



Journal of the Senate

Number 18—Regular Session

Thursday, March 3, 2022

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CALL TO ORDER

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

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

PRAYER

The following prayer was offered by Reverend Mike Fordham, Killearn United Methodist Church, Tallahassee:

Oh God, we thank you for this beautiful gift of a day that you have so graciously given to us. We pray, God, that you will enable us, by your grace, to make the most of this gift of a new day by first loving you, as we love ourselves and each other as well with all that we have within our being. God, we know that you have created us, first and foremost, to be the objects of your love by which we are then empowered to love in kind. So now then, God, we humble ourselves before you, bowing our lives down to you, submitting ourselves to your leadership as we acknowledge that you are the creator of the ends of the universe, the one and only true sovereign Lord of all, the God of all truth and wisdom.

As such, we acknowledge our desperate need for you in our lives. Therefore, it is our hope that as we begin our work today, that we will do as you guide us to do each and every day—to trust in you with all our hearts. To not depend on our own understanding, but to seek your will in all that we do. And as we do, we trust that you will show us which path to take. As these leaders here this day, God, seek to do just that—to seek your will and your best—give them the ability to work together in unity for the common good of all, along with their diversity. God,

bless them with the understanding, insight, and wisdom they need to make the best decisions that will order our lives in such a way that we might do our best to relieve suffering, to bring justice to where it is needed, and that we might continue to experience the security, peace, and countless blessings that abound in our great nation. All this we pray, God, in your most holy and gracious name. Amen.

PLEDGE

Senate Pages, Rowan Daniel of Tallahassee; Jordyn Jerry of Orlando; and Christopher Sosa of Palm Beach, led the Senate in the Pledge of Allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Christopher Scuderi of Fernandina Beach, sponsored by Senator Bean, as the doctor of the day. Dr. Scuderi specializes in family medicine.

ADOPTION OF RESOLUTIONS

At the request of Senator Berman—

By Senator Berman—

SR 1982—A resolution recognizing March 2022 as “Triple-Negative Breast Cancer Awareness Month” and March 3, 2022, as “Triple-Negative Breast Cancer Awareness Day” in Florida.

WHEREAS, breast cancer is among the most commonly diagnosed cancers and is the second leading cause of cancer deaths among women in the United States, and

WHEREAS, some 281,550 women were diagnosed with breast cancer in 2021 and nearly 43,600 were expected to die from this malignancy, and

WHEREAS, triple-negative breast cancer (TNBC) is one of many forms of breast cancer and accounts for between 15 and 30 percent of all diagnosed invasive breast cancer cases nationwide, and

WHEREAS, of the new breast cancer cases diagnosed in the United States in 2019, more than 53,700 were TNBC, with higher prevalence among younger women; black and Hispanic women; women with type 2 diabetes or carrying excess weight in the abdominal area; and those with BRCA1 mutations, and

WHEREAS, due to its aggressive behavior, TNBC grows quickly and is more likely to have spread by the time it is found and to recur after treatment than other types of breast cancer, and

WHEREAS, people diagnosed with metastatic TNBC have less than a 30 percent chance of surviving 5 years after diagnosis, and

WHEREAS, TNBC cells do not contain and are considered negative for the three key receptors that medicines typically target in other types of breast cancers and, therefore, limited treatment options are available to treat this cancer, and

WHEREAS, while patients with an early diagnosis can often be treated with chemotherapy, radiation, and surgery, the limited availability of therapies that specifically address the management of TNBC has made treating this disease a challenge for clinicians, and

WHEREAS, recent innovations in targeted therapies have fueled advances in the fight against TNBC, and

WHEREAS, studies have shown that TNBC-disease-specific mortality rates are often higher if patients are enrolled in Medicaid or Medicare or have a lower socioeconomic status and that black women are 48 percent less likely than non-Hispanic white women to receive guideline-adherent care and have approximately a twofold higher mortality incidence, resulting in a disproportionately higher risk of death from TNBC, and

WHEREAS, advances in breast cancer screening and treatment over the last few decades have reduced the overall breast cancer mortality rate, yet the disproportionate impact of TNBC on racial and ethnic minority communities raises considerations of the underlying determinants driving the disparities, and

WHEREAS, it is necessary to promote TNBC education, to raise awareness about the disease-related disparities, and to tackle inequities within the health care delivery system, such as inadequate access to screening, diagnostic testing, and care, to improve early detection and survival, NOW, THEREFORE,

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

That March 2022 is recognized as “Triple-Negative Breast Cancer Awareness Month” and March 3, 2022, is recognized as “Triple-Negative Breast Cancer Awareness Day” in Florida.

—was introduced, read, and adopted by publication.

At the request of Senator Wright—

By Senator Wright—

SR 1986—A resolution recognizing 2022 as the “Year of Artemis” in Florida to acknowledge the launch of the Artemis I mission and the beginning of a new era in deep space exploration.

WHEREAS, Florida has served as America’s premier launch pad to space for more than 70 years, tracing a timeline back to the creation of a test site for missile launches which has grown into what is now the Cape Canaveral Space Force Station and NASA’s Kennedy Space Center, named for former President John F. Kennedy, and

WHEREAS, Florida’s indispensable role in our nation’s space program has resulted in human exploration missions in low Earth orbit and to the Moon which have yielded many research discoveries and benefits to mankind, and

WHEREAS, NASA’s Artemis program marks America’s return to the Moon from Florida with the hope of establishing a permanent human presence to investigate the lunar surface and prove technologies needed for long-term deep space exploration, and

WHEREAS, in Greek mythology, Artemis is the twin sister of Apollo and today symbolizes the United States’ commitment to follow the Apollo program by returning to the Moon with the first woman and first person of color to crew a lunar mission, and

WHEREAS, Artemis I is the first in a series of increasingly complex missions that will enable human exploration of the Moon and Mars, using NASA’s powerful new rocket, the Space Launch System (SLS), the Orion spacecraft, and exploration ground systems, and

WHEREAS, the SLS is the most powerful rocket in the world, and Orion will fly farther than any human-rated spacecraft has ever flown, and

WHEREAS, the Artemis I mission rocket is fully stacked inside the iconic Vehicle Assembly Building at Kennedy Space Center, where it is undergoing final testing and preparations for launch, and

WHEREAS, the Artemis I mission is slated to launch in the spring of 2022 from Launch Complex 39B, making history from the Space Coast and marking the beginning of a new era in human space exploration from this state, and

WHEREAS, the Artemis program results in an economic impact to Florida of more than \$2 billion, creating more than 10,000 jobs filled by a highly specialized aerospace workforce that serves as one of this state’s most valuable assets, and

WHEREAS, through the Artemis program, Florida will continue to serve as Earth’s most prominent launch pad for the sustainment of humanity’s exploration and endeavors beyond the bounds of our planet, NOW, THEREFORE,

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

That 2022 is recognized as the “Year of Artemis” in Florida, marked by the launch of the Artemis I mission.

BE IT FURTHER RESOLVED that Florida’s aerospace workforce is commended and congratulated for its remarkable efforts in ensuring our nation’s leadership in space exploration through the Artemis program.

—was introduced, read, and adopted by publication.

At the request of Senator Rouson—

By Senator Rouson—

SR 1988—A resolution recognizing the Juvenile Welfare Board of Pinellas County.

WHEREAS, few alternatives to adult incarceration existed for the rehabilitation of dependent and delinquent children in Pinellas County in the early 1940s, and

WHEREAS, three local champions of that time — juvenile court judge Lincoln Bogue, Junior League of St. Petersburg founder and chair Mailande Holland Barton, and attorney Leonard Cooperman — recognized the need to remedy the issue and took action, and

WHEREAS, a bill sponsored by Senator Henry Baynard and Representative S. Henry Harris and supported by the Pinellas County Legislative Delegation was drafted to create an independent special district, led by an autonomous board, to protect the rights and serve the needs of children, and the bill passed both chambers in May 1945, and

WHEREAS, on November 5, 1946, Pinellas County voters overwhelmingly passed a referendum to enact the Juvenile Welfare Board Special Act into law, the first time in United States history that such an entity had been created, and

WHEREAS, 75 years later, the Juvenile Welfare Board remains steadfast in its commitment to meet the most immediate and pressing needs of Pinellas County’s children, with the recent global pandemic underscoring its value, and

WHEREAS, in the 2020-2021 fiscal year, the Juvenile Welfare Board invested in 85 programs offered by 55 nonprofit agencies that served nearly 60,000 children and families, while also leading collective efforts to fight childhood hunger, promote literacy and grade-level reading, address children’s mental health, and prevent needless childhood deaths, NOW, THEREFORE,

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

That the Senate recognizes and congratulates the Juvenile Welfare Board of Pinellas County on the occasion of its 75th anniversary for its tireless service and invaluable contributions to the children and families of Pinellas County and this state.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the Juvenile Welfare Board of Pinellas County as a tangible token of the sentiments expressed herein.

—was introduced, read, and adopted by publication.

By direction of the President, there being no objection, the Senate proceeded to—

SPECIAL ORDER CALENDAR

CS for CS for SB 1352—A bill to be entitled An act relating to limitations on political contributions; amending s. 106.08, F.S.; defining the term “foreign national”; providing that a foreign national may not make or offer to make certain contributions or expenditures; providing an effective date.

—was read the second time by title.

An amendment was considered and adopted to conform **CS for CS for SB 1352** to **CS for CS for HB 921**.

On motion by Senator Brodeur, further consideration of **CS for CS for SB 1352**, as amended, was deferred.

SPECIAL RECOGNITION OF SENATOR GIBSON

At the direction of the President, the Senate proceeded to the recognition of Senator Audrey Gibson, honoring her years of service to the Senate as she approaches the completion of her term for the 6th Senate District.

SPECIAL GUESTS

President Simpson introduced Senator Gibson’s daughter, Kwanzaa Spells; her son, Amar Madyun; and her granddaughter, Taylor Spells, who were present in the chamber.

President Simpson introduced Senator Gibson’s current staff, Farisha Hamid, Teresa Williams-Elam, and Sherese Gainous; and guests, Andrea Kemp, Veronica Ward, and Jackie Bevel, who were present in the gallery.

SPECIAL PRESENTATION

A video tribute was played honoring Senator Gibson.

REMARKS

On motion by Senator Passidomo, by two-thirds vote, the following remarks were ordered spread upon the Journal.

Senator Baxley: We’ve been together a long time, and we’re family. It took a lot of learning, and you taught me. We’ve learned patience with each other. She and I are often on different sides of an issue, but there’s no limit to love. I just want to share a very special time and the reason I’m doing this today. I had the opportunity to come and attend, as you remember, your father’s funeral. One thing I know is people don’t always remember what you said, but they remember you were with them when it was hard. I always learn so much. First of all, your warm reception that I would come. It’s really not that far from Ocala to Jacksonville when you love people and you know they’re hurting. And whether you agree or not, it’s just like family—my kids don’t like all my bills. My wife doesn’t like all my bills. Sometimes, I don’t like them after a while! Though what is so strong is that we’re still family. When I learned about your father, so much more than I had ever known before—and that’s one great thing about a funeral—you will learn. I came along your side, and you welcomed me so warmly, and I told you, “Now I understand you.” If you want to understand a strong woman, go find out about her dad and her relationship with him. Your faithfulness to care for your dad when he was struggling is a tremendous testament. We’re family. You’re my family. I love you. And I will vote against you and debate you a lot. God bless you.

Senator Wright: Senator Gibson, it’s just an honor to work with you, a pleasure to know you. We have our little secret lovefest going on but we won’t tell anybody about that. We get along so well, and you make me a better Senator by debating and watching what you do. I thank you for all that you brought to the Senate chamber. Good luck in your future. Thank you.

Senator Berman: I’ve also known Audrey a long time. She’s been our Leader, and I think it was discussed a little bit yesterday about how hard it is to lead a group that’s in the minority. She did an amazing job.

She brought us together, and she always cared about us individually. She knew about what bills we had, what mattered to us, and she was always fighting for us. I so appreciate that, and that’s true leadership on our behalf. I’ve had a lot of bills with Audrey over the years, especially when I was in the House. She would come over and she would actually meet with other House members and tell them, “You need to work on this.” I thought, “Wow, this is great; it’s such a good thing.” I have to say, I have not been as good as you on following up on that. So, you really showed me how to get bills passed and what we need to do. I think, most of all, what we’re going to miss around here is your beautiful smile and your laugh. You bring so much joy to us here, and we really will miss you in the Florida Senate.

Senator Jones: Senator Gibson, I told you yesterday that I had something to say, and that was thank you for being our conscience inside these chambers. Oftentimes, you say the things that we’re thinking—Audrey Gibson says it. So, I really appreciate you for doing that. I also appreciate the fact that even in being the conscience of the chamber, you also hold us accountable—even if it’s on the same side. As early as yesterday, you made it clear to us, “I’m not doing that.” That’s just who Audrey Gibson is. My first time meeting Senator Gibson, I was a freshman in the House and in the Black Caucus. We were about to vote on something; I can’t remember what it was, and Senator Gibson halted the entire process because she had something to say. We know that’s Audrey Gibson—that’s who she is. You were right in why you did that because you always stand for what’s right. You can see that in your children, in your granddaughter, who you’re very proud of. We’re going to miss you here. As you go out, continue to hold us accountable and continue to be the conscience, not just for this chamber but for all of us living here in the State of Florida. Love you and look forward to seeing you later.

Senator Cruz: I was elected in 2010 in a special election on a Tuesday, and the following Tuesday, session began. So, I was kind of like a deer staring at the headlights that first week. I sat kind of this way from Senator Gibson. I watched her, and I admired her sense of confidence. I wondered to myself, will I ever be as confident as this woman? I don’t know if you even remember this, Senator Gibson, but there was a day—perhaps it was a long day of debate—you had in your drawer a box of stickers. You were putting stickers on people for doing a good job. Do you remember that? One of my personal goals was to get a sticker from Senator Gibson. I never received one, but I did go up and ask for one, and she gave me one. So, I had to make sure. I appreciate the independent thinker that you are and the fact that you’re not afraid to create a stir. I think you’re part of the last great group of statesmen that work with others, regardless of party affiliation, to get things done here for Floridians, not just for ourselves, but for the folks in our district and the folks across the state. I will miss you; I’ve appreciated you; I have seen you as a mentor; and I wish you all the best. Thank you.

Senator Torres: What can I say about Audrey? Leader Gibson, Audrey, true friend. I mean not only here, but outside during times that you needed someone to reach out to you—when I lost my mom. Her friendship, her leadership, her guidance; I mean it. I mean it from the bottom of my heart. I want to say that you have shown me something that I’ll treasure for the rest of my life. Because I feel that when you have friendship, not here but outside of here, it goes a long way, and I value that. I value you, and I wish you the best—you and your family. I know there are other paths you’re going to take from here. It’s just the beginning for you. But I love you, and take care.

Senator Rouson: Audrey Gibson, Duval, sister, you are an example of someone who does not forget where they come from and who uses those experiences to benefit not only the constituents that you represent but the entire citizenry of the State of Florida. I want to thank you for your special friendship and guidance. I’ll never forget running for Leader in the House, and I would call you up, and you would tell me, “Just be yourself.” I was worried about what one faction of the caucus was thinking and what the other faction of the caucus was thinking. You said, “You can’t worry what others think—just be a leader.” Do you remember that? Few people in this process are as prepared as you when they come to the committees, but I appreciate your balance. You know which stool to sit on in the Governor’s Club. Oh, but come eight o’clock the next morning, you’re in committee. I want to thank you for the kindness and the respect that you gave me and the others in this process. I wish you well.

Senator Bean: Good morning to you and good morning, Florida Senate. Rouson tried but came up a little short, and that is this: Leader Gibson and I share Jacksonville. There is a saying we have, and I want you to join with me, because I'm going to pronounce the right way that we pronounce the county which we represent and then to pay tribute to Leader Gibson. What I need you to do is repeat it back to me. Florida Senate family, let's give it a go! Duval! Duval! Alright, now that we're warmed up; gallery, I didn't hear you at all! One more time! When we say it this time, I want everybody that is on the House floor to think, what are they doing over there? We're paying tribute to Leader Gibson. Duval! Duval! That's how you do it right there. That's how you do it when you're family, and that's a Senate family thing. Guess what? We're political siblings. If you know anything about siblings, you know we fight. We fight a lot. We fight internally, and we fight about so many policy things. But if you know anything about family, oh I can holler at her, but nobody else better. Nobody outside of the family better say anything because I'm there. We have that. She has covered for me as well, so many times. I'm a big fan. We had a local bill—is she a fighter? We didn't just fight here; we fought three hairstyles ago in the Florida House. That's it. You think she's tough now? Long-haired Audrey, boy, she was intimidating when her hair was down to her shoulders. Representative Audrey—don't mess with her. We had a local bill before the Duval delegation. You know how local bills are. A lobbyist came to me and said, "Bean, we really need your help; we got a problem." I said, "What is it? What do you have?" "Well, Senator Gibson had an issue with it and said if we didn't fix the issue, she was going to kill our local bill." I said, "What did you say when she said that?" The lobbyist told me, "Under no circumstances could she kill the bill; under no circumstances would she kill the bill." And I said, "You actually said that?" And he said, "Yeah, I said that to her." I said, "You said the wrong thing—your bill is dead." Because the last thing you do is tell her she can't do something. Guess what, the bill was dead for the next three years. How about that, she had it circled. That's how Audrey Gibson rolls. Leader Gibson, as we call her from the rostrum right up there, I'm proud of her. I look to her, we've chatted. What's your next move? I don't know, but I know it's for big things. So Leader Gibson, Godspeed. Love you.

