or 80 quarter hours of clinical and didactic instruction, including a course in human sexuality and a course in substance abuse. If the master's degree is earned from a program related to the practice of mental health counseling which is not accredited by the Council for the Accreditation of Counseling and Related Educational Programs, then the coursework and practicum, internship, or fieldwork must consist of at least 60 semester hours or 80 quarter hours and meet all of the following requirements:

a. Thirty-three semester hours or 44 quarter hours of graduate coursework, which must include a minimum of 3 semester hours or 4 quarter hours of graduate-level coursework in each of the following 11 content areas: counseling theories and practice; human growth and development; diagnosis and treatment of psychopathology; human sexuality; group theories and practice; individual evaluation and assessment; career and lifestyle assessment; research and program evaluation; social and cultural foundations; substance abuse; and legal, ethical, and professional standards issues in the practice of mental health counseling. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

b. A minimum of 3 semester hours or 4 quarter hours of graduate-level coursework addressing diagnostic processes, including differential diagnosis and the use of the current diagnostic tools, such as the current edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders. The graduate program must have emphasized the common core curricular experience.

c. The equivalent, as determined by the board, of at least 700 hours of university-sponsored supervised clinical practicum, internship, or field experience that includes at least 280 hours of direct client services, as required in the accrediting standards of the Council for Accreditation of Counseling and Related Educational Programs for mental health counseling programs. This experience may not be used to satisfy the post-master's clinical experience requirement.

2. ~~Has~~ Provided additional documentation if a course title that appears on the applicant's transcript does not clearly identify the content of the coursework. The documentation must include, but is not limited to, a syllabus or catalog description published for the course.

Education and training in mental health counseling must have been received in an institution of higher education that, at the time the applicant graduated, was fully accredited by *an institutional* ~~a regional~~ accrediting body recognized by the Council for Higher Education Accreditation or its successor organization or *was* ~~publicly recognized as~~ a member in good standing with *Universities Canada* ~~the Association of Universities and Colleges of Canada~~, or an institution of higher education located outside the United States and Canada which, at the time the applicant was enrolled and at the time the applicant graduated, maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by *an institutional* ~~a regional~~ accrediting body recognized by the Council for Higher Education Accreditation or its successor organization. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as mental health counselors. The applicant has the burden of establishing that the requirements of this provision have been met, and the board shall require documentation, such as an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country. Beginning July 1, 2025, an applicant must have a master's degree from a program that is accredited by the Council for Accreditation of Counseling and Related Educational Programs*, the Masters in Psychology and Counseling Accreditation Council, or an equivalent accrediting body* which consists of at least 60 semester hours or 80 quarter hours to apply for licensure under this paragraph.

(c) *Completed* ~~Has had~~ at least 2 years of clinical experience in mental health counseling, which must be at the post-master's level under the supervision of a licensed mental health counselor or the equivalent who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy the clinical experience requirements must register pursuant to s. 491.0045 before commencing practice. If a graduate has a master's degree with a major related to the practice of mental health counseling which did not include all the coursework required under sub-subparagraphs (b)1.a. and b., credit for the post-master's level clinical experience may not commence until the applicant has completed a minimum of seven of the courses required under sub-subparagraphs (b)1.a. and b., as determined by the board, one of which must be a course in psychopathology or abnormal psychology. A doctoral internship may be applied toward the clinical experience requirement. A licensed mental health professional must be on the premises when clinical services are provided by a registered intern in a private practice setting.

(d) ~~Has~~ Passed a theory and practice examination *designated by board rule* ~~provided by the department for this purpose~~.

(e) ~~Has~~ Demonstrated, in a manner designated by board rule, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

Section 23. Effective upon this act becoming a law, paragraph (d) of subsection (1) of section 766.31, Florida Statutes, is amended to read:

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

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

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

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

2.a. Death benefit for the infant in an amount of $50,000.

b. Parents or legal guardians who received an award pursuant to this section, and whose child died since the inception of the program, must receive a retroactive payment in an amount sufficient to bring the total award paid to the parents or legal guardians pursuant to sub-subparagraph a. to $50,000. This additional payment may be made in a lump sum or in periodic payments as designated by the parents or legal guardians and must be paid by July 1, 2021.