Senator Powell: Senator Gibson, I've been in this process for 13 years. I think you were in the Senate before I was in the House—way before I got in the House. Then, I came into the Senate with you. And you taught me and a lot of us how to be Senators. I remember there was a time—I think Senator Rouson went to you about something I was trying to do. You said "What? I ain't even talked to that boy for ten minutes. I ain't had a ten-minute conversation with him." So I made it a point to make sure that we had—not only did we talk that night—but we talked for 45 minutes about everything. After we talked, I felt that it was okay to drop my guard and be unprotected with you and tell you things. We like to not be vulnerable, especially as elected people, because when you think vulnerability, it puts you at risk. But having that safe space with you allows that opportunity to be vulnerable. It also has allowed us to share things that have made us laugh and made us cry. Senator Baxley is talking about your relationship with your father. I remember you having him here in Tallahassee and the way you protected him. You were always a daddy's girl. Even when your mom was not there when your dad was, you coveted that relationship that you had with your mother. As a member of Delta Sigma Theta Sorority Incorporated, you have embodied that passion and that persistence. Just the things that you've done—you can see from your offspring that you've raised. You can tell how good a person is by their parents and their children. That just shows you and us what a good person you are. In this process, the truth is, sometimes we need to learn how to be Senators. A lot of us came from the House, and some of us came from other walks of life. There's that phrase—walks of life, Diaz. Being in the Senate with you being here before us, and knowing how the Senate works, you have taught us how to be Senators, and you continue to teach us how to be Senators. We can disagree without being disagreeable. We've talked about policy and not the person, issues and not the individuals, and you continue to teach us that and show us that. We can have a disagreement whether we are disagreeing amongst us as Democrats or amongst different parties. But when we walk away from that, I've never seen you hold a grudge or dislike anybody. There are people who have disrespected you. We don't even know where they are anymore, but you still don't hate them. I'm just saying. Disrespect Senator Gibson, you'll come here one day and your name will be on the desk, but when you come back, your name will be blank. We've seen it happen before. I'm just so proud to call you my friend. I'm not going to prolong this. I'm just proud to have you here and proud to have you for

the next few days. I'll be truthful with the rest of the chamber. Sometimes when I'm unmoved, that's because I already know I've talked to Senator Gibson, and she's backed me up already. So, I know at least one person has got my back. That's why my mind is not changing because you have instilled that in me. I'm proud to call you a friend. I'm proud to have had you as our Leader. I'm proud to serve with you. I know when you leave this chamber, you're never going to stop rocking this world. You have been awesome. You've been amazing, and you're going to continue to do that. I love you; my daughter loves you; my wife loves you. You are Auntie Audrey, Auntie Gibson. We're thankful to have you. Let's make the rest of these days count. We appreciate you.

Senator Stargel: I had the pleasure of meeting Senator Gibson, Representative Gibson, when my husband was in the House, and we were on a trip in Taiwan. We didn't come off to a really good start back then. They gave all the ladies an inexpensive little scarf—not a gift ban. They had all these little bags with little scarves. I saw the bags there, and I picked out what I thought was the prettiest scarf. We were on a boat. It was pretty, and I picked my favorite scarf. Come to find out, when we were on that boat, on the top of the boat was this Captain's thing where you could see what was going on in all the rooms of the boat. Audrey was up at the top and saw me pick a scarf in a bag that actually had her name on it, but it was a prettier scarf than what was in the bag with my name on it. So, I just switched the names. No one is going to know, right? So she comes out and she's like, "So you didn't like your scarf?" I was like, great, okay. Well that's no big deal. I don't need to see this woman again anyhow since she doesn't like me. So, Tom Lee and I get elected, and we go into the Judiciary Committee. Senator Gibson and I were the only two non-attorneys on the Judiciary Committee in the House with *Daubert vs. Frye* and bad faith. I didn't even know what Daubert was. I thought that was the guy from Harry Potter or something. I'm not going to ask any questions; I'm nervous; I just got elected. I don't even like to speak in public. She's like, "If you don't know, you need to ask!" She and I were back and forth constantly on those committees asking questions. You don't know if you don't ask. That's how you get information. I know sometimes we're in committee and we have 60 bills on the agenda, and we're sitting there and Audrey's asking questions. But I will tell you this: She's asking the question because she wants to know the answer. She's not asking the question to be difficult or to drag out the meeting or to be a pain. She's asking because she wants to know the answer; because she wants to make a decision based on what that answer is, which is awesome. Another thing I'd like to say is about the wisdom of Senator Gibson—she would always give nuggets of advice. Of course in your family, the daughter, granddaughter, and son—you've probably gotten advice all your life. You've only been subjected or had the opportunity to have advice for a while. I remember a while back, we were coming down the steps after a thing for Senator Joyner at the Old Capitol, and I was walking down and I'm holding on. This was like five years ago. She goes, "You need to let go of that rail; you need to pull back them shoulders and stand up straight. You'll be hugging that rail for the rest of your life." I thought, here I am. Why am I holding onto the rail? I can walk down these steps. It's those kinds of little things though—things you hear from your mom or your grandma. When she's here, she's not afraid to say things to any of us. She doesn't have a problem telling us when we need to do something this way or that way. It's because she cares. I know Senator Bean said he's proud of you. I hope when you go to leave this process, you're proud of what you've helped me be.

Senator Farmer: You know, everything that's been said is so true, Leader Gibson—longest serving member of the Florida Senate. Somehow, I don't know how you figured out how to get those extra years in, but you have made them so worthwhile. Senator Jones used the word that I was going to use: conscience. You have really been a conscience for this body and for our caucus for so long—and your attention to detail, as Senator Stargel was just talking about. We've all been there. If you've been presenting a bill and Senator Gibson's got some questions, she digs in. Senator Jones said earlier, "We're not going to do that," and that goes along with "the look." You know "the look." When she sees something, she says, "We're not doing that." So, thank you for your conscience. Thank you for your attention to detail. There's an old saying that a leader is one who knows the way, goes the way, and shows the way. You have done those three things for many, many years in this body and in the House of Representatives. You have been such a great public servant to the people of Jacksonville and the people of the State of Florida. Thank you, Leader Gibson, for all you have done.

Senator Burgess: I learned, you know, relative to everybody else's relationships in this process, obviously, I have not had nearly the pleasure of knowing you as long as so many have. And that will be my biggest regret upon your exit from this chamber, but I can't wait to continue that friendship going forward. You need to know the lasting impressions you've left on a newbie like me and not just the folks you've served with for years. You know, I learned very early on to start asking a question when I'm preparing for a bill, and it was "WWAA? What will Audrey ask?" I'm being serious! Because you have an incredible way of keeping us honest. Our relationship, I believe, was forged through the fires of some of the special bills that I filed in the last two years. I appreciate you so very much. You may not know this—back to the pride thing that Senator Powell was talking about. You don't tend to want to admit this, but there've been moments where, internally, I'm having a crisis wondering if I understood what I'm actually saying, or you know, if I'm right. So you cause us to be honest. You help us to be in check. You are truly a conscience. You're one heck of a Vice Chair, and I've really enjoyed us teaming up on Judiciary. Your spirit is contagious, and I appreciate your laughter and your smile so much. You have a maternal presence in this process, and I mean that in the best of ways. There's nothing better than that, right? So I've looked up to you from the day that I met you, and I'm going to be missing the heck out of you here next year if we're fortunate enough to be back.

Senator Mayfield: There's some things about Audrey that I just wanted to share with her. You go by many names—Leader Gibson, Senator Gibson, Mimi—that's your favorite. We've talked about that, Momma Bear. Don't ever make Momma Bear mad because that's it; you're done with. I love you dearly, girlfriend. I can't do it the way Audrey does it, but if she disagrees with you, she'll come right up to you and say, "Well let me tell you something, girlfriend." That's another one she said quite a bit to me. I learned a lot from that. I really want people to reflect back on the video. You know those videos mean a lot, and it tells a lot about a person. The video and the pictures that you picked out are your community. You were at so many events in giving. That is what we're about as Senators and elected officials. People in our community vote for us so we should be coming back up here doing what the community wants done. Then, when we go back home—which a lot of people think we go back home—we're out. We don't do anything else until we come back to committee. But that's not true. A good Senator or Representative is out in their community, and they're doing food banks, going to the hospitals, and going to various events so we know what your needs are. Because we can't help our people if we don't know what their needs are. And we don't know what their needs are until we're out there in the community asking. So, the video was such a reflection on you as a person. Your family should be so proud of you, as a Mimi, as a daughter, as a mother, and in just so many things that you have done in this process and at home. I know she's going to get to come home and spend some more time with the family. But I can guarantee you, she's not going to be sitting at the house waiting to see what you guys are going to be doing. She will be out there making things happen. We're going to miss you greatly.

Senator Ausley: We have been at this a long time, Senator Gibson. You came in 2002 and some of us—Senators Baxley, Bean, and Harrell—were in our second year. Soon after that, just like Senator Baxley was there for you, you were there for me when my son was born. Like so many of you, in 2003, you became part of our family. You all became the support that I needed. I remember standing in the back with Desmond Tutu praying with us for my son who, at that point, was in the NICU fighting for his life. Those are emblazoned in my memory, and we have had so many of those times together. But just like everyone here has said, I watched you grow from that freshman into a leader in the House, a leader in the Senate. And as I came to the Senate, you taught me how to be a Senator, and I'm forever grateful for your friendship.

Senator Taddeo: I guess you can tell how much someone's loved by the number of us who are standing up to talk about you. It is not lost on me that I'm here because of a horrible incident you had, of all the beautiful times you had here. I took that very seriously as a responsibility, and you have been a mentor, a friend, and actually, you helped me get here. She came with Senator Thurston and knocked on doors, although he didn't knock on as many. We went to churches—did all the things. Then I get here and, lo and behold, other things are going on, and we end up with a leadership race or a decision as a caucus. I was proud that I was one of the ones that said, "Has to be Audrey." I really felt that it was important for us to have a female voice—a strong female voice. The more that I've served with you and gotten to know you makes

me proud to call you a friend and a fellow margarita-liker. I just know that you have made me a better Senator, and you have made me a better person. You are an amazing public servant. The State of Florida is better off because you have served this state so well. Congratulations. You should be proud and your family as well.

Senator Stewart: I'm going to bring up an incident that happened the first week. I was proud to come to the Senate. We were doing orientation on the floor here, and telling us I think, the difference between a Senator and a House member—not sure, but it seemed like that was the direction we were going in. I bought what I thought was the most beautiful outfit you've ever seen so I could come and make a big impression here. I sat through that whole orientation, and when it was over, Senator Gibson called me aside and had me go to one of these rooms back here. She said, "You can't wear that outfit again; it looks like pajamas." I said, "Do you know how much money I paid for this outfit?" I'm like, well this is interesting. I guess I must call in advance and let people see what I'm wearing before I come down to the Senate floor. She's never contradicted or criticized any other outfit, but I have never worn that outfit again. It's in my closet. Yeah, she does have influence in many ways. I do serve with her on many committees, and I'm just always amazed at how much paper she brings to the committee. It stacks up rather high and is at least one tree. I'm not sure, but it's a lot. I think she reads every one of them while she's there in committee. But she's got it all planned—the questions she wants to ask. She wants to understand better the amendments that people are bringing forward. I don't blame her because I don't understand some of them either. I have never seen someone who works so hard to make the best impression and to make sense of things for the general public. Because we all know the general public is listening to us. Even though we may know what we're talking about, they may not. So it's always good to have these questions broken down. You have been a wonderful, wonderful role model for every one of us and a very good example for fashion. We're going to miss you.

Senator Book: I hate these days a lot. We've been talking a lot about this. I hate them very much. I don't like talking about any of this because it feels like somebody is just no longer going to be in our lives. But we know this is a "See you soon." In thinking about them, you have these formative moments in this process. You bank them because you know this day is coming, right, because of term limits and all these things. So, this morning I was getting ready, and I was thinking about those moments. It's funny because we all have our own Leader Gibson face moments, or when she says, "We're not going to do that." I feel like I have a special relationship with Leader Gibson because I'm like her little sister, and she wants me to be tough. I remember post-Parkland, we were in that committee—it was Rules. There were a lot of people in that room, and it was very heated. There was a lot of screaming that day, and I lost it. You came over to me and you said, "Let's go!" We went to the back, and you helped me stay calm. You help all of us at any given time navigate a process that can sometimes accelerate very, very quickly. You are the conscience here. You are the one who—it's like a look over the glasses. "We are not going to do that!" I appreciate you. You have taught me a tremendous amount. It's surreal to be standing here today for Senator Gibson's farewell recognition because four short years ago, I remember standing in this chamber to second her nomination as our Democratic Leader. As I said then and will say again, because it bears repeating—even before becoming a member, Senator Gibson was someone I looked up to greatly. She's a fierce advocate who has broken barrier after barrier and paved the way for many of us here today. She's a mother, a woman, a proud member of the Black Caucus, and one of the best leaders our caucus has ever had. She's shown women like me, and those who aspire to be in our shoes one day, that we not only belong here in the Florida Senate but we can lead. We don't have to change who and what we are to do so. Senator Gibson has been an unforgettable force in this chamber since 2011, serving eight years in the House prior to that. Even before she was elected, Senator Gibson was leading a life of service—from her early work in the District Attorney's Office to directing constituent services for a congressional office in Compton, and the good she did and still does with her fellow Deltas. The spirit of service is something Senator Gibson learned from her parents. The Senator's late mother, Lois, was a legendary nursing teacher in Jacksonville who dedicated 40 years of her life to the nursing profession. She went on to direct nursing and then became Dean of Health Services at Florida State College at Jacksonville. Her father, Mr. Ernest Gibson, who passed away last year, served our country in Japan as a member of the United States Army. Mr. Gibson was a member of

the Tuskegee University Athletic Hall of Fame and served in several administrative roles in various Jacksonville schools. With his own tools, he would “adopt-a-dorm” so he could make repairs to on-campus housing. He also continued his service on the Board of Directors of the Johnson Branch of the YMCA. The Gibson family has a well-earned legacy in Jacksonville, paving the way for others to succeed.

Senator Gibson, as we honor your final moments in this chamber, my hope is to celebrate you and your family’s legacy. In 2016, Florida State College at Jacksonville dedicated the “Lois D. Gibson Building” in the nursing college. But we knew that Mr. Ernest Gibson’s legacy deserved to be memorialized too. That’s why staff worked with Jacksonville City Council member Brenda Priestly Jackson to rename Senator Gibson’s childhood street to honor her incredible father, Ernest. Senator Gibson’s family made this street their home for nearly 50 years. It’s where she found her passion to serve. The Gibson family has been a pillar of the Jacksonville community for a lifetime. We want to honor them for their commitment to making the lives of everyday people better. Senator Gibson, it’s clear that you carry your father’s passion into this chamber. You’re a dedicated community leader, friend, and an all-around phenomenal woman. This chamber will miss you. Your legacy and the legacy of the Gibson family will always be remembered and carried in our hearts. I want to thank City Councilwoman Brenda Priestly Jackson for helping us bestow this honor on the Gibson family. Thank you again to one of our heroes, Senator Audrey Gibson, for sharing your knowledge and passion with us all. We love you.

Senator Passidomo: Taylor, you must know how cool your Mimi is. You know her so differently than we do. I hope today you’ve learned a little bit about her, because I hope that maybe 20 years from now you’ll be sitting in that seat. Leader Gibson and I were co-leaders at the same time, and there’s no book on how to be a Majority Leader. It’s learning from your predecessor or from your Leader from the other side. One thing I do want to say that was so critical to me—and you all don’t know this because Audrey is quiet and steady—sometimes in Committee meetings when things get heated and there are issues and the Rules Chair is not available, everyone is looking at me, the Majority Leader, about what to do. I had this obviously blank look on my face and this happened so many times. All of a sudden there would be a little sound behind me and a tap on the shoulder. It was Audrey, and she did exactly what she did to Leader Book. “Come here.” And she’d pull me to the back and say, “This is what you need to do.” She did this notwithstanding the fact that it was kind of their side and our side kind of issue. She cares so deeply about the Senate and how we appear and how we pass legislation, that she will do anything to help all of us. Every single one of us has had the opportunity to have Audrey Gibson whisper in our ear and say, “Maybe you want to do this rather than that.” And for that, I will be eternally grateful because you’ve made my job much easier and because of that, you’ve made the Senate a better place. We are going to miss you. We’re going to miss your preparedness. People say I read all the bills. I don’t read them as much as you do, I can tell, because my notes are a lot shorter. I think that’s a lesson to all of us. Your preparedness has been a real gem that we’re going to miss. So Audrey, I wish you so much luck. Taylor, you’re going to have Mimi back, and she can do a lot more cooking for you, and you can learn from her. Her experience is going to give you some tremendous, tremendous background for your future. Thank you so much, Audrey. Love you.

Senator Gibson: To my waymaker, miracle worker, promise keeper, light in the darkness, my God, thank you. To you, Mr. President, thank you for your leadership, for letting me burn your door down, and for listening—even when Kathy came in to tell me my time was up, and I kept talking, and you kept listening.

Thank you to my family of cheerleaders: my daughter, Kwanzaa, and my Mimi daughter, Taylor; here from Texas representing my son-in-law, Robert, my Mimi son, Jalin, and Mimi daughter, Haniyah; my son, Amar from Georgia, representing his family, my daughter-in-law, Neesie, Mimi daughter, Journee, and Mimi son, Jordan; my son, Jamaal, daughter-in-law, Katie, Mimi daughters, Siena, Alice, and Violet in Palm Beach Gardens; my brother, Gerard, sister-in-law, Barbara, my niece, Rachael, and nephews, Ryan and Ridge, of Georgia. I’ve missed some birthday parties and some family travel, soon to come. Thank you to my roadies who have traveled to Orlando for the classic games, to Tallahassee for the galas, and even to NASCAR races—and surprised themselves by enjoying going. Thank you to my parents in heaven, Ernest and Lois Gibson, who supported everything I’ve ever done throughout my entire life. I lost my mom to metastatic breast cancer

seven years ago, and lost my dad in August. Thank you to my staff who have always accepted my challenge to treat all persons who reached out to the office as if it were they themselves who needed assistance. Though I know I’m not the easiest person to work for, they have tried every day to keep up with all the things I’ve wanted to continuously do for people in general—and for my constituents, who I want to thank for allowing me to be their Senator. Finally, thank you to those of my friends in the advocacy corps who have been more than transactional, my slide-on sisters, Lola, Violeta, Elisky, my confidant, and many more. You know who you are, but I don’t want to name names to protect the innocent.

In case you haven’t noticed, I am an introvert with extrovert tendencies. Growing up, I was an avid reader. Thank goodness, because I’ve read enough bill analyses to fill a few libraries, and I thank all of the hard-working committee staff. The analyses have helped me formulate my many questions I have asked over the years. On the not so great side, I have probably killed more trees than you can shake a branch at. Sorry about that, environmentalists, but I have to write my notes, highlight, circle, and put sticky notes on the pages.

In college, I developed an affinity for the line in Shakespeare, “To thine own self be true” in honesty and commitment, because in my mind, if one cannot be true to oneself, it is impossible to be true to much else. I was also a fan of author Ralph Waldo Emerson and his transcendental writing on self-reliance. It is my readings, my exposure to so many different types of activities and organizations and people from all walks of life, that has made me intentional about building relationships and bridges regardless of party. It’s why I had the bodacious audacity to ask Senator Gruters to amend some task force language on a bill he had a couple of years ago. Hopefully, it doesn’t ruin either of our reputations, so don’t tell anybody. Being intentional about building relationships is why I can vote my button “no” and vote Senator Perry’s button “yes” even though I really want to vote it “no.” It’s why I can call Senator Manny Diaz to ask him about St. Thomas University, discover it is his alma mater, and then connect him with my daughter so she can get some information to help my grandson with his final decision to attend. It’s why I see each of you, my colleagues, as valued whether we agree in principle or not. And it’s why I can turn the page to the next chapter with excited anticipation!

SPECIAL GUESTS

The President recognized former Senators Chris Smith, Geraldine Thompson, and Perry Thurston who were present in the chamber.

President Simpson: Leader Gibson, it was pretty tough when Aaron Bean talked about your hair. I thought that was a little rude. That’s number one. I thought when Senator Rouson talked about your stool at the Governor’s Club—I thought that was kind of rude also. I thought they were meddling a little bit in our business. It was kind of amazing. So Senator Gibson, if you’re running around the state trying to raise money to defeat the Democrats and you find yourself in Jacksonville, you don’t expect Leader Gibson to always call you. I had been there no less than three times in a year, in a three to four month period, and I’d get a phone call from Leader Gibson. “What are you doing in Jacksonville?” Wait a second. Then I’m thinking maybe she’s got my phone bugged or tapped or something. But nothing happens in her town that she doesn’t know, and I can attest to that because she called me out several times to get out of her town if we’re going to be raising money there. It was all in good fun. One thing that I almost did this last week, actually—I can’t do this at any time because I didn’t think it’d really be appropriate—but I was going to come to the budget committee and, in Leader Gibson’s case, if you know to say Gibson or Simpson, they sound a lot alike if you’re not paying attention. There have been multiple times during contentious bills when you’re talking to one of your colleagues about something and you hear the roll call going on. “Yes, here yes!” And Leader Gibson would be like, “I was down on that, quit voting for me.” That was one of my favorite times because it was one of those moments where Audrey would be like, “What are you doing?” and I’d be like, “Well, I missed it.” What I said and several Senators said this—the questioning that Senator Gibson does is genuine questioning. It is never about, “Hey, why don’t we run out that clock.” We’re Senators; we don’t do that. Senator Gibson doesn’t do that. She’s been a great leader amongst leaders. I’ve always appreciated your counsel. And yes you did, several times, when we said, “Time’s up,” we stayed and talked for ten minutes anyways. I get accused of that all the time, but whatever.

Leader Gibson, it was a pleasure serving with you. I always said, “Hey, we came in together.” We did not come in together. It looked like it in that picture where we’re all raising our right hands. She was here earlier. So out of all of us, Leader Gibson got 11 years. Think about that for a second—11 years. The rest of us that came in that senior class have 10 years. We’re going to miss you. I know you’re going to call me out when I come to Jacksonville in a few months. It’s been a pleasure serving with you, and thank you for being a great leader.

SPECIAL PRESENTATION

On behalf of the Senate, the President presented Senator Gibson with a framed ceremonial copy of SB 400 (2020) Elder Abuse Fatality Review Teams, ch. 2020-17, Laws of Florida, which she sponsored and became law during her legislative career.

RECESS

The President declared the Senate in recess at 12:12 p.m. to reconvene at 1:30 p.m. or upon his call.

AFTERNOON SESSION

The Senate was called to order by President Simpson at 1:30 p.m. A quorum present—37:

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

SPECIAL RECOGNITION

Senator Ausley recognized Melissa Durham, Legislative Assistant for District 3, who will retire on May 31, after 39 years of service to the people of Florida.

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

CS for CS for SB 1352—A bill to be entitled An act relating to limitations on political contributions; amending s. 106.08, F.S.; defining the term “foreign national”; providing that a foreign national may not make or offer to make certain contributions or expenditures; providing an effective date.

—which was previously considered and amended this day.

An amendment was considered and adopted to conform **CS for CS for SB 1352** to **CS for CS for HB 921**.

Pending further consideration of **CS for CS for SB 1352** as amended, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 921** was withdrawn from the Committee on Rules.

On motion by Senator Brodeur—

CS for CS for HB 921—A bill to be entitled An act relating to campaign financing; amending s. 106.08, F.S.; removing a limitation on contributions made to political committees that are in opposition to certain constitutional amendments; providing applicability of a limitation on certain political contributions; providing a definition; providing

that a foreign national may not make or offer to make certain contributions or expenditures; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1352**, as amended, and read the second time by title.

On motion by Senator Brodeur, further consideration of **CS for CS for HB 921** was deferred.

SB 144—A bill to be entitled An act relating to identification cards; amending s. 322.051, F.S.; requiring the Department of Highway Safety and Motor Vehicles to issue or renew identification cards at no charge to persons presenting a valid voter’s registration card and attesting to financial hardship; prohibiting the department from requiring such persons to present certain evidence; requiring the department to issue identification cards at no charge to certain other persons; conforming cross-references; amending ss. 322.18 and 322.21, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title. On motion by Senator Hutson, by two-thirds vote, **SB 144** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—35

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

Nays—1

Farmer

Vote after roll call:

Yea—Brandes

CS for CS for SB 1800—A bill to be entitled An act relating to broadband infrastructure; amending s. 288.9961, F.S.; revising the duties of the Florida Office of Broadband to include administering the Broadband Pole Replacement Program; requiring the office to submit an annual report to the Governor and the Legislature by a specified date; creating s. 288.9964, F.S.; providing legislative findings; defining terms; establishing the Broadband Pole Replacement Program within the office; providing responsibilities of the office; providing eligibility requirements for reimbursement under the program; providing that reimbursements are subject to the availability of certain funds; providing that certain denied applicants may reapply in certain circumstances; providing requirements for the program application; requiring the office to provide certain reimbursements within a certain period of time; authorizing an applicant to request certain information from a pole owner under certain circumstances; requiring an applicant to meet certain conditions; requiring the office to publish and continually update certain information on its public website; authorizing rulemaking; providing an effective date.

—was read the second time by title.

Senator Boyd moved the following amendment which was adopted:

Amendment 1 (458996)—Delete lines 176-179 and insert:

6. *Any other information or documentation required by the*

On motion by Senator Boyd, by two-thirds vote, **CS for CS for SB 1800**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Brandes

SPECIAL RECOGNITION

Senator Torres recognized the following family members of Staff Sergeant Keon Clyde Sands: brother, Brandon Sands; sister, Alexis Sands; and his girlfriend, Celena Perez, who were present in the gallery. Senator Torres also recognized former State Representative and Staff Sergeant Ricardo Rangel, who was present in the gallery.

MOMENT OF SILENCE

At the request of Senator Torres, the Senate observed a moment of silence for Staff Sergeant Keon Clyde Sands, who was killed in a motorcycle collision with a semitruck on I-95 on November 23, 2021.

SENATOR BEAN PRESIDING

CS for CS for SB 1802—A bill to be entitled An act relating to the Broadband Pole Replacement Trust Fund; creating s. 288.9965, F.S.; creating the trust fund within the Department of Economic Opportunity; providing the purpose of the trust fund; providing that moneys credited to the trust fund shall consist of certain funds; requiring that certain funds in the trust fund be used in a manner consistent with federal law or grant agreement for use of the funds; providing that the balance in the trust fund at the end of a fiscal year remains in the trust fund and is available for carrying out the purposes of the trust fund; providing for future legislative review and termination or re-creation of the trust fund; providing a contingent effective date.

—was read the second time by title. On motion by Senator Boyd, by two-thirds vote, **CS for CS for SB 1802** 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—34

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

Nays—None

Vote after roll call:

Yea—Mr. President, Powell

SB 1476—A bill to be entitled An act relating to prescription drug coverage; amending s. 624.3161, F.S.; authorizing the Office of Insurance Regulation to examine pharmacy benefit managers; specifying that certain examination costs are payable by persons examined; amending s. 624.490, F.S.; providing a penalty for failure to register as a pharmacy benefit manager under certain circumstances; transferring, renumbering, and amending s. 465.1885, F.S.; revising the entities conducting pharmacy audits to which certain requirements and restrictions apply; authorizing audited pharmacies to appeal certain findings; providing that health insurers and health maintenance organizations that transfer a certain payment obligation to pharmacy benefit managers remain responsible for specified violations; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1476**, pursuant to Rule 3.11(3), there being no objection, **HB 357** was withdrawn from the Committee on Appropriations.

On motion by Senator Wright—

HB 357—A bill to be entitled An act relating to pharmacies and pharmacy benefit managers; transferring, renumbering, and amending s. 465.1885, F.S.; revising the entities conducting pharmacy audits to which certain requirements and restrictions apply; authorizing audited pharmacies to appeal certain findings; providing that health insurers and health maintenance organizations that transfer certain payment obligation to pharmacy benefit managers remain responsible for specified violations; amending s. 624.490, F.S.; providing a penalty for failure to register as pharmacy benefit managers under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 1476** and read the second time by title.

On motion by Senator Wright, by two-thirds vote, **HB 357** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—36

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

Nays—None

Vote after roll call:

Yea—Mr. President

On motion by Senator Hutson—

CS for CS for SB 524—A bill to be entitled An act relating to election administration; amending s. 15.21, F.S.; requiring the Secretary of State to notify the Attorney General if signatures required for an initiative petition are no longer valid; authorizing the Secretary of State to resubmit the initiative petition to the Attorney General if certain conditions are met; amending s. 16.061, F.S.; requiring the Attorney

General to withdraw his or her petition for an advisory opinion by the Supreme Court if notified by the Secretary of State that the initiative petition no longer meets the criteria for review; requiring the Attorney General to file a new petition for an advisory opinion if the initiative petition subsequently qualifies for review; creating s. 97.022, F.S.; creating the Office of Election Crimes and Security within the Department of State; specifying the duties and structure of the office; providing for construction; requiring the department to annually report to the Governor and Legislature regarding the office's activities; specifying requirements for such report; amending s. 97.0291, F.S.; clarifying provisions governing the prohibition on the solicitation, acceptance, use, and disposal of private funds for certain election-related expenses; amending s. 97.057, F.S.; conforming a cross-reference; amending s. 97.0575, F.S.; revising a limitation on the amount of aggregate fines which may be assessed against a third-party voter registration organization in a calendar year; specifying that a third-party voter registration organization is liable for a certain fine if a person collecting voter registration applications on its behalf is convicted of unlawfully altering any application; amending s. 98.065, F.S.; revising the frequency with which supervisors of elections must conduct a registration list maintenance program; modifying required components of registration list maintenance programs; conforming provisions to changes made by the act; amending s. 98.0655, F.S.; revising requirements for certain registration list maintenance forms to be prescribed by the Department of State; amending s. 98.075, F.S.; authorizing the Department of State to identify deceased registered voters using information received by the Department of Highway Safety and Motor Vehicles; amending s. 98.093, F.S.; requiring clerks of the circuit court and the Department of Highway Safety and Motor Vehicles to furnish additional information to the Department of State on a monthly basis; amending s. 100.041, F.S.; providing an exception to certain county commissioner election requirements for certain districts; amending s. 100.371, F.S.; revising duties of the supervisor with respect to the processing and retention of initiative petition forms; requiring the supervisor to post additional information regarding petition forms on his or her website; requiring the Secretary of State to notify the Financial Impact Estimating Conference if the signatures for an initiative petition are no longer valid; specifying conditions under which the Financial Impact Estimating Conference does not need to complete an analysis and financial impact statement for an initiative petition; creating s. 101.019, F.S.; prohibiting the use of ranked-choice voting to determine election or nomination to elective office; voiding existing or future local ordinances authorizing the use of ranked-choice voting; amending s. 101.043, F.S.; deleting a provision that prohibits using an address appearing on identification presented by an elector as a basis to confirm an elector's legal residence; amending s. 101.5614, F.S.; requiring specified individuals observing the ballot duplication process to sign a specified affidavit acknowledging certain criminal penalties; prohibiting persons authorized to observe, review, or inspect ballot materials or observe canvassing from releasing certain information about an election before the closing of the polls; providing criminal penalties; amending s. 101.6103, F.S.; conforming certain provisions governing the Mail Ballot Election Act to provisions applicable to the mailing and canvassing of vote-by-mail ballots; amending s. 101.655, F.S.; revising the date on which supervised voting may begin; amending s. 102.091, F.S.; requiring the Governor, in consultation with the executive director of the Department of Law Enforcement, to appoint special officers to investigate election law violations; specifying requirements for such special officers; providing construction; amending s. 102.101, F.S.; prohibiting a special officer from entering a polling place; providing exceptions; amending s. 104.0616, F.S.; increasing criminal penalties for certain unlawful acts involving vote-by-mail ballots; amending s. 104.185, F.S.; increasing criminal penalties for a person who signs another person's name or a fictitious name on specified petitions; amending s. 104.186, F.S.; increasing criminal penalties for a person who unlawfully compensates a petition circulator based on the number of petition forms gathered; amending s. 124.011, F.S.; providing that certain county commissioners must be elected at the general election immediately following redistricting; requiring such commissioners' terms to commence on a certain date; providing applicability; amending s. 921.0022, F.S.; ranking a specified offense involving vote-by-mail ballots on the severity ranking chart of the Criminal Punishment Code; providing legislative findings and intent; requiring the Department of State to submit a report to the Legislature by a specified date; providing report requirements; providing effective dates.