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

Section 24. *The amendment made to s. 766.31(1)(d)1.b., Florida Statutes, by this act applies retroactively. The Florida Birth-Related Neurological Injury Compensation Plan must provide the additional payment required under s. 766.31(1)(d)1.b., Florida Statutes, to parents and legal guardians who are eligible for the additional payment under that sub-subparagraph as a result of the amendment made by this act. The additional payment may be made in a lump sum or in periodic payments as designated by the parents or legal guardians and must be paid by July 1, 2022. This section shall take effect upon this act becoming a law.*

Section 25. Subsection (6) and paragraph (c) of subsection (9) of section 766.314, Florida Statutes, are amended to read:

766.314 Assessments; plan of operation.—

(6)(a) The association shall make all assessments required by this section, except initial assessments of physicians licensed ~~on or after October 1, 1988, which assessments will be made~~ by the Department of *Health* ~~Business and Professional Regulation~~, and except assessments of casualty insurers pursuant to subparagraph (5)(c)1., which assessments will be made by the Office of Insurance Regulation. ~~Beginning October 1, 1989, for any physician licensed between October 1 and December 31 of any year, the Department of Business and Professional Regulation shall make the initial assessment plus the assessment for the following calendar year.~~ The Department of *Health* ~~Business and Professional Regulation~~ shall provide the association, *in an electronic format,* with *a monthly report* ~~such frequency as determined to be necessary, a listing, in a computer readable form,~~ of the names and *license numbers* ~~addresses~~ of all physicians licensed under chapter 458 or chapter 459.

(b)1. The association may enforce collection of assessments required to be paid pursuant to ss. 766.301-766.316 by suit filed in county court*, or in circuit court if the amount due could exceed the jurisdictional limits of county court*. The association *is* ~~shall be~~ entitled to an award of *attorney* ~~attorney's~~ fees, costs, and interest upon the entry of a judgment against a physician for failure to pay such assessment, with such interest accruing until paid. Notwithstanding ~~the provisions of~~ chapters 47 and 48, the association may file such suit in either Leon County or the county of the residence of the defendant. *The association shall notify the Department of Health and the applicable board of any unpaid final judgment against a physician within 7 days after the entry of final judgment.*

2. The Department of *Health* ~~Business and Professional Regulation~~, upon notification by the association that an assessment has not been paid and that there is an unsatisfied judgment against a physician, shall *refuse to* ~~not~~ renew any license *issued* to ~~practice for~~ such physician *under* ~~issued pursuant to~~ chapter 458 or chapter 459 until *the association notifies the Department of Health that* ~~such time as~~ the judgment is satisfied in full.

(c) The Agency for Health Care Administration shall, upon notification by the association that an assessment has not been timely paid, enforce collection of such assessments required to be paid by hospitals pursuant to ss. 766.301-766.316. Failure of a hospital to pay such assessment is grounds for disciplinary action pursuant to s. 395.1065 notwithstanding any ~~provision of~~ law to the contrary.

(9)

(c) *If* ~~In the event~~ the total of all current estimates equals 80 percent of the funds on hand and the funds that will become available to the association within the next 12 months from all sources described in subsections (4) and (5) and paragraph (7)(a), the association *may* ~~shall~~ not accept any new claims without express authority from the Legislature. Nothing *in this section precludes* ~~herein shall preclude~~ the association from accepting any claim if the injury occurred 18 months or more *before* ~~prior to~~ the effective date of this suspension. Within 30 days *after* ~~of~~ the effective date of this suspension, the association shall notify the Governor, the Speaker of the House of Representatives, the President of the Senate, the Office of Insurance Regulation, the Agency for Health Care Administration, *and* the Department of Health~~, and the Department of Business and Professional Regulation~~ of this suspension.

Section 26. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2022.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Health; amending s. 381.0045, F.S.; revising the purpose of the department's targeted outreach program for certain pregnant women; requiring the department to encourage high-risk pregnant women of unknown status to be tested for sexually transmissible diseases; requiring the department to provide specified information to pregnant women who have human immunodeficiency virus (HIV); requiring the department to link women with mental health services when available; requiring the department to educate pregnant women who have HIV on certain information; requiring the department to provide, for a specified purpose, continued oversight of newborns exposed to HIV; amending s. 381.0303, F.S.; removing the Children's Medical Services office from parties required to coordinate in the development of local emergency management plans for special needs shelters; amending s. 381.986, F.S.; authorizing certain applicants for medical marijuana treatment center licenses to transfer their initial application fee to one subsequent opportunity to apply for licensure under certain circumstances; prohibiting the department from renewing a medical marijuana treatment center's license under certain circumstances; authorizing the department to select samples of marijuana from medical marijuana treatment center facilities for certain testing; authorizing the department to select samples of marijuana delivery devices from medical marijuana treatment centers to determine whether such devices are safe for use; requiring the department to adopt certain rules using negotiated rulemaking procedures; requiring medical marijuana treatment centers to recall marijuana and marijuana delivery devices, instead of just edibles, under certain circumstances; exempting the department and its employees from criminal provisions if they acquire, possess, test, transport, or lawfully dispose of marijuana and marijuana delivery devices under certain circumstances; amending s. 381.99, F.S.; revising the membership of the Rare Disease Advisory Council; amending s. 383.216, F.S.; authorizing the organization representing all Healthy Start Coalitions to use any method of telecommunication to conduct meetings under certain circumstances; amending s. 406.11, F.S.; revising requirements for medical examiner death certifications; amending s. 456.039, F.S.; requiring certain applicants for licensure as physicians to provide specified documentation to the department at the time of application; amending s. 460.406, F.S.; revising provisions related to chiropractic physician licensing; amending s. 464.008, F.S.; deleting a requirement that certain nursing program graduates complete a specified preparatory course; amending s. 464.018, F.S.; revising grounds for disciplinary action against licensed nurses; amending s. 467.003, F.S.; revising and defining terms; amending s. 467.009, F.S.; revising provisions related to accredited and approved midwifery programs; amending s. 467.011, F.S.; revising requirements for licensure of midwives; amending s. 467.0125, F.S.; revising requirements for licensure by endorsement of midwives; revising requirements for temporary certificates to practice midwifery in this state; amending s. 467.205, F.S.;

revising provisions relating to approval, continued monitoring, probationary status, provisional approval, and approval rescission of midwifery programs; amending s. 468.803, F.S.; revising provisions related to orthotist and prosthetist registration, examination, and licensing; amending s. 483.824, F.S.; revising educational requirements for clinical laboratory directors; amending s. 490.003, F.S.; defining the terms "doctoral degree from an American Psychological Association accredited program" and "doctoral degree in psychology"; amending ss. 490.005 and 490.0051, F.S.; revising education requirements for psychologist licensure and provisional licensure, respectively; amending s. 491.005, F.S.; revising requirements for licensure of clinical social workers, marriage and family therapists, and mental health counselors; amending s. 766.31, F.S.; revising eligibility requirements for certain retroactive payments to parents or legal guardians under the Florida Birth-Related Neurological Injury Compensation Plan; providing retroactive applicability; requiring the plan to make certain retroactive payments to eligible parents or guardians; authorizing the plan to make such payments in a lump sum or periodically as designated by eligible parents or legal guardians; requiring the plan to make the payments by a specified date; amending s. 766.314, F.S.; deleting obsolete language and updating provisions to conform to current law; revising the frequency with which the department must submit certain reports to the Florida Birth-Related Neurological Injury Compensation Association; revising the content of such reports; authorizing the association to enforce the collection of certain assessments in circuit court under certain circumstances; requiring the association to notify the department and the applicable regulatory board of any unpaid final judgment against a physician within a specified timeframe; providing effective dates.