—was read the second time by title.

Senator Berman moved the following amendment which failed:

Amendment 1 (812472) (with title amendment)—Delete lines 156-207.

And the title is amended as follows:

Delete lines 15-22 and insert: petition subsequently qualifies for review; amending s. 97.0291,

Senator Jones offered the following amendment which was moved by Senator Book and failed:

Amendment 2 (254940)—Delete lines 156-207 and insert:

Section 3. Section 97.022, Florida Statutes, is created to read:

97.022 Office of Election Crimes and Security; creation; purpose and duties.—

(1) The Office of Election Crimes and Security is created within the Department of State. The purpose of the office is to aid the Secretary of State in completion of his or her duties under s. 97.012(12) and (15) by:

(a) Receiving and reviewing notices and reports generated by government officials or any other person regarding alleged occurrences of election law violations or election irregularities in this state.

(b) Initiating independent inquiries and conducting preliminary investigations into allegations of election law violations or election irregularities in this state.

(c) Initiating independent inquiries and conducting preliminary investigations into frivolous or unsubstantiated allegations of election law violations in this state.

(2) The office may review complaints and conduct preliminary investigations into alleged violations of the Florida Election Code or any rule adopted pursuant thereto and any election irregularities. The office may also initiate investigations related to frivolous and unsubstantiated allegations of violations of the Florida Election Code, and recommend sanctions and penalties for frivolous complaints.

(3) The secretary shall appoint a director of the office.

(4) The office shall be based in Tallahassee and shall employ non-sworn investigators to conduct any investigations. The positions and resources necessary for the office to accomplish its duties shall be established through and subject to the legislative appropriations process.

(5) The office shall oversee the department's voter fraud hotline.

(6) This section does not limit the jurisdiction of any other office or agency of the state empowered by law to investigate, act upon, or dispose of alleged election law violations, including any frivolous or unsubstantiated complaints.

(7) By January 15 of each year, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing information on investigations of alleged election law violations or election irregularities conducted during the prior calendar year as well as information and investigations of frivolous complaints related to election law violations. The report must include the total number of complaints received and independent investigations initiated and the number of complaints referred to another agency for further investigation or prosecution, as well as the total number of complaints that were deemed to be frivolous or unsubstantiated, including the total number of those matters sent to a special officer pursuant to s. 102.091. For each alleged violation, irregularity or frivolous complaint investigated, the report must include:

(a) The source of the alleged violation or irregularity, and an identification of the person who reported the alleged violation or irregularity;

(b) The law allegedly violated or the nature of the irregularity reported;

(c) The county in which the alleged violation or irregularity occurred;

(d) Whether the alleged violation or irregularity was referred to another agency for further investigation or prosecution, and if so, to which agency;

(e) The current status of the investigation or resulting criminal case; and

(f) Whether the alleged violation or irregularity was deemed to be frivolous or unsubstantiated and any recommended sanctions or penalties in response to the report of frivolous or unsubstantiated violation or irregularity.

Senator Farmer moved the following amendment which failed:

Amendment 3 (911450)—Between lines 207 and 208 insert:

In fulfilling the reporting requirements under subsection (7), if any officer who receives the department’s report pursuant to that subsection, or an associated campaign, political committee, or other entity of the officer, is the subject of an investigation by the office or is otherwise implicated in such investigation, the department may not include such information in the report.

Senator Hutson moved the following amendment:

Amendment 4 (203418) (with title amendment)—Delete lines 223-984 and insert:

Section 5. Paragraph (g) is added to subsection (3) of section 97.052, Florida Statutes, to read:

97.052 Uniform statewide voter registration application.—

(3) The uniform statewide voter registration application must also contain:

(g) *A statement informing the applicant that if the application is being collected by a third-party voter registration organization, the organization might not deliver the application to the division or the supervisor in the county in which the applicant resides in less than 14 days or before registration closes for the next ensuing election, and that the applicant may instead elect to deliver the application in person or by mail or choose to register online. The statement must further inform the applicant how to determine whether the application has been delivered.*

Section 6. Effective January 1, 2023, subsection (13) of section 97.057, Florida Statutes, is amended to read:

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

(13) The Department of Highway Safety and Motor Vehicles must assist the Department of State in regularly identifying changes in residence address on the driver license or identification card of a voter. The Department of State must report each such change to the appropriate supervisor of elections who must change the voter’s registration records in accordance with s. 98.065(5) ~~or 98.065(4)~~.

Section 7. Present subsections (4) through (7) of section 97.0575, Florida Statutes, are redesignated as subsections (5) through (8), respectively, a new subsection (4) is added to that section, and paragraph (a) of subsection (3) of that section is amended, to read:

97.0575 Third-party voter registrations.—

(3)(a) A third-party voter registration organization that collects voter registration applications serves as a fiduciary to the applicant, ensuring that any voter registration application entrusted to the organization, irrespective of party affiliation, race, ethnicity, or gender, must be promptly delivered to the division or the supervisor of elections in the county in which the applicant resides within 14 days after the application was completed by the applicant, but not after registration closes for the next ensuing election. ~~A third-party voter registration organization must notify the applicant at the time the application is collected that the organization might not deliver the application to the division or the supervisor of elections in the county in which the applicant resides in less than 14 days or before registration closes for the next ensuing election and must advise the applicant that he or she may deliver the application in person or by mail. The third-party voter registration organization must also inform the applicant how to register~~

~~online with the division and how to determine whether the application has been delivered.~~ If a voter registration application collected by any third-party voter registration organization is not promptly delivered to the division or supervisor of elections in the county in which the applicant resides, the third-party voter registration organization is liable for the following fines:

1. A fine in the amount of \$50 for each application received by the division or the supervisor of elections in the county in which the applicant resides more than 14 days after the applicant delivered the completed voter registration application to the third-party voter registration organization or any person, entity, or agent acting on its behalf. A fine in the amount of \$250 for each application received if the third-party voter registration organization or person, entity, or agency acting on its behalf acted willfully.

2. A fine in the amount of \$100 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, before book closing for any given election for federal or state office and received by the division or the supervisor of elections in the county in which the applicant resides after the book-closing deadline for such election. A fine in the amount of \$500 for each application received if the third-party registration organization or person, entity, or agency acting on its behalf acted willfully.

3. A fine in the amount of \$500 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, which is not submitted to the division or supervisor of elections in the county in which the applicant resides. A fine in the amount of \$1,000 for any application not submitted if the third-party voter registration organization or person, entity, or agency acting on its behalf acted willfully.

The aggregate fine pursuant to this paragraph which may be assessed against a third-party voter registration organization, including affiliate organizations, for violations committed in a calendar year is ~~\$50,000~~ **\$1,000**.

(4) *If a person collecting voter registration applications on behalf of a third-party voter registration organization alters the voter registration application of any other person, without the other person’s knowledge and consent, in violation of s. 104.012(4) and is subsequently convicted of such offense, the applicable third-party voter registration organization is liable for a fine in the amount of \$1,000 for each application altered.*

Section 8. Effective January 1, 2023, present subsections (3) through (6) of section 98.065, Florida Statutes, are redesignated as subsections (4) through (7), respectively, a new subsection (3) is added to that section, and subsection (2) and present subsections (3), (4), and (5) of that section are amended, to read:

98.065 Registration list maintenance programs.—

(2) A supervisor must incorporate one or more of the following procedures in the supervisor’s ~~annual~~ **biennial** registration list maintenance program under which *the supervisor shall*:

(a) *Use change-of-address information supplied by the United States Postal Service through its licensees ~~is used~~ to identify registered voters whose addresses might have changed. Additionally, in odd-numbered years, unless the supervisor is conducting the procedure specified in paragraph (b), the supervisor must identify change-of-address information from returned nonforwardable return-if-undeliverable address confirmation requests mailed to all registered voters who have not voted in the preceding two general elections or any intervening election and who have not made a request that their registration records be updated during that time; or*

(b) *Identify change-of-address information ~~is identified~~ from returned nonforwardable return-if-undeliverable mail sent to all registered voters in the county; ~~or~~*

(c) *Change of address information is identified from returned nonforwardable return-if-undeliverable address confirmation requests mailed to all registered voters who have not voted in the last 2 years and who did not make a written request that their registration records be updated during that time.*

(3) *Address confirmation requests sent pursuant to paragraph (2)(a) and mail sent pursuant to paragraph (b) must be addressed to the voter's address of legal residence, not including voters temporarily residing outside the county and registered in the precinct designated by the supervisor pursuant to s. 101.045(1). If a request is returned as undeliverable, any other notification sent to the voter pursuant to subsection (5) or s. 98.0655 must be addressed to the voter's mailing address on file, if any.*

(4) A registration list maintenance program must be conducted by each supervisor, at a minimum, ~~once in each odd-numbered~~ year and must be completed not later than 90 days ~~before~~ prior to the date of any federal election. All list maintenance actions associated with each voter must be entered, tracked, and maintained in the statewide voter registration system.

(5)(a)(4)(a) If the supervisor receives change-of-address information pursuant to the activities conducted in subsection (2), from jury notices signed by the voter and returned to the courts, from the Department of Highway Safety and Motor Vehicles, or from other sources which indicates that a registered voter's legal residence might have changed to another location within the state, the supervisor must change the registration records to reflect the new address and must send the voter an address change notice as provided in s. 98.0655(2).

(b) If the supervisor of elections receives change-of-address information pursuant to the activities conducted in subsection (2), from jury notices signed by the voter and returned to the courts, or from other sources which indicates that a registered voter's legal residence might have changed to a location outside the state, the supervisor of elections shall send an address confirmation final notice to the voter as provided in s. 98.0655(3).

(c) *If an address confirmation request required by paragraph (2)(a) is returned as undeliverable without indication of an address change, or there is no response from the voter within 30 days, or if any other non-forwardable return-if-undeliverable mail is returned as undeliverable with no indication of an address change, the supervisor shall send an address confirmation final notice to all addresses on file for the voter.*

(d) The supervisor must designate as inactive all voters who have been sent an address confirmation final notice and who have not returned the postage prepaid, preaddressed return form within 30 days or for which the final notice has been returned as undeliverable. Names on the inactive list may not be used to calculate the number of signatures needed on any petition. A voter on the inactive list may be restored to the active list of voters upon the voter updating his or her registration and confirming his or her current address of legal residence, requesting a vote-by-mail ballot and confirming his or her current address of legal residence, or appearing to vote and confirming his or her current address of legal residence. However, if the voter does not update his or her voter registration information, request a vote-by-mail ballot, or vote by the second general election after being placed on the inactive list, the voter's name shall be removed from the statewide voter registration system and the voter shall be required to reregister to have his or her name restored to the statewide voter registration system.

(6)(5) A notice may not be issued pursuant to this section and a voter's name may not be removed from the statewide voter registration system later than 90 days prior to the date of a federal election. However, this section does not preclude the *correction of registration records based on information submitted by the voter* or removal of the name of a voter from the statewide voter registration system at any time upon the voter's written request, by reason of the voter's death, or upon a determination of the voter's ineligibility as provided in s. 98.075(7).

Section 9. Effective January 1, 2023, subsections (1) and (3) of section 98.0655, Florida Statutes, are amended to read:

98.0655 Registration list maintenance forms.—The department shall prescribe registration list maintenance forms to be used by the supervisors which must include:

(1) An address confirmation request that must contain:

(a) The voter's name and address of legal residence as shown on the voter registration record; ~~and~~

(b) A request that the voter notify the supervisor if either the voter's name or address of legal residence is incorrect;

(c) *If the address confirmation request is required by s. 98.065(2)(a), a statement that if the voter has not changed his or her legal residence or has changed his or her legal residence within the state, the voter should return the form within 30 days after the date on which the notice was sent to the voter; and*

(d) *Information about updating voter information through the online voter registration system.*

(3) An address confirmation final notice that must be sent to the newly recorded address of legal residence, or to all addresses on file for the voter if no indication of new address has been received, by forwardable mail and must contain a postage prepaid, preaddressed return form and a statement that:

(a) If the voter has not changed his or her legal residence or has changed his or her legal residence within the state, the voter should return the form within 30 days after the date on which the notice was sent to the voter.

(b) If the voter has changed his or her legal residence to a location outside the state:

1. The voter shall return the form, which serves as a request to be removed from the registration books; and

2. The voter shall be provided with information on how to register in the new jurisdiction in order to be eligible to vote.

(c) If the return form is not returned, the voter's name shall be designated as inactive in the statewide voter registration system, and confirmation of the voter's address of legal residence may be required before the voter is authorized to vote in an election.

Section 10. Paragraph (a) of subsection (3) of section 98.075, Florida Statutes, is amended to read:

98.075 Registration records maintenance activities; ineligibility determinations.—

(3) DECEASED PERSONS.—

(a)1. The department shall identify those registered voters who are deceased by comparing information received from either:

a. The Department of Health as provided in s. 98.093; ~~or~~

b. The United States Social Security Administration, including, but not limited to, any master death file or index compiled by the United States Social Security Administration; and

c. *The Department of Highway Safety and Motor Vehicles.*

2. Within 7 days after receipt of such information through the statewide voter registration system, the supervisor shall remove the name of the registered voter.

Section 11. Section 98.093, Florida Statutes, is amended to read:

98.093 Duty of officials to furnish information relating to deceased persons, persons adjudicated mentally incapacitated, ~~and~~ persons convicted of a felony, and persons who are not United States citizens.—

(1) In order to identify ineligible registered voters and maintain accurate and current voter registration records in the statewide voter registration system pursuant to procedures in s. 98.065 or s. 98.075, it is necessary for the department and supervisors of elections to receive or access certain information from state and federal officials and entities in the format prescribed.

(2) To the maximum extent feasible, state and local government agencies shall facilitate provision of information and access to data to the department, including, but not limited to, databases that contain reliable criminal records and records of deceased persons. State and local government agencies that provide such data shall do so without charge if the direct cost incurred by those agencies is not significant.

(a) The Department of Health shall furnish monthly to the department a list containing the name, address, date of birth, date of death, social security number, race, and sex of each deceased person 17 years of age or older.

(b) Each clerk of the circuit court shall furnish monthly to the department:

1. A list of those persons who have been adjudicated mentally incapacitated with respect to voting during the preceding calendar month, a list of those persons whose mental capacity with respect to voting has been restored during the preceding calendar month, and a list of those persons who have returned signed jury notices during the preceding months to the clerk of the circuit court indicating a change of address. Each list shall include the name, address, date of birth, race, sex, and, whichever is available, the Florida driver license number, Florida identification card number, or social security number of each such person.

2. *Information on the terms of sentence for felony convictions, including any financial obligations for court costs, fees, and fines, of all persons listed in the clerk's records whose last known address in the clerk's records is within this state and who have been convicted of a felony during the preceding month. The information may be provided directly by individual clerks of the circuit court or may be provided on their behalf through the Comprehensive Case Information System. For each felony conviction reported, the information must include:*

a. *The full name, last known address, date of birth, race, sex, and, if available, the Florida driver license number or Florida identification card number, as applicable, and the social security number of the person convicted.*

b. *The amounts of all financial obligations, including restitution and court costs, fees, and fines, and, if known, the amount of financial obligations not yet satisfied.*

c. *The county in which the conviction occurred.*

d. *The statute number violated, statute table text, date of conviction, and case number.*

(c) Upon receipt of information from the United States Attorney, listing persons convicted of a felony in federal court, the department shall use such information to identify registered voters or applicants for voter registration who may be potentially ineligible based on information provided in accordance with s. 98.075.

(d) The Department of Law Enforcement shall identify those persons who have been convicted of a felony who appear in the voter registration records supplied by the statewide voter registration system, in a time and manner that enables the department to meet its obligations under state and federal law.

(e) The Florida Commission on Offender Review shall furnish at least bimonthly to the department data, including the identity of those persons granted clemency in the preceding month or any updates to prior records which have occurred in the preceding month. The data shall contain the commission's case number and the person's name, address, date of birth, race, gender, Florida driver license number, Florida identification card number, or the last four digits of the social security number, if available, and references to record identifiers assigned by the Department of Corrections and the Department of Law Enforcement, a unique identifier of each clemency case, and the effective date of clemency of each person.