On motion by Senator Rodriguez, the Senate concurred in **House Amendment 1 (816737)**.

CS for CS for SB 768 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	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

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 156, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

SB 156—A bill to be entitled An act relating to loss run statements; amending s. 626.9202, F.S.; revising the definition of the term "loss run statement"; specifying the entities that must receive requests for loss run statements; specifying that insurers must provide loss run statements under certain circumstances; providing construction; revising the required claims history in loss run statements; providing applicability; limiting loss run statement requests with respect to group health insurance policies to group policyholders; amending s. 627.444, F.S.; revising the definition of the term "loss run statement"; specifying the entities that must receive requests for loss run statements; specifying that insurers must provide loss run statements under certain circumstances; revising the required claims history in loss run statements; providing applicability; limiting loss run statement requests with respect to group health insurance policies to group policyholders; repealing s. 627.6647, F.S., relating to release of claims experience; providing an effective date.

House Amendment 1 (275687) (with title amendment)—Remove lines 61-104 and insert:

(4) *Except for group health insurance,* a loss run statement provided pursuant to this section must contain a claims history with the insurer for the preceding 5 years or, if the claims history is less than 5 years, a complete claims history with the insurer. *For purposes of group health insurance, a loss run statement provided pursuant to this section must contain a claims history with the insurer for the preceding 3 years or, if the claims history is less than 3 years, a complete claims history with the insurer.*

(7) This section does not apply to a life insurer as defined in s. 624.602.

(8) For group health insurance, only the group policyholder may request and be provided a loss run statement pursuant to this section.

Section 2. Subsections (1), (2), and (4) of section 627.444, Florida Statutes, are amended, and subsections (7) and (8) are added to that section, to read:

627.444 Loss run statements for all lines of insurance.—

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

(a) "Loss run statement" means a report that contains the policy number, the period of coverage, the number of claims, the paid losses on all claims, and the date of each loss. The term does not include supporting claim file documentation, including, but not limited to, copies of claim files, investigation reports, evaluation statements, insureds' statements, and documents protected by a common law or statutory privilege. *As applied to group health insurance, the term means a report that also contains the premiums paid, the number of insureds on a monthly basis, and the dependent status.*

(b) "Provide" means to electronically send a document or to allow access through an electronic portal to view or generate a document.

(2) Notwithstanding any other law, an insurer shall provide to an insured within 15 calendar days after *an individual or entity designated by the insurer receives* ~~receipt of~~ the insured's written request, either:

(a) A loss run statement; or

(b) For personal lines of insurance, information on how to obtain a loss run statement at no charge through a consumer reporting agency. However, this section does not prohibit an insured from requesting a loss run statement after receiving information from a consumer reporting agency*, in which case the insurer shall then provide the loss run statement within 15 calendar days after the individual or entity designated by the insurer receives the insured's subsequent written request*.

(4) *Except for group health insurance,* a loss run statement provided pursuant to this section must contain a claims history with the insurer for the preceding 5 years or, if the claims history is less than 5 years, a complete claims history with the insurer. *For purposes of group health insurance, a loss run statement provided pursuant to this section must contain a claims history with the insurer for the preceding 3 years or, if the claims history is less than 3 years, a complete claims history with the insurer.*

And the title is amended as follows:

Remove lines 8-17 and insert: construction; specifying the required claims history in loss run statements for group health insurance; providing applicability; limiting loss run statement requests with respect to group health insurance policies to group policyholders; amending s. 627.444, F.S.; revising the definition of the term "loss run statement"; specifying the entities that must receive requests for loss run statements; specifying that insurers must provide loss run statements under certain circumstances; specifying the required claims history in loss run statements for group health insurance;

On motion by Senator Broxson, the Senate concurred in **House Amendment 1 (275687)**.

SB 156 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Farmer

THE PRESIDENT PRESIDING

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 444, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for SB 444—A bill to be entitled An act relating to lewd or lascivious molestation; creating s. 800.06, F.S.; specifying what constitutes the crime of lewd or lascivious molestation upon a person 16 years of age or older; providing criminal penalties; providing an effective date.

House Amendment 1 (568773) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 794.051, Florida Statutes, is created to read:

794.051 Indecent, lewd, or lascivious touching of certain minors.—

(1) A person 24 years of age or older who intentionally touches in a lewd or lascivious manner the breasts, genitals, genital area, or buttocks, or the clothing covering them, of a person 16 or 17 years of age, or forces or entices a person 16 or 17 years of age to so touch the perpetrator, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) This section does not apply to a person 16 or 17 years of age who has had the disability of nonage removed under chapter 743.

Section 2. Paragraph (d) of subsection (3) of section 921.0022, Florida Statutes, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART
(d) LEVEL 4

Florida Statute	Felony Degree	Description
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07(1)	3rd	Failure to register securities.
517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
787.07	3rd	Human smuggling.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
794.051(1)	*3rd*	*Indecent, lewd, or lascivious touching of certain minors.*
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.

Florida Statute	Felony Degree	Description
806.135	2nd	Destroying or demolishing a memorial or historic property.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014(2)(c)4.-10.	3rd	Grand theft, 3rd degree; specified items.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen $300 or more.
817.505(4)(a)	3rd	Patient brokering.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
817.568(2)(a)	3rd	Fraudulent use of personal identification information.
817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
838.022	3rd	Official misconduct.
839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
870.01(3)	2nd	Aggravated rioting.
870.01(5)	2nd	Aggravated inciting a riot.
874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
916.1085(2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

Section 3. This act shall take effect October 1, 2022.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to indecent, lewd, or lascivious touching; creating s. 794.051, F.S.; defining conduct prohibited as indecent, lewd, or lascivious touching of certain minors; providing a penalty; providing applicability; amending s. 921.0022, F.S.; ranking the offense on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

On motion by Senator Perry, the Senate concurred in **House Amendment 1 (568773)**.

CS for SB 444 passed, as amended, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	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

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 196, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for SB 196—A bill to be entitled An act relating to the Florida Housing Finance Corporation; amending s. 420.503, F.S.; defining the terms "bona fide contract" and "qualified contract" for purposes of the Florida Housing Finance Corporation Act; amending s. 420.5087, F.S.; deleting certain limitations and restrictions on, and requirements for, loans made by the corporation to sponsors of housing for the elderly under the State Apartment Incentive Loan Program; deleting the authority of the corporation to forgive certain indebtedness; deleting provisions relating to loan applications; amending s. 420.509, F.S.; designating the corporation, rather than the State Board of Administration, as the state fiscal agency to make determinations in connection with specified bonds; authorizing the corporation's board of directors, rather than the State Board of Administration, to delegate to its executive director the authority and power to perform that function; requiring the executive director to annually report specified information to the board of directors, rather than the State Board of Administration; revising applicable interest rate limitations on bonds of the corporation; amending s. 420.5099, F.S.; providing construction relating to low-income tax credit developments if a qualified contract does not close for specified reasons; providing requirements for the corporation and an owner if a qualified contract does not close for any other reason; providing construction if no other qualified contract is presented to the owner within a certain period; amending s. 420.5092, F.S.; conforming a provision to changes made by the act; amending s. 420.628, F.S.; conforming a cross-reference; providing an effective date.