(f) The Department of Corrections shall identify those persons who have been convicted of a felony and committed to its custody or placed on community supervision. The information must be provided to the department at a time and in a manner that enables the department to identify registered voters who are convicted felons and to meet its obligations under state and federal law.

(g) The Department of Highway Safety and Motor Vehicles shall furnish monthly to the department:

1. A list of those persons whose names have been removed from the driver license database because they have been licensed in another

state. The list ~~must shall~~ contain the name, address, date of birth, sex, social security number, and driver license number of each such person.

2. *A list of those persons who presented evidence of non-United States citizenship upon being issued a new or renewed Florida driver license or Florida identification card. The list must contain the name; address; date of birth; social security number, if applicable; and Florida driver license number or Florida identification card number, as applicable, of each such person.*

(3) This section does not limit or restrict the supervisor in his or her duty to remove the names of persons from the statewide voter registration system pursuant to s. 98.075(7) based upon information received from other sources.

Section 12. Paragraph (a) of subsection (2) of section 100.041, Florida Statutes, is amended to read:

100.041 Officers chosen at general election.—

(2)(a) *Except as provided in s. 124.011 relating to single member districts after decennial redistricting, each county commissioner from an odd-numbered district shall be elected at the general election in each year the number of which is a multiple of 4, for a 4-year term commencing on the second Tuesday following such election, and each county commissioner from an even-numbered district shall be elected at the general election in each even-numbered year the number of which is not a multiple of 4, for a 4-year term commencing on the second Tuesday following such election. A county commissioner is "elected" for purposes of this paragraph on the date that the county canvassing board certifies the results of the election pursuant to s. 102.151.*

Section 13. Paragraphs (a) and (c) of subsection (11) and paragraph (a) of subsection (13) of section 100.371, Florida Statutes, are amended to read:

100.371 Initiatives; procedure for placement on ballot.—

(11)(a) An initiative petition form circulated for signature may not be bundled with or attached to any other petition. Each signature shall be dated when made and shall be valid until the next February 1 occurring in an even-numbered year for the purpose of the amendment appearing on the ballot for the general election occurring in that same year, provided all other requirements of law are met. The sponsor shall submit signed and dated forms to the supervisor of elections for the county of residence listed by the person signing the form for verification of the number of valid signatures obtained. If a signature on a petition is from a registered voter in another county, the supervisor shall notify the petition sponsor of the misfiled petition. The supervisor shall promptly verify the signatures within 60 days after receipt of the petition forms and payment of a fee for the actual cost of signature verification incurred by the supervisor. However, for petition forms submitted less than 60 days before February 1 of an even-numbered year, the supervisor shall promptly verify the signatures within 30 days after receipt of the form and payment of the fee for signature verification. The supervisor shall promptly record, in the manner prescribed by the Secretary of State, the date each form is received by the supervisor, and the date the signature on the form is verified as valid. The supervisor may verify that the signature on a form is valid only if:

1. The form contains the original signature of the purported elector.
2. The purported elector has accurately recorded on the form the date on which he or she signed the form.
3. The form sets forth the purported elector's name, address, city, county, and voter registration number or date of birth.
4. The purported elector is, at the time he or she signs the form and at the time the form is verified, a duly qualified and registered elector in the state.

5. The signature was obtained legally, including that if a paid petition circulator was used, the circulator was validly registered under subsection (3) when the signature was obtained.

The supervisor shall retain ~~all the~~ signature forms, *separating forms verified as valid from those deemed invalid*, for at least 1 year following the election for ~~in~~ which the petition was circulated ~~issue appeared on~~

101.5614 Canvass of returns.—

(4)(a) If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the voting system’s automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in an open and accessible room in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot shall be made of a vote-by-mail ballot containing an overvoted race if there is a clear indication on the ballot that the voter has made a definite choice in the overvoted race or ballot measure. A duplicate shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). A duplicate may be made of a ballot containing an undervoted race or ballot measure if there is a clear indication on the ballot that the voter has made a definite choice in the undervoted race or ballot measure. A duplicate may not include a vote if the voter’s intent in such race or on such measure is not clear. Upon request, a physically present candidate, a political party official, a political committee official, or an authorized designee thereof, must be allowed to observe the duplication of ballots upon signing an affidavit affirming his or her acknowledgment that disclosure of election results discerned from observing the ballot duplication process while the election is ongoing is a felony, as provided under subsection (8). The observer must be allowed to observe the duplication of ballots in such a way that the observer is able to see the markings on each ballot and the duplication taking place. All duplicate ballots must be clearly labeled “duplicate,” bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. The duplication of ballots must happen in the presence of at least one canvassing board member. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct. If any observer makes a reasonable objection to a duplicate of a ballot, the ballot must be presented to the canvassing board for a determination of the validity of the duplicate. The canvassing board must document the serial number of the ballot in the canvassing board’s minutes. The canvassing board must decide whether the duplication is valid. If the duplicate ballot is determined to be valid, the duplicate ballot must be counted. If the duplicate ballot is determined to be invalid, the duplicate ballot must be rejected and a proper duplicate ballot must be made and counted in lieu of the original.

(8) Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, ~~or~~ election employee, or other person authorized to observe, review, or inspect ballot materials or observe canvassing who releases any information about votes cast for or against any candidate or ballot measure or any ~~the~~ results of any election before ~~prior to~~ the closing of the polls in that county on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 19. Subsections (1) and (6) of section 101.6103, Florida Statutes, are amended to read:

101.6103 Mail ballot election procedure.—

(1) Except as otherwise provided in subsection (7), the supervisor of elections shall mail all official ballots with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each elector entitled to vote in the election *within the timeframes specified in s. 101.62(4) not sooner than the 20th day before the election and not later than the 10th day before the date of the election.* All such ballots shall be mailed by first-class mail. Ballots shall be addressed to each elector at the address appearing in the registration records and placed in an envelope which is prominently marked “Do Not Forward.”

(6) The canvassing board may begin the canvassing of mail ballots as provided by s. 101.68(2)(a). ~~The criminal penalty specified in that paragraph for the release of results before 7 p.m. on election day is also applicable to canvassing conducted under this act at 7 a.m. on the sixth day before the election, including processing the ballots through the tabulating equipment. However, results may not be released until after 7 p.m. on election day. Any canvassing board member or election employee who releases any result before 7 p.m. on election day commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

Section 20. Section 101.65, Florida Statutes, is amended to read:

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

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

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

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

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

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

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

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

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

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

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

Section 21. Subsection (1) of section 101.655, Florida Statutes, is amended to read:

101.655 Supervised voting by absent electors in certain facilities.—

(1) The supervisor of elections of a county shall provide supervised voting for absent electors residing in any assisted living facility, as defined in s. 429.02, or nursing home facility, as defined in s. 400.021, within that county at the request of any administrator of such a facility. Such request for supervised voting in the facility shall be made by

submitting a written request to the supervisor of elections no later than 28 ~~21~~ days prior to the election for which that request is submitted. The request shall specify the name and address of the facility and the name of the electors who wish to vote by mail in that election. If the request contains the names of fewer than five voters, the supervisor of elections is not required to provide supervised voting.

Section 22. Subsections (2) and (3) of section 101.69, Florida Statutes, are amended to read:

101.69 Voting in person; return of vote-by-mail ballot.—

(2)(a) The supervisor shall allow an elector who has received a vote-by-mail ballot to physically return a voted vote-by-mail ballot to the supervisor by placing the return mail envelope containing his or her marked ballot in a secure *ballot intake station* ~~drop box~~. Secure *ballot intake stations* ~~drop boxes~~ shall be placed at the main office of the supervisor, at each permanent branch office of the supervisor, and at each early voting site. Secure *ballot intake stations* ~~drop boxes~~ may also be placed at any other site that would otherwise qualify as an early voting site under s. 101.657(1). Secure *ballot intake stations* ~~Drop boxes~~ must be geographically located so as to provide all voters in the county with an equal opportunity to cast a ballot, insofar as is practicable. Except for secure *ballot intake stations* ~~drop boxes~~ at an office of the supervisor, a secure *ballot intake station* at an early voting site ~~drop box~~ may only be used during the county's early voting hours of operation and must be monitored in person by an employee of the supervisor's office. A secure *ballot intake station* ~~drop box~~ at an office of the supervisor must be continuously monitored in person by an employee of the supervisor's office when the *secure ballot intake station* ~~drop box~~ is accessible for deposit of ballots.

(b) A supervisor shall designate each *secure ballot intake station location* ~~drop box site~~ at least 30 days before an election. The supervisor shall provide the address of each *secure ballot intake station* ~~drop box~~ location to the division at least 30 days before an election. After a *secure ballot intake station* ~~drop box~~ location has been designated, it may not be moved or changed except as approved by the division to correct a violation of this subsection.

(c)1. On each day of early voting, all *secure ballot intake stations* ~~drop boxes~~ must be emptied at the end of early voting hours and all ballots retrieved from the *secure ballot intake stations* ~~drop boxes~~ must be returned to the supervisor's office.

2. For *secure ballot intake stations* ~~drop boxes~~ located at an office of the supervisor, all ballots must be retrieved before the *secure ballot intake station* ~~drop box~~ is no longer monitored by an employee of the supervisor.

3. Employees of the supervisor must comply with procedures for the chain of custody of ballots as required by s. 101.015(4).

(3) If any *secure ballot intake station* ~~drop box~~ is left accessible for ballot receipt other than as authorized by this section, the supervisor is subject to a civil penalty of \$25,000. The division is authorized to enforce this provision.

Section 23. Paragraph (a) of subsection (4) of section 102.031, Florida Statutes, is amended to read:

102.031 Maintenance of good order at polls; authorities; persons allowed in polling rooms and early voting areas; unlawful solicitation of voters.—

(4)(a) No person, political committee, or other group or organization may solicit voters inside the polling place or within 150 feet of a *secure ballot intake station* ~~drop box~~ or the entrance to any polling place, a polling room where the polling place is also a polling room, an early voting site, or an office of the supervisor where vote-by-mail ballots are requested and printed on demand for the convenience of electors who appear in person to request them. Before the opening of a *secure ballot intake station* ~~drop box~~ location, a polling place, or an early voting site, the clerk or supervisor shall designate the no-solicitation zone and mark the boundaries.

Section 24. Section 102.091, Florida Statutes, is amended to read:

102.091 Duty of sheriff to watch for violations; appointment of special officers.—

(1) The sheriff shall exercise strict vigilance in the detection of any violations of the election laws and in apprehending the violators.

(2) The Governor, *in consultation with the executive director of the Department of Law Enforcement, shall ~~may~~ appoint special officers to investigate alleged violations of the election laws, when it is deemed necessary to see that violators of the election laws are apprehended and punished. A special officer must be a sworn special agent employed by the Department of Law Enforcement. At least one special officer must be designated in each operational region of the Department of Law Enforcement to serve as a dedicated investigator of alleged violations of the election laws. Appointment as a special officer does not preclude a sworn special agent from conducting other investigations of alleged violations of law, provided that such other investigations do not hinder or interfere with the individual's ability to investigate alleged violations of the election laws.*

Section 25. Section 102.101, Florida Statutes, is amended to read:

102.101 Sheriff and other officers not allowed in polling place.—~~A~~ *No sheriff, a deputy sheriff, a police officer, a special officer appointed pursuant to s. 102.091, or any other officer of the law is not ~~shall be~~ allowed within a the polling place without permission from the clerk or a majority of the inspectors, except to cast his or her ballot. Upon the failure of any such officer of said officers to comply with this section provision, the clerk or the inspectors must or any one of them shall make an affidavit against the such officer for his or her arrest.*

Section 26. Subsection (2) of section 104.0616, Florida Statutes, is amended to read:

104.0616 Vote-by-mail ballots and voting; violations.—

(2) Any person who distributes, orders, requests, collects, delivers, or otherwise physically possesses more than two vote-by-mail ballots per election in addition to his or her own ballot or a ballot belonging to an immediate family member, except as provided in ss. 101.6105-101.694, including supervised voting at assisted living facilities and nursing home facilities as authorized under s. 101.655, commits a *felony misdemeanor* of the ~~third first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 27. Subsection (2) of section 104.185, Florida Statutes, is amended to read:

104.185 Petitions; knowingly signing more than once; signing another person's name or a fictitious name.—

(2) A person who signs another person's name or a fictitious name to any petition to secure ballot position for a candidate, a minor political party, or an issue commits a *felony misdemeanor* of the ~~third first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

Section 28. Section 104.186, Florida Statutes, is amended to read:

104.186 Initiative petitions; violations.—A person who compensates a petition circulator as defined in s. 97.021 based on the number of petition forms gathered commits a *felony misdemeanor* of the ~~third first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084. This section does not prohibit employment relationships that do not base payment on the number of signatures collected.

Section 29. Subsection (2) of section 124.011, Florida Statutes, is amended to read:

124.011 Alternate procedure for the election of county commissioners to provide for single-member representation; *applicability*.—

(2)(a) All commissioners shall be elected for 4-year terms which shall be staggered so that, alternately, one more or one less than half of the commissioners elected from residence areas and, if applicable, one of the commissioners elected at large from the entire county are elected every 2 years, except that any commissioner may be elected to an initial term of less than 4 years if necessary to achieve or maintain such system of staggered terms. *Notwithstanding any law to the contrary, at the general election immediately following redistricting directed by s. 1(e),*

Art. VIII of the State Constitution, each commissioner elected only by electors who reside in the district must be elected and terms thereafter shall be staggered as provided in s. 100.041.

(b) The term of a commissioner elected under paragraph (a) commences on the second Tuesday after such election.

(c) This subsection does not apply to:

1. Miami-Dade County.
2. Any noncharter county.
3. Any county the charter of which limits the number of terms a commissioner may serve.
4. Any county in which voters have never approved a charter amendment limiting the number of terms a commissioner may serve regardless of subsequent judicial nullification.

Section 30. Paragraph (a) 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

(a) LEVEL 1

Florida Statute	Felony Degree	Description	Felony Degree	Description
			443.071(1)	3rd False statement or representation to obtain or increase re-employment assistance benefits.
			509.151(1)	3rd Defraud an innkeeper, food or lodging value \$1,000 or more.
			517.302(1)	3rd Violation of the Florida Securities and Investor Protection Act.
			713.69	3rd Tenant removes property upon which lien has accrued, value \$1,000 or more.
			812.014(3)(c)	3rd Petit theft (3rd conviction); theft of any property not specified in subsection (2).
			815.04(5)(a)	3rd Offense against intellectual property (i.e., computer programs, data).
			817.52(2)	3rd Hiring with intent to defraud, motor vehicle services.
			817.569(2)	3rd Use of public record or public records information or providing false information to facilitate commission of a felony.
24.118(3)(a)	3rd	Counterfeit or altered state lottery ticket.	826.01	3rd Bigamy.
104.0616(2)	3rd	Unlawfully distributing, ordering, requesting, collecting, delivering, or possessing vote-by-mail ballots.	828.122(3)	3rd Fighting or baiting animals.
212.054(2)(b)	3rd	Discretionary sales surtax; limitations, administration, and collection.	831.04(1)	3rd Any erasure, alteration, etc., of any replacement deed, map, plat, or other document listed in s. 92.28.
212.15(2)(b)	3rd	Failure to remit sales taxes, amount \$1,000 or more but less than \$20,000.	831.31(1)(a)	3rd Sell, deliver, or possess counterfeit controlled substances, all but s. 893.03(5) drugs.
316.1935(1)	3rd	Fleeing or attempting to elude law enforcement officer.	832.041(1)	3rd Stopping payment with intent to defraud \$150 or more.
319.30(5)	3rd	Sell, exchange, give away certificate of title or identification number plate.	832.05(2)(b) & (4)(c)	3rd Knowing, making, issuing worthless checks \$150 or more or obtaining property in return for worthless check \$150 or more.
319.35(1)(a)	3rd	Tamper, adjust, change, etc., an odometer.	838.15(2)	3rd Commercial bribe receiving.
320.26(1)(a)	3rd	Counterfeit, manufacture, or sell registration license plates or validation stickers.	838.16	3rd Commercial bribery.
322.212 (1)(a)-(c)	3rd	Possession of forged, stolen, counterfeit, or unlawfully issued driver license; possession of simulated identification.	843.18	3rd Fleeing by boat to elude a law enforcement officer.
322.212(4)	3rd	Supply or aid in supplying unauthorized driver license or identification card.	847.011(1)(a)	3rd Sell, distribute, etc., obscene, lewd, etc., material (2nd conviction).
322.212(5)(a)	3rd	False application for driver license or identification card.	849.09(1)(a)-(d)	3rd Lottery; set up, promote, etc., or assist therein, conduct or advertise drawing for prizes, or dispose of property or money by means of lottery.
414.39(3)(a)	3rd	Fraudulent misappropriation of public assistance funds by employee/official, value more than \$200.	849.23	3rd Gambling-related machines; "common offender" as to property rights.
			849.25(2)	3rd Engaging in bookmaking.

Florida Statute	Felony Degree	Description
860.08	3rd	Interfere with a railroad signal.
860.13(1)(a)	3rd	Operate aircraft while under the influence.
893.13(2)(a)2.	3rd	Purchase of cannabis.
893.13(6)(a)	3rd	Possession of cannabis (more than 20 grams).
934.03(1)(a)	3rd	Intercepts, or procures any other person to intercept, any wire or oral communication.

Section 31. (1) *It is the intent of the Legislature to balance the security of vote-by-mail balloting with voter privacy and election transparency. The Legislature finds that further modifications to procedures governing vote-by-mail balloting would help to further ensure election integrity while also protecting voters from identity theft and preserving the public's right to participate in election processes. To achieve this purpose, the Legislature directs the Department of State to provide a plan to prescribe the use of a Florida driver license number, Florida identification card number, social security number, or any part thereof to confirm the identity of each elector returning a vote-by-mail ballot.*

(2) *The Department of State shall review issues involving the feasibility, development, and implementation of such a plan, including issues related to:*

(a) *In coordination with other agencies such as the Department of Highway Safety and Motor Vehicles, obtaining a Florida driver license number or Florida identification card number and the last four digits of a social security number for each registered voter who does not have such numbers on file in the Florida Voter Registration System.*

(b) *Populating such numbers in the Florida Voter Registration System.*

(c) *Protecting identifying numbers submitted with a vote-by-mail ballot, including, but not limited to, prescribing the form of the return mailing envelope.*

(d) *Any necessary modifications to canvassing procedures for vote-by-mail ballots.*

(e) *Costs associated with development and implementation of the plan.*

(f) *A proposal for a program to educate electors on changes to the vote-by-mail process.*

(g) *A proposal for including a declaration of an elector's current address of legal residence with each written request for a vote-by-mail ballot.*

(3) *In the course of reviewing the required issues, the Department of State must, at a minimum:*

(a) *Review relevant processes of other states.*

(b) *Review relevant federal law.*

(c) *Seek input from supervisors of elections, which must include representation from supervisors of counties with large, medium, and small populations.*

(4) *By February 1, 2023, the Department of State shall*

And the title is amended as follows:

Delete lines 26-83 and insert: amending s. 97.052, F.S.; adding requirements to the uniform statewide voter registration application; amending s. 97.057, F.S.; conforming a cross-reference; amending s. 97.0575, F.S.; deleting a requirement that a third-party voter registration organization provide a certain notification to an applicant; revising a limitation on the amount of aggregate fines which may be assessed against a third-party voter registration organization in a

calendar year; specifying that a third-party voter registration organization is liable for a certain fine if a person collecting voter registration applications on its behalf is convicted of unlawfully altering any application; amending s. 98.065, F.S.; revising the frequency with which supervisors of elections must conduct a registration list maintenance program; modifying required components of registration list maintenance programs; conforming provisions to changes made by the act; amending s. 98.0655, F.S.; revising requirements for certain registration list maintenance forms to be prescribed by the Department of State; amending s. 98.075, F.S.; requiring the Department of State to identify deceased registered voters using information received by specified agencies; amending s. 98.093, F.S.; requiring clerks of the circuit court and the Department of Highway Safety and Motor Vehicles to furnish additional information to the Department of State on a monthly basis; amending s. 100.041, F.S.; providing an exception to certain county commissioner election requirements for certain districts; amending s. 100.371, F.S.; revising duties of the supervisor with respect to the processing and retention of initiative petition forms; requiring the supervisor to post additional information regarding petition forms on his or her website; requiring the Secretary of State to notify the Financial Impact Estimating Conference if the signatures for an initiative petition are no longer valid; specifying conditions under which the Financial Impact Estimating Conference does not need to complete an analysis and financial impact statement for an initiative petition; creating s. 101.019, F.S.; prohibiting the use of ranked-choice voting to determine election or nomination to elective office; voiding existing or future local ordinances authorizing the use of ranked-choice voting; amending s. 101.043, F.S.; deleting a provision that prohibits using an address appearing on identification presented by an elector as a basis to confirm an elector's legal residence; deleting a provision that prohibits a clerk or an inspector from asking an elector to provide additional identification information under specified circumstances; amending s. 101.051, F.S.; replacing references to "secure drop boxes" with "secure ballot intake stations"; conforming terminology to changes made by the act; amending s. 101.151, F.S.; revising requirements for Department of State rules regarding certified voting systems and ballot specifications; amending s. 101.5614, F.S.; requiring specified individuals observing the ballot duplication process to sign a specified affidavit acknowledging certain criminal penalties; prohibiting persons authorized to observe, review, or inspect ballot materials or observe canvassing from releasing certain information about an election before the closing of the polls; providing criminal penalties; amending s. 101.6103, F.S.; conforming certain provisions governing the Mail Ballot Election Act to provisions applicable to the mailing and canvassing of vote-by-mail ballots; amending s. 101.65, F.S.; conforming terminology to changes made by the act; amending s. 101.655, F.S.; revising the date by which requests for supervised voting must be submitted to the supervisor; amending ss. 101.69 and 102.031, F.S.; conforming terminology to changes made by the act; amending s.

Senator Hutson moved the following amendment to **Amendment 4 (203418)** which was adopted:

Amendment 4A (599730)—Delete lines 753-754 and insert: supervisor, a secure *ballot intake station* ~~drop box~~ may only be used during the county's early voting

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

Senator Hutson moved the following amendment to **Amendment 4 (203418)** which was adopted:

Amendment 4B (584490) (with title amendment)—Delete line 745 and insert:

each permanent branch office of the supervisor *which meets the criteria set forth in s. 101.657(1)(a) for branch offices used for early voting and is open for at least the minimum amount of hours prescribed by s. 98.015(4)*, and at each

And the title is amended as follows:

Delete line 1062 and insert: s. 101.69, F.S.; revising requirements for permanent branch offices of the supervisor which may be used as secure ballot intake station locations; conforming terminology to changes made by the act; amending s. 102.031, F.S.; conforming terminology

Amendment 4 (203418), as amended, was adopted.

Senator Jones offered the following amendment which was moved by Senator Book and failed:

Amendment 5 (576742)—Delete lines 942-988 and insert:

Section 25. (1) *It is the intent of the Legislature to balance the security of vote-by-mail balloting with voter privacy, election transparency and, most importantly, accessibility. The Legislature finds that vote-by-mail balloting is essential to fair and accessible elections for all Floridians and further modifications to procedures governing vote-by-mail balloting should prioritize the public's right to participate in election processes. To achieve this purpose, the Legislature directs the Department of State to provide a plan to expand vote-by-mail balloting across the state while maintaining election integrity and increasing access.*

(2) *The Department of State shall review issues involving the feasibility, development, and implementation of such a plan, including issues related to:*

(a) *In coordination with agencies such as the Department of Highway Safety and Motor Vehicles, updating addresses and other contact information for each registered voter who does not have such information on file in the Florida Voter Registration System.*

(b) *Updating such information in the Florida Voter Registration System.*

(c) *In coordination with the supervisors of elections, any deficiencies in the vote-by-mail process, including the need for additional drop-box locations and streamlined vote-by-mail ballot instructions.*

(d) *Protecting personal information submitted with a vote-by-mail ballot.*

(e) *Any necessary modifications to canvassing procedures for vote-by-mail ballots.*

(e) *Costs associated with development and implementation of the plan.*

(f) *A proposal for a program to educate electors on changes to the vote-by-mail process and encourage vote-by-mail balloting for those with limited access to voting sites, including prioritizing the elderly, the disabled, and individuals in rural communities.*

(3) *In the course of reviewing the required issues, the Department of State must, at a minimum:*

(a) *Review relevant processes of other states.*

(b) *Review relevant federal law.*

(c) *Seek input from supervisors of elections, which must include representation from supervisors of counties with large, medium, and small populations.*

(4) *By January 1, 2023, the Department of State shall submit to the President of the Senate and the Speaker of the House of Representatives a report on the plan and draft legislation for any statutory changes needed to implement the plan, including any necessary public records exemptions.*

Pursuant to Rule 4.19, **CS for CS for SB 524**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

SPECIAL GUESTS

The President recognized former Senator John Grant who was present in the chamber.

The President recognized Lieutenant Governor Jeanette Nuñez who was present in the chamber.

CS for CS for SB 190—A bill to be entitled An act relating to controlled substances; amending s. 782.04, F.S.; revising the elements that constitute the capital offense of murder in the first degree; revising the

elements that constitute the felony offense of murder in the third degree; amending s. 893.13, F.S.; prohibiting specified activities involving controlled substances within 1,000 feet of additional specified facilities; providing criminal penalties; amending s. 893.145, F.S.; revising the definition of the term “drug paraphernalia”; providing an effective date.

—was read the second time by title.

On motion by Senator Brodeur, further consideration of **CS for CS for SB 190** was deferred.

CS for CS for SB 1262—A bill to be entitled An act relating to mental health and substance abuse; amending s. 119.0712, F.S.; authorizing emergency contact information to be released to certain entities; amending s. 394.455, F.S.; defining the term “telehealth”; amending s. 394.459, F.S.; revising the conditions under which a patient’s communication with persons outside of a receiving facility may be restricted; revising the conditions under which a patient’s sealed and unopened incoming or outgoing correspondence may be restricted; revising the conditions under which a patient’s contact and visitation with persons outside of a receiving facility may be restricted; revising the frequency with which the restriction on a patient’s right to receive visitors must be reviewed; amending s. 394.4599, F.S.; requiring a receiving facility to notify specified emergency contacts of individuals who are being involuntarily held for examination; amending s. 394.4615, F.S.; requiring receiving facilities to document that an option to authorize the release of specified information has been provided, within a specified timeframe, to individuals admitted on a voluntary basis; amending s. 394.463, F.S.; requiring that reports issued by law enforcement officers when delivering a person to a receiving facility contain certain information related to emergency contacts; limiting the use of certain information provided; requiring the Department of Children and Families to receive and maintain reports relating to the transportation of patients; revising a prohibition on releasing a patient without certain documented approval; authorizing receiving facility discharge examinations to be conducted through telehealth; requiring a facility administrator to file a petition for involuntary placement by a specified time; authorizing a receiving facility to postpone the release of a patient if certain requirements are met; prohibiting certain activities relating to examination and treatment; providing a criminal penalty; amending s. 394.468, F.S.; requiring that discharge and planning procedures include and document the consideration of specified factors and actions; amending s. 394.9086; modifying meeting requirements of the Commission on Mental Health and Substance Abuse; authorizing reimbursement for per diem and travel expenses for members of the commission; authorizing the commission to access certain information or records; revising the due date for the commission’s interim report; amending s. 397.601, F.S.; requiring service providers to document that an option to authorize the release of specified information has been provided, within a specified timeframe, to individuals admitted on a voluntary basis; amending s. 397.6772, F.S.; requiring law enforcement officers to include certain information relating to emergency contacts in reports relating to the delivery of a person to a hospital or licensed detoxification or addictions receiving facility; limiting the use of certain information provided; amending ss. 409.972 and 744.2007, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title. On motion by Senator Burgess, by two-thirds vote, **CS for CS for SB 1262** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Mr. President

On motion by Senator Brodeur, the Senate resumed consideration of—

CS for CS for SB 190—A bill to be entitled An act relating to controlled substances; amending s. 782.04, F.S.; revising the elements that constitute the capital offense of murder in the first degree; revising the elements that constitute the felony offense of murder in the third degree; amending s. 893.13, F.S.; prohibiting specified activities involving controlled substances within 1,000 feet of additional specified facilities; providing criminal penalties; amending s. 893.145, F.S.; revising the definition of the term “drug paraphernalia”; providing an effective date.

—which was previously considered this day.

Pending further consideration of **CS for CS for SB 190**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 95** was withdrawn from the Committee on Rules.

On motion by Senator Brodeur—

CS for HB 95—A bill to be entitled An act relating to controlled substance offenses; amending s. 782.04, F.S.; revising the elements that constitute the capital offense of murder in the first degree; conforming provisions to changes made by the act; defining the term “substantial factor”; amending s. 893.13, F.S.; prohibiting specified activities involving controlled substances within 1,000 feet of additional specified facilities; providing criminal penalties; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 190** and read the second time by title.

Senator Brodeur moved the following amendment:

Amendment 1 (576340) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (1) and subsection (4) of section 782.04, Florida Statutes, are amended to read:

782.04 Murder.—

(1)(a) The unlawful killing of a human being:

1. When perpetrated from a premeditated design to effect the death of the person killed or any human being;
2. When committed by a person engaged in the perpetration of, or in the attempt to perpetrate, any:
 - a. Trafficking offense prohibited by s. 893.135(1),
 - b. Arson,
 - c. Sexual battery,
 - d. Robbery,
 - e. Burglary,
 - f. Kidnapping,
 - g. Escape,
 - h. Aggravated child abuse,
 - i. Aggravated abuse of an elderly person or disabled adult,
 - j. Aircraft piracy,
 - k. Unlawful throwing, placing, or discharging of a destructive device or bomb,
 - l. Carjacking,
 - m. Home-invasion robbery,

- n. Aggravated stalking,
- o. Murder of another human being,
- p. Resisting an officer with violence to his or her person,
- q. Aggravated fleeing or eluding with serious bodily injury or death,
- r. Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35, or
- s. Human trafficking; or

3. Which resulted from the unlawful distribution by a person 18 years of age or older of any of the following substances, or mixture containing any of the following substances, when such substance or mixture is proven to be the proximate cause of the death of the user:

- a. A substance controlled under s. 893.03(1);
- b. Cocaine, as described in s. 893.03(2)(a)4.;
- c. Opium or any synthetic or natural salt, compound, derivative, or preparation of opium;
- d. Methadone;
- e. Alfentanil, as described in s. 893.03(2)(b)1.;
- f. Carfentanil, as described in s. 893.03(2)(b)6.;
- g. Fentanyl, as described in s. 893.03(2)(b)9.;
- h. Sufentanil, as described in s. 893.03(2)(b)30.; ~~or~~
- i. *Methamphetamine, as described in s. 893.03(2)(c)5.; or*
- j. A controlled substance analog, as described in s. 893.0356, of any substance specified in ~~sub-subparagraphs a.-i. sub-subparagraphs a.-h.~~

is murder in the first degree and constitutes a capital felony, punishable as provided in s. 775.082.

(4) The unlawful killing of a human being, when perpetrated without any design to effect death, by a person engaged in the perpetration of, or in the attempt to perpetrate, any felony other than any:

- (a) Trafficking offense prohibited by s. 893.135(1),
- (b) Arson,
- (c) Sexual battery,
- (d) Robbery,
- (e) Burglary,
- (f) Kidnapping,
- (g) Escape,
- (h) Aggravated child abuse,
- (i) Aggravated abuse of an elderly person or disabled adult,
- (j) Aircraft piracy,
- (k) Unlawful throwing, placing, or discharging of a destructive device or bomb,
- (l) Unlawful distribution of any substance *listed in sub-subparagraphs (1)(a)3.a.-j. controlled under s. 893.03(1), cocaine as described in s. 893.03(2)(a)4., or opium or any synthetic or natural salt, compound, derivative, or preparation of opium* by a person 18 years of age or older, when such ~~substance drug~~ is proven to be the proximate cause of the death of the user,
- (m) Carjacking,
- (n) Home-invasion robbery,

- (o) Aggravated stalking,
- (p) Murder of another human being,
- (q) Aggravated fleeing or eluding with serious bodily injury or death,
- (r) Resisting an officer with violence to his or her person, or
- (s) Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35,

is murder in the third degree and constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Paragraph (h) of subsection (1) of section 893.13, Florida Statutes, is amended to read:

893.13 Prohibited acts; penalties.—

(1)

(h) Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a mental health facility, as that term is used in chapter 394; a health care facility licensed under chapter 395 which provides substance abuse treatment; a licensed service provider as defined in s. 397.311; a facility providing services that include clinical treatment, intervention, or prevention as described in s. 397.311(26); a recovery residence as defined in s. 397.311; an assisted living facility; as defined ~~that term is used~~ in chapter 429; or a pain management clinic as defined in s. 458.3265(1)(a)1.c. or s. 459.0137(1)(a)1.c. A person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

Section 3. Paragraph (c) of subsection (1) of section 893.135, Florida Statutes, is amended to read:

893.135 Trafficking; mandatory sentences; suspension or reduction of sentences; conspiracy to engage in trafficking.—

(1) Except as authorized in this chapter or in chapter 499 and notwithstanding the provisions of s. 893.13:

(c)1. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of any morphine, opium, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 4 grams or more of any mixture containing any such substance, but less than 30 kilograms of such substance or mixture, commits a felony of the first degree, which felony shall be known as “trafficking in illegal drugs,” punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 4 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$50,000.

b. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of \$100,000.

c. Is 28 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of \$500,000.

2. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 28 grams or more of hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as described in s. 893.03(2)(a)1.g., or any salt thereof, or 28 grams or more of any mixture containing any such substance, commits a felony of the first degree, which felony shall be known as “trafficking in hydrocodone,” punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 28 grams or more, but less than 50 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$50,000.

b. Is 50 grams or more, but less than 100 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of \$100,000.

c. Is 100 grams or more, but less than 300 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of \$500,000.

d. Is 300 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of \$750,000.

3. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 7 grams or more of oxycodone, as described in s. 893.03(2)(a)1.q., or any salt thereof, or 7 grams or more of any mixture containing any such substance, commits a felony of the first degree, which felony shall be known as “trafficking in oxycodone,” punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:

a. Is 7 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years and shall be ordered to pay a fine of \$50,000.

b. Is 14 grams or more, but less than 25 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years and shall be ordered to pay a fine of \$100,000.

c. Is 25 grams or more, but less than 100 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall be ordered to pay a fine of \$500,000.

d. Is 100 grams or more, but less than 30 kilograms, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall be ordered to pay a fine of \$750,000.

4.a. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 4 grams or more of:

(I) Alfentanil, as described in s. 893.03(2)(b)1.;

(II) Carfentanil, as described in s. 893.03(2)(b)6.;

(III) Fentanyl, as described in s. 893.03(2)(b)9.;

(IV) Sufentanil, as described in s. 893.03(2)(b)30.;

(V) A fentanyl derivative, as described in s. 893.03(1)(a)62.;

(VI) A controlled substance analog, as described in s. 893.0356, of any substance described in sub-sub-subparagraphs (I)-(V); or

(VII) A mixture containing any substance described in sub-sub-subparagraphs (I)-(VI),

commits a felony of the first degree, which felony shall be known as “trafficking in dangerous fentanyl or fentanyl analogues,” punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. If the quantity involved under sub-subparagraph a.:

(I) Is 4 grams or more, but less than 14 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 3/4 years, and shall be ordered to pay a fine of \$50,000.

(II) Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 20 1/2 years, and shall be ordered to pay a fine of \$100,000.

(III) Is 28 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 25 years, and shall be ordered to pay a fine of \$500,000.

5. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 30 kilograms or more of any morphine, opium, oxycodone, hydrocodone, codeine, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or more of any mixture containing any such substance, commits the first degree felony of trafficking in illegal drugs. A person who has been convicted of the first degree felony of trafficking in illegal drugs under this subparagraph shall be punished by life imprisonment and is ineligible for any form of discretionary early release except pardon or executive clemency or conditional medical release under s. 947.149. However, if the court determines that, in addition to committing any act specified in this paragraph:

a. The person intentionally killed an individual or counseled, commanded, induced, procured, or caused the intentional killing of an individual and such killing was the result; or

b. The person's conduct in committing that act led to a natural, though not inevitable, lethal result,

such person commits the capital felony of trafficking in illegal drugs, punishable as provided in ss. 775.082 and 921.142. A person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

6. A person who knowingly brings into this state 60 kilograms or more of any morphine, opium, oxycodone, hydrocodone, codeine, hydromorphone, or any salt, derivative, isomer, or salt of an isomer thereof, including heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 60 kilograms or more of any mixture containing any such substance, and who knows that the probable result of such importation would be the death of a person, commits capital importation of illegal drugs, a capital felony punishable as provided in ss. 775.082 and 921.142. A person sentenced for a capital felony under this paragraph shall also be sentenced to pay the maximum fine provided under subparagraph 1.

Section 4. Subsection (4) of section 893.145, Florida Statutes, is amended to read:

893.145 "Drug paraphernalia" defined.—The term "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, transporting, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter or s. 877.111. Drug paraphernalia is deemed to be contraband which shall be subject to civil forfeiture. The term includes, but is not limited to:

(4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of, controlled substances, *excluding narcotic drug testing products that are used to determine whether a controlled substance contains fentanyl as described in s. 893.03(2)(b)9. or a controlled substance analog, as defined in s. 893.0356, of fentanyl.*

Section 5. This act shall take effect October 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 controlled substances; amending s. 782.04, F.S.; revising the elements that constitute the capital offense of murder

in the first degree; revising the elements that constitute the felony offense of murder in the third degree; amending s. 893.13, F.S.; prohibiting specified activities involving controlled substances within 1,000 feet of additional specified facilities; providing criminal penalties; amending s. 893.135, F.S.; renaming what the violation of specified offenses are known as from "trafficking in fentanyl" to "trafficking in dangerous fentanyl or fentanyl analogues"; increasing the mandatory minimum terms of imprisonment for specified offenses; amending s. 893.145, F.S.; revising the definition of the term "drug paraphernalia"; providing an effective date.

Senator Pizzo moved the following amendment to **Amendment 1 (576340)** which was adopted:

Amendment 1A (777888) (with directory and title amendments)—Between lines 99 and 100 insert:

(e) Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance not authorized by law in, on, or within 1,000 feet of a physical place for worship at which a church or religious organization regularly conducts religious services *when such church or religious organization is conducting services or other activities* or within 1,000 feet of a convenience business as defined in s. 812.171. A person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

And the directory clause is amended as follows:

Delete lines 96-97 and insert:

Section 2. Paragraphs (e) and (h) of subsection (1) of section 893.13, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete line 305 and insert: 893.13, F.S.; revising specified prohibited activities involving controlled substances within 1,000 feet of specified places of worship when churches or religious organizations are conducting services or other activities; prohibiting specified activities

Amendment 1 (576340), as amended, was adopted.

Pursuant to Rule 4.19, **CS for HB 95**, as amended, was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1382—A bill to be entitled An act relating to tax administration; amending s. 72.011, F.S.; prohibiting taxpayers from submitting certain records in tax proceedings under certain circumstances; providing construction; amending s. 120.80, F.S.; prohibiting taxpayers from submitting certain records in tax proceedings under certain circumstances; providing construction; amending s. 202.34, F.S.; authorizing the Department of Revenue to respond to contact initiated by taxpayers to discuss audits; authorizing taxpayers to provide records and other information to the department; authorizing the department to examine documentation and other information; providing construction; requiring taxpayers to object to premature audits within a certain timeframe; providing that a tolling period is considered lifted under certain circumstances; authorizing the department to adopt rules; amending ss. 202.36, 206.14, 211.125, 212.14, and 220.735, F.S.; creating rebuttable presumptions regarding proposed final agency action by the department; authorizing the department to make assessments and determine taxes using specified methods under certain circumstances; requiring the department to inform the taxpayer of certain information; providing construction; amending s. 206.9931, F.S.; delet-

ing obsolete language; amending s. 212.05, F.S.; clarifying conditions for application of an exemption for sales taxes for certain nonresident purchasers of boats or aircraft; revising requirements for an affidavit; amending s. 212.13, F.S.; defining the terms “dealer,” “division,” and “transferor”; requiring dealers to maintain specified records; authorizing the department to issue written requests for such records under certain circumstances; authorizing the department to suspend resale certificates issued to dealers under certain circumstances; specifying procedures for suspension of resale certificates; providing construction; specifying procedures for suspension and revocation of licenses of certain dealers under certain circumstances; requiring the department to publish certain information regarding dealers with suspended resale certificates; prohibiting transferors from accepting orders from or delivering alcoholic beverages to dealers with suspended resale certificates within a specified timeframe; authorizing the department to adopt rules; authorizing the department to respond to contact initiated by taxpayers to discuss audits; authorizing taxpayers to provide records and other information; authorizing the department to examine documentation and other information; providing construction; requiring taxpayers to object in writing to premature audits within a certain timeframe; providing that a tolling period is considered lifted under certain circumstances; authorizing the department to adopt rules; amending s. 213.051, F.S.; authorizing the department to serve subpoenas on businesses registered with the department; providing construction; amending s. 215.053, F.S.; requiring the department to publish certain information regarding dealers with suspended resale certificates; requiring the department to update such information; authorizing the department to adopt rules; amending s. 213.06, F.S.; revising the period in which, and conditions under which, the executive director of the department may adopt emergency rules; providing for an exemption from the Administrative Procedure Act for any such emergency rules; specifying conditions regarding the effectiveness and the renewal of emergency rules; providing construction; amending s. 213.21, F.S.; providing for tolling of the statute of limitations upon the issuance of assessments, rather than final assessments; authorizing a taxpayer’s liability to be settled or compromised under certain circumstances; creating a rebuttable presumption; conforming a provision to changes made by the act; specifying the conditions for the department to consider requests to settle or compromise any tax, interest, penalty, or other liability; providing construction; amending s. 213.34, F.S.; revising audit procedures of the department; authorizing the department to adopt rules; requiring the department to refund any overpayments; providing construction; amending s. 213.345, F.S.; specifying conditions under which a period is tolled during an audit; providing construction; amending s. 213.67, F.S.; authorizing the executive director of the department or his or her designee to include additional daily accrued interest, costs, and fees in a garnishment levy notice; revising methods for delivery of levy notices; amending s. 220.42, F.S.; deleting obsolete language; amending s. 443.131, F.S.; revising exclusions of certain benefit charges from the employer reemployment assistance contribution rate calculation; amending s. 443.171, F.S.; requiring the Department of Economic Opportunity and its tax collection service provider to comply with requirements of the federal Treasury Offset Program; authorizing the department or the tax collection service provider to adopt rules; providing an effective date.

—was read the second time by title.

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

Senator Gruters moved the following amendment which was adopted:

Amendment 1 (564778)—Delete line 318 and insert:
for the purpose of an assessment under this subsection do not

On motion by Senator Gruters, by two-thirds vote, **CS for CS for SB 1382**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—33

Mr. President	Berman	Broxson
Albritton	Book	Burgess
Ausley	Boyd	Diaz
Baxley	Bracy	Farmer
Bean	Bradley	Gainer

Gibson	Mayfield	Rodriguez
Gruters	Passidomo	Rouson
Harrell	Perry	Stargel
Hooper	Pizzo	Taddeo
Hutson	Polsky	Torres
Jones	Rodrigues	Wright

Nays—3

Brodeur	Cruz	Powell
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Vote after roll call:

Yea—Brandes, Stewart

Consideration of **CS for CS for SB 1426** was deferred.

CS for SB 1048—A bill to be entitled An act relating to student assessments; amending s. 411.227, F.S.; conforming provisions to changes made by the act; amending s. 1000.21, F.S.; renaming “Next Generation Sunshine State Standards” as “state academic standards”; amending ss. 1002.37, 1002.45, 1002.53, 1002.67, 1002.68, 1003.41, and 1003.53, F.S.; conforming provisions to changes made by the act; providing a directive to the Division of Law Revision; amending s. 1008.2125, F.S.; deleting provisions relating to the coordinated screening and progress monitoring program; conforming provisions to changes made by the act; amending s. 1008.22, F.S.; conforming provisions to changes made by the act; providing that certain end-of-year comprehensive progress monitoring assessments are the statewide, standardized ELA and Mathematics assessments for certain students; providing that achievement levels on specified assessments shall measure grade-level performance rather than satisfactory performance; requiring certain assessment results to be provided by a specified date beginning with a certain school year; including the coordinated screening and progress monitoring system in the limitation on the school hours authorized for testing; revising the timeframe for providing district-required local assessments results to a student’s parent; requiring such results to be provided in specified formats; requiring specified information to be included on individual student reports; requiring the Commissioner of Education to provide specified recommendations from an independent review of the coordinated screening and progress monitoring system to the Governor and Legislature by a specified date; providing requirements for the review and recommendations; providing for the future repeal of such requirements; amending s. 1008.25, F.S.; conforming provisions to changes made by the act; requiring the coordinated screening and progress monitoring system to identify the educational strengths and needs of students; revising requirements for such system; providing requirements for the administration of the coordinated screenings and progress monitoring and the reporting of results; requiring a specified annual report to be accessible through certain web-based options; deleting a requirement that district school boards print specified information in a local newspaper; amending s. 1008.34, F.S.; requiring 2022-2023 school and school district grades to serve as an informal baseline for schools and school districts; requiring baseline grades to be set so that the percentage of schools that earn specified letter grades is statistically equivalent to the 2021-2022 school grade results; requiring the State Board of Education to review the school grading scale and determine if the scale should be adjusted after certain data becomes available; prohibiting a school from being required to select and implement a turnaround option based on the school’s grades in a specified school year; providing applicability; providing that certain public schools and approved providers that receive the same or lower school grade in a specified school year are not subject to sanctions; providing that a charter school system or school district designated as high performing may not lose the designation based on the school grades received during a certain school year by any of the schools within the charter school system or school district or based on a certain school year’s district grade, as applicable; providing a transition for the calculation of school and district grades for the 2022-2023 school year; providing requirements for the calculation of such grades and exemption schools from specified provisions; providing requirements for determining grade 3 retention and high school graduation for such school year; providing for the future repeal of specified provisions; amending s. 1008.341, F.S.; providing that school improvement ratings will not be

calculated for the 2022-2023 school year; providing for the future repeal of specified provisions; providing an effective date.

—was read the second time by title.

Senator Diaz moved the following amendments which were adopted:

Amendment 1 (893130)—Delete line 888 and insert:
student information system and in a printed format upon request

Delete line 1440 and insert:
its student information system. Each early learning coalition

Amendment 2 (115190) (with title amendment)—Delete line 1573 and insert:

Section 16. *Effective upon becoming a law, the Department of Education may initiate new assessment systems and close out old assessment systems and shall amend contracts in order to implement this act.*

Section 17. *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:

Delete line 80 and insert: specified provisions; providing specified authorizations and requirements for the Department of Education; providing effective dates.

On motion by Senator Diaz, by two-thirds vote, **CS for SB 1048**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Brandes

THE PRESIDENT PRESIDING

On motion by Senator Diaz—

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.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 758** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 752—A bill to be entitled An act relating to probationary or supervision services for misdemeanor offenders; amending s. 948.01, F.S.; authorizing the Department of Corrections to supervise certain misdemeanor offenders; deleting a prohibition on private entities providing probationary or supervision services to certain misdemeanor offenders; amending s. 948.03, F.S.; authorizing a probationer or offender in community control to report to a probation officer through remote reporting under specified circumstances; requiring a probation officer to take specified circumstances into consideration when scheduling meetings; requiring the department and county probation authorities or entities to adopt and make available certain probation reporting policies; deleting remaining within a specified place as a standard condition of probation; amending s. 948.05, F.S.; requiring the department to reduce a probationer's or offender's supervision term by a specified amount of time for completing an educational advancement activity; defining the term "educational advancement activity"; amending s. 948.15, F.S.; authorizing a private or public entity to provide probation services and other specified programming to misdemeanor offenders; revising who may approve specified contracts; amending s. 948.09, F.S.; conforming a cross-reference; providing an effective date.

—was read the second time by title.

Senator Perry moved the following amendment which was adopted:

Amendment 1 (945226) (with title amendment)—Delete lines 62-182 and insert:

Section 2. Paragraphs (a) of subsection (1) of section 948.03, Florida Statutes, is amended to read:

948.03 Terms and conditions of probation.—

(1) The court shall determine the terms and conditions of probation. Conditions specified in this section do not require oral pronouncement at the time of sentencing and may be considered standard conditions of probation. These conditions may include among them the following, that the probationer or offender in community control shall:

(a) Report to the probation officer as directed. *Such reporting requirements may be fulfilled through remote reporting if approved by the relevant probation officer, relevant county probation authority or entity, or the Department of Corrections and if the court has not excluded the possibility of remote reporting by the defendant in his or her order of probation. If the Department of Corrections or a county probation authority or entity elects to authorize remote reporting, it must adopt and make available remote probation reporting policies.*

Section 3. Subsection (2) of section 948.05, Florida Statutes, is amended to read:

948.05 Court to admonish or commend probationer or offender in community control; graduated incentives.—

(2) The department shall implement a system of graduated incentives to promote compliance with the terms of supervision, encourage educational achievement and stable employment, and prioritize the highest levels of supervision for probationers or offenders presenting the greatest risk of recidivism.

(a) As part of the graduated incentives system, the department may, without leave of court, offer the following incentives to a compliant probationer or offender in community control:

1. Up to 25 percent reduction of required community service hours;
2. Waiver of supervision fees;
3. Reduction in frequency of reporting;
4. Permission to report by mail or telephone; or
5. Transfer of an eligible offender to administrative probation as authorized under s. 948.013.