House Amendment 1 (796083) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (3) of section 420.5087, Florida Statutes, is amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(3) During the first 6 months of loan or loan guarantee availability, program funds shall be made available for use by sponsors who provide the housing set-aside required in subsection (2) for the tenant groups designated in this subsection. The funds made available to each of these groups shall be determined using the most recent statewide very-low-income rental housing market study available at the time of publication of each notice of fund availability required by paragraph (6)(b). The funds made available within each notice of fund availability to the tenant groups in paragraphs (b)-(e) may not be less than 10 percent of the funds available at that time. Any increase in funding required to reach the required minimum must be taken from the tenant group that would receive the largest percentage of available funds in accordance with the study. The funds made available within each notice of fund availability to the tenant group in paragraph (a) may not be less than 5 percent of the funds available at that time. The tenant groups are:

(a) Commercial fishing workers and farmworkers;

(b) Families;

(c) Persons who are homeless;

(d) Persons with special needs; and

(e) Elderly persons. Ten percent of the amount made available for the elderly shall provide loans to sponsors of housing for the elderly for the purpose of making building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or lifesafety or security-related repairs or improvements to such housing. ~~Such a loan may not exceed $750,000 per housing community for the elderly. In order to receive the loan, the sponsor of the housing community must make a commitment to match at least 5 percent of the loan amount to pay the cost of such repair or improvement. The corporation shall establish the rate of interest on the loan, which may not exceed 3 percent, and the term of the loan, which may not exceed 15 years; however, if the lien of the corporation's encumbrance is subordinate to the lien of another mortgagee, then the term may be made coterminous with the longest term of the superior lien. The term of the loan shall be based on a credit analysis of the applicant. The corporation may forgive indebtedness for a share of the loan attributable to the units in a project reserved for extremely low-income elderly by nonprofit organizations, as defined in s. 420.0004(5), where the project has provided affordable housing to the elderly for 15 years or more. The corporation shall establish, by rule, the procedure and criteria for receiving, evaluating, and competitively ranking all applications for loans under this paragraph. A loan application must include evidence of the first mortgagee's having reviewed and approved the sponsor's intent to apply for a loan. A nonprofit organization or sponsor may not use the proceeds of the loan to pay for administrative costs, routine maintenance, or new construction.~~

Section 2. Subsections (2) and (4) of section 420.509, Florida Statutes, are amended to read:

420.509 Revenue bonds.—

(2) The *corporation* ~~State Board of Administration~~ is designated as the state fiscal agency to make the determinations required by s. 16, Art. VII of the State Constitution in connection with the issuance of such bonds that in no state fiscal year will the debt service requirements of the bonds proposed to be issued and all other bonds secured by the same pledged revenues exceed the pledged revenues available for such debt service requirements. The *corporation's board of directors* ~~State Board of Administration~~ may delegate to its executive director the authority and power to perform that function ~~without further review of the agency~~. The determinations pursuant to this *subsection* ~~paragraph~~ are limited to a review of the matters essential to making the determinations required by s. 16, Art. VII of the State Constitution. The executive director shall report annually to the *board* ~~State Board of Administration~~ and the Legislature regarding the number of bond issues considered and the determination with respect thereto.

(4) Bonds of the corporation may:

(a) Bear interest at a rate or rates not exceeding the interest rate limitation set forth in *s. 159.825 or s. 215.84, as applicable* ~~s. 215.84(3), unless the State Board of Administration authorizes an interest rate in excess of such maximum~~;

(b) Have such provisions for payment at maturity and redemption before maturity at such time or times and at such price or prices; and

(c) Be payable at such place or places within or without the state as the board determines by resolution.

Section 3. Paragraph (b) of subsection (6) of section 420.5092, Florida Statutes, is amended to read:

420.5092 Florida Affordable Housing Guarantee Program.—

(6)

(b) If the claims payment obligations under affordable housing guarantees from amounts on deposit in the guarantee fund would cause the claims paying rating assigned to the guarantee fund to be less than the third-highest rating classification of any nationally recognized rating service, which classifications being consistent with s. 215.84(3) ~~and rules adopted thereto by the State Board of Administration~~, the corporation shall certify to the Chief Financial Officer the amount of such claims payment obligations. Upon receipt of such certification, the Chief Financial Officer shall transfer to the guarantee fund, from the first available taxes distributed to the State Housing Trust Fund pursuant to s. 201.15(4)(c) and (d) during the ensuing state fiscal year, the amount certified as necessary to meet such obligations, such transfer to be subordinate to any transfer referenced in paragraph (a) and not to exceed 50 percent of the amounts distributed to the State Housing Trust Fund pursuant to s. 201.15(4)(c) and (d) during the preceding state fiscal year.

Section 4. This act shall take effect July 1, 2022.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Housing Finance Corporation; amending s. 420.5087, F.S.; deleting certain limitations and restrictions on, and requirements for, loans made by the corporation to sponsors of housing for the elderly under the State Apartment Incentive Loan Program; deleting the authority of the corporation to forgive certain indebtedness; deleting provisions relating to loan applications; amending s. 420.509, F.S.; designating the corporation, rather than the State Board of Administration, as the state fiscal agency to make determinations in connection with specified bonds; authorizing the corporation's board of directors, rather than the State Board of Administration, to delegate to its executive director the authority and power to perform that function; requiring the executive director to annually report specified information to the board of directors, rather than the State Board of Administration; revising applicable interest rate limitations on bonds of the corporation; amending s. 420.5092, F.S.; conforming a provision to changes made by the act; providing an effective date.

On motion by Senator Rodriguez, the Senate refused to concur in **House Amendment 1 (796083)** to **CS for SB 196** and the House was requested to recede. The action of the Senate was certified to the House.

RECESS

The President declared the Senate in recess at 1:27 p.m. to reconvene at 4:00 p.m. or upon his call.

AFTERNOON SESSION

The Senate was called to order by President Simpson at 4:00 p.m. A quorum present—37:

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

BILLS ON SPECIAL ORDERS

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bill to be placed on the Special Order Calendar for Thursday, March 10, 2022: CS for CS for HB 861.

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

Pursuant to Rule 4.18 the Rules Chair submits the following bills to be placed on the Local Bill Calendar for Thursday, March 10, 2022: CS for HB 455, HB 457, HB 471, HB 497, HB 535, CS for HB 651, HB 895, HB 927, HB 929, HB 993, CS for HB 995, HB 1045, CS for HB 1047, CS for HB 1049, HB 1103, HB 1105, HB 1107, HB 1135, HB 1161, HB 1189, CS for HB 1231, HB 1423, CS for HB 1427, HB 1429, HB 1431, HB 1433, CS for HB 1491, CS for HB 1493, CS for HB 1495, HB 1497, CS for HB 1499, HB 1581, CS for HB 1583, HB 1591.

Respectfully submitted,
Kathleen Passidomo, Rules Chair

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State **CS for SB 282** and **CS for SB 1658** which he approved on March 10, 2022.

COMMUNICATION

March 10, 2022

Pursuant to, Article III, Section 19(d) of the Florida Constitution, and Joint Rule Two, the Budget Conference Committee Report on HB 5001 was electronically furnished to each member of the Legislature, the Governor, each member of the Cabinet, and the Chief Justice of the Supreme Court.

The Conference Committee Report on HB 5001 was made available on Thursday, March 10, 2022 at 1:53 P.M.

Jeff Takacs
Clerk of the House

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES — FINAL ACTION

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed SB 144.

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 CS/SB 292.

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 350.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment (658216) to House amendment (031891) and passed CS/CS/SB 494 as further amended.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered engrossed and then enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 524.

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 CS/CS/SB 752.

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 CS/CS/SB 988.

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 CS/SB 1048.

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 1360.

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 CS/SB 1658.

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 CS/SB 1764.

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 7044.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment (859864) and passed CS/HB 461, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment (388784) and passed CS/HB 469, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment (678648) and passed CS/CS/CS/HB 1349, as amended.

Jeff Takacs, Clerk

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 469986 and passed CS/HB 1435, as amended.

Jeff Takacs, Clerk

ENROLLING REPORTS

CS for SB 1658 has been enrolled, signed by the required constitutional officers, and presented to the Governor on March 10, 2022.

Debbie Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 9 was corrected and approved.

ADJOURNMENT

On motion by Senator Passidomo, the Senate adjourned at 4:16 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Friday, March 11 or upon call of the President.