(b) The department may also incentivize positive behavior and compliance with recommendations to the court to modify the terms of supervision, including recommending:

1. Permission to travel;
2. Reduction of supervision type;
3. Modification or cessation of curfew;
4. Reduction or cessation of substance abuse testing; or
5. Early termination of supervision.

(c) The department shall, without leave of court, incentivize educational achievement by awarding a compliant probationer or offender in community control with a 60-day reduction of his or her term of supervision for each educational advancement activity he or she completes during the term of supervision. As used in this paragraph, the term "educational advancement activity" means a high school equivalency degree, an academic degree, or a vocational certificate.

(d) The department shall, without leave of court, incentivize stable employment by awarding a compliant probationer or offender in community control a 30-day reduction of his or her term of supervision for each period of workforce achievement he or she completes during the term of supervision. As used in this paragraph, the term "workforce achievement" means continuous and verifiable full-time employment, for at least 30 hours per week for a 6-month period, for which the probationer or offender earns a wage. The department shall verify such employment through supporting documentation, which may include, but need not be limited to, any record, letter, pay stub, contract, or other department-approved method of verification.

(e) A probationer or offender who commits a subsequent violation of probation may forfeit any previously earned probation incentive, as determined appropriate by his or her probation officer.

Section 4. Subsections (2) and (3) of section 948.15, Florida Statutes, are amended to read:

948.15 Misdemeanor probation services.—

(2) A private entity or public entity, including a licensed substance abuse education and intervention program, under the supervision of the board of county commissioners or the court may provide probation services and licensed substance abuse education and treatment intervention programs for misdemeanor offenders sentenced or placed on probation by the county court.

(3) Any private entity, including a licensed substance abuse education and intervention program, providing services for the supervision of misdemeanor probationers must contract with the county in which the services are to be rendered. The chief judge in a county having a population of fewer than 70,000, the county court judge, or the adminis-

trative judge of the county court in a county that has more than one county court judge, must approve the contract. Terms of the contract must state, but are not limited to:

- (a) The extent of the services to be rendered by the entity providing supervision or rehabilitation.
- (b) Staff qualifications and criminal record checks of staff.
- (c) Staffing levels.
- (d) The number of face-to-face contacts with the offender.
- (e) Procedures for handling the collection of all offender fees and restitution.
- (f) Procedures for handling indigent offenders which ensure placement irrespective of ability to pay.
- (g) Circumstances under which revocation of an offender's probation may be recommended.
- (h) Reporting and recordkeeping requirements.
- (i) Default and contract termination procedures.
- (j) Procedures that aid offenders with job assistance.
- (k) Procedures for accessing criminal history records of probationers.

In addition, the entity shall supply the chief judge's office with a quarterly report summarizing the number of offenders supervised by the private entity, payment of the required contribution under supervision or rehabilitation, and the number of offenders for whom supervision or rehabilitation will be terminated. All records of the entity must be open to inspection upon the request of the county, the court, the Auditor General, the Office of Program Policy Analysis and Government Accountability, or agents thereof.

And the title is amended as follows:

Delete lines 12-28 and insert: circumstances; requiring the department and county probation authorities or entities to adopt and make available remote probation reporting policies under certain circumstances; amending s. 948.05, F.S.; requiring the department to reduce a probationer's or offender's supervision term by a specified amount of time for completing an educational advancement activity; defining the term "educational advancement activity"; requiring the department to incentivize stable employment by reducing a probationer's or offender's term of supervision by a specified amount of time for each period of workforce achievement; defining the term "workforce achievement"; requiring the department to verify such employment; amending s. 948.15, F.S.; authorizing a private or public entity to provide probation services and other specified programming to misdemeanor offenders; revising who must approve specified contracts; providing an effective

On motion by Senator Gainer, by two-thirds vote, CS for CS for SB 752, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Brandes

CS for SB 802—A bill to be entitled An act relating to school safety; amending s. 943.687, F.S.; extending the sunset date of the Marjory Stoneman Douglas High School Public Safety Commission; amending s. 943.082, F.S.; requiring the FortifyFL reporting tool to notify reporting parties that submitting false information may subject them to criminal penalties; providing that certain reports will remain anonymous; amending s. 1001.11, F.S.; requiring the Commissioner of Education to oversee and enforce compliance with requirements relating to school safety and security; amending s. 1001.212, F.S.; revising the duties of the Office of Safe Schools; amending s. 1006.07, F.S.; requiring certain law enforcement officers to be physically present and directly involved in active assailant emergency drills; requiring school districts to notify such law enforcement officers of such drills within a specified time period; requiring the State Board of Education to adopt rules; specifying the requirements for the rules; requiring district school boards and charter school governing boards, in coordination with specified entities, to adopt family reunification plans; providing for the update and review of such plan; requiring all members of threat assessment teams to be involved in certain processes and decisions; requiring the Department of Education to annually publish on its website specified data in a certain format; requiring district school boards to adopt certain policies relating to suicide screening instruments; amending s. 1006.12, F.S.; making technical changes; authorizing school safety officers to make arrests on property owned or leased by a charter school under a charter contract; requiring district school superintendents or charter school administrators, instead of school districts, to notify county sheriffs and the Office of Safe Schools of certain safe-school officer-related incidents; specifying training requirements for safe-school officers; amending s. 1006.1493, F.S.; requiring the Florida Safe Schools Assessment Tool to address policies and procedures to prepare for and respond to natural and manmade disasters; amending s. 1012.584, F.S.; requiring each school district to certify that a specified percentage of school personnel have received certain training by a specified date; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for SB 802**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 1421** was withdrawn from the Committee on Appropriations.

On motion by Senator Gruters—

CS for CS for CS for HB 1421—A bill to be entitled An act relating to school safety; amending s. 943.082, F.S.; requiring the FortifyFL reporting tool to notify reporting parties that submitting false information may subject them to criminal penalties; providing that certain reports will remain anonymous; amending s. 943.687, F.S.; revising the duties of the Marjory Stoneman Douglas High School Public Safety Commission; extending the scheduled repeal of the commission; amending s. 1001.11, F.S.; requiring the Commissioner of Education to oversee and enforce compliance with requirements relating to school safety and security; amending s. 1001.212, F.S.; revising the duties of the Office of Safe Schools; amending s. 1006.07, F.S.; requiring certain law enforcement officers to be physically present and directly involved in active assailant emergency drills; requiring school districts to notify such law enforcement officers within a specified time period of such drills; requiring the State Board of Education to adopt rules; specifying the requirements for the rules; requiring district school boards and charter school governing boards, in coordination with specified entities, to adopt family reunification plans; providing for the update and review of such plan; requiring all members of threat assessment teams to be involved in certain processes and decisions; requiring the Department of Education to annually publish on its website specified data in certain format; requiring district school boards to adopt certain policies relating to suicide screening instruments; amending s. 1006.12, F.S.; making technical changes; authorizing school safety officers to make arrests on property owned or leased by a charter school under a charter contract; requiring district school superintendents, charter school administrators, or their designees, instead of school districts, to notify county sheriffs and the Office of Safe Schools of certain safe-school officer-related incidents; specifying training requirements for safe-school officers; amending s. 1006.1493, F.S.; requiring the Florida Safe Schools As-

essment Tool to address policies and procedures to prepare for and respond to natural and manmade disasters; amending s. 1012.584, F.S.; requiring each school district to annually certify that a specified percentage of school personnel have received certain training by a specified date; providing effective dates.

—a companion measure, was substituted for **CS for SB 802** and read the second time by title.

On motion by Senator Gruters, by two-thirds vote, **CS for CS for CS for HB 1421** 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 CS for SB 466—A bill to be entitled An act relating to the Military Corpsmen and Medics of Florida (MCMF) Program; creating s. 295.126, F.S.; providing legislative intent; defining terms; establishing the MCMF Program; providing the purposes of the program; providing the components of the program; creating the MCMF Program Office of Veterans Advocacy within the Department of Health; providing that the MCMF Program Veterans' Advocate is the head of the office; providing qualifications of the advocate; prescribing duties of the advocate; requiring the MCMF Program, through the Department of Economic Opportunity, to assist certain veterans and their spouses with specified tasks; requiring Florida Is For Veterans, Inc., to coordinate with specified entities to fulfill the program's purposes and recruit, establish, and maintain a statewide list of participating health care providers; requiring the department to waive certain fees for specified veterans and their spouses; authorizing the department to adopt rules; amending s. 295.22, F.S.; requiring Florida Is For Veterans, Inc., to collaborate with specified entities to implement the MCMF Program; specifying duties of Florida Is For Veterans, Inc., related to the program; creating s. 1004.0963, F.S.; defining the term "department boards"; requiring the Board of Governors and the State Board Of Education, in consultation with specified entities, to adopt specified regulations and rules, respectively; requiring the Articulation Coordinating Committee to convene a workgroup by a specified date; providing responsibilities of the workgroup; providing the membership of the workgroup; requiring the Office of K-20 Articulation to provide administrative support to the workgroup; requiring the workgroup to establish a specified process for prioritizing and determining certain course equivalencies and minimum credit or clock hours awarded to certain individuals; requiring the workgroup to provide certain recommendations to the Board of Governors and the State Board of Education by a specified date; requiring the Articulation Coordinating Committee to approve a specified list of certain course equivalencies and credits and clock hours for certain veterans; requiring the committee to annually update the list; requiring specified entities to annually adopt the updated list; providing applicability; requiring specified entities to award credit and clock hours for courses taken and training received by certain veterans under specified conditions; authorizing postsecondary institutions to award additional credit or clock hours, if appropriate; providing that certain credit or clock hours earned by veterans under certain conditions are guaranteed to transfer to specified entities; authorizing the Articulation Coordinating Committee to form a certain subcommittee; providing an effective date.

—was read the second time by title. On motion by Senator Torres, by two-thirds vote, **CS for CS for SB 466** 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	Polisky
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

CO-INTRODUCERS

All Senators voting yea, not previously shown as co-introducers, were recorded as co-introducers of **CS for CS for SB 466**.

Yeas—18

Mr. President	Bradley	Hutson
Albritton	Brodeur	Mayfield
Baxley	Broxson	Passidomo
Bean	Gainer	Polisky
Berman	Garcia	Rodriguez
Boyd	Gruters	Stargel

SB 360—A bill to be entitled An act relating to traveling across county lines to commit a burglary; amending s. 843.22, F.S.; deleting a requirement that travel across county lines be for a specified purpose in order to reclassify a burglary offense; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 360**, pursuant to Rule 3.11(3), there being no objection, **HB 6037** was withdrawn from the Committee on Rules.

On motion by Senator Harrell—

HB 6037—A bill to be entitled An act relating to traveling across county lines to commit a burglary; amending s. 843.22, F.S.; deleting a requirement that travel across county lines be for a specified purpose in order to reclassify a burglary offense; providing an effective date.

—a companion measure, was substituted for **SB 360** and read the second time by title.

Pursuant to Rule 4.19, **HB 6037** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 804** was deferred.

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 ex-

posed 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; 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 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. 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.

—was read the second time by title.

Senator Brandes moved the following amendment which was adopted:

Amendment 1 (840068) (with directory and title amendments)—Between lines 243 and 244 insert:

(b) An applicant for licensure as a medical marijuana treatment center shall apply to the department on a form prescribed by the department and adopted in rule. The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 establishing a procedure for the issuance and biennial renewal of licenses, including initial application and biennial renewal fees sufficient to cover the costs of implementing and administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the

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

1. That, for the 5 consecutive years before submitting the application, the applicant has been registered to do business in the state.
2. Possession of a valid certificate of registration issued by the Department of Agriculture and Consumer Services pursuant to s. 581.131.
3. The technical and technological ability to cultivate and produce marijuana, including, but not limited to, low-THC cannabis.
4. The ability to secure the premises, resources, and personnel necessary to operate as a medical marijuana treatment center.
5. The ability to maintain accountability of all raw materials, finished products, and any byproducts to prevent diversion or unlawful access to or possession of these substances.
6. An infrastructure reasonably located to dispense marijuana to registered qualified patients statewide or regionally as determined by the department.
7. The financial ability to maintain operations for the duration of the 2-year approval cycle, including the provision of certified financial statements to the department.
 - a. Upon approval, the applicant must post a \$5 million performance bond issued by an authorized surety insurance company rated in one of the three highest rating categories by a nationally recognized rating service. However, a medical marijuana treatment center serving at least 1,000 qualified patients is only required to maintain a \$2 million performance bond.
 - b. In lieu of the performance bond required under sub-subparagraph a., the applicant may provide an irrevocable letter of credit payable to the department or provide cash to the department. If provided with cash under this sub-subparagraph, the department shall deposit the cash in the Grants and Donations Trust Fund within the Department of Health, subject to the same conditions as the bond regarding requirements for the applicant to forfeit ownership of the funds. If the funds deposited under this sub-subparagraph generate interest, the amount of that interest shall be used by the department for the administration of this section.
8. That all owners, officers, board members, and managers have passed a background screening pursuant to subsection (9).
9. The employment of a medical director to supervise the activities of the medical marijuana treatment center.
10. A diversity plan that promotes and ensures the involvement of minority persons and minority business enterprises, as defined in s. 288.703, or veteran business enterprises, as defined in s. 295.187, in ownership, management, and employment. An applicant for licensure renewal must show the effectiveness of the diversity plan by including the following with his or her application for renewal:
 - a. Representation of minority persons and veterans in the medical marijuana treatment center's workforce;

- b. Efforts to recruit minority persons and veterans for employment; and
- c. A record of contracts for services with minority business enterprises and veteran business enterprises.

And the directory clause is amended as follows:

Delete lines 240-241 and insert: added to that subsection, and paragraphs (b) and (e) of subsection (8) of that section are amended, to read:

And the title is amended as follows:

Delete line 23 and insert: licensure under certain circumstances; prohibiting the department from renewing a medical marijuana treatment center's license under certain circumstances; authorizing the

Senator Rodriguez moved the following amendment which was adopted:

Amendment 2 (335418) (with title amendment)—Delete line 422 and insert:
inaccurate. The department shall adopt rules to establish marijuana potency variations of no greater than 15 percent using negotiated rule-making 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

And the title is amended as follows:

Delete line 29 and insert: are safe for use; requiring the department to adopt certain rules using negotiated rulemaking procedures; requiring medical marijuana

On motion by Senator Rodriguez, by two-thirds vote, **CS for CS for SB 768**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

CS for SB 944—A bill to be entitled An act relating to online marketplace transparency; creating s. 559.953, F.S.; defining terms; requiring online marketplaces to require high-volume third-party sellers using their service to provide certain information to the online marketplace within a specified timeframe; requiring the online marketplace to verify such information, or changes to such information, within a specified timeframe; providing that information on valid government-issued tax documents is presumed verified as of the issuance date; requiring an online marketplace to update and require certification of the updated information at least annually; requiring the online marketplace to suspend certain sellers who do not provide such a certification or updated information; requiring online marketplaces to disclose certain information in a specified manner; requiring specified disclosures; prohibiting certain collected data from being used for any other purpose unless required by law; requiring online marketplaces to implement and maintain certain security procedures and practices relating to data

security; providing for enforcement; providing construction; authorizing the Department of Legal Affairs to adopt rules; preempting the regulation of the verification and disclosure of such information to the department; providing an effective date.

—was read the second time by title. On motion by Senator Baxley, by two-thirds vote, **CS for SB 944** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Brandes

CS for CS for SB 1304—A bill to be entitled An act relating to public records; creating s. 662.1465, F.S.; requiring clerks to take certain actions relating to court records for proceedings under ch. 736, F.S., and ch. 738, F.S., in which a family trust company, licensed family trust company, or foreign licensed family trust company is a party and upon written notice; creating an exemption from public records requirements for such records; defining the term “court records”; authorizing certain persons to inspect such records if certain requirements are met; authorizing clerks to make records available to specified individuals under certain circumstances; providing a statement of public necessity; providing an effective date.

—was read the second time by title. On motion by Senator Gruters, by two-thirds vote, **CS for CS for SB 1304** was read the third time by title, passed by the required constitutional two-thirds vote of the members present and voting, and certified to the House. The vote on passage was:

Yeas—35

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

Nays—3

Berman Farmer Taddeo

Vote after roll call:

Yea—Rodriguez

Consideration of **SB 7044** was deferred.

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

—was read the second time by title. On motion by Senator Garcia, **CS for HM 43** was adopted and certified to the House.

CS for CS for SB 1798—A bill to be entitled An act relating to sexually related offenses; amending s. 775.0847, F.S.; redefining terms; replacing the term “child pornography” with the term “child sexual abuse material”; defining the term “identifiable minor”; revising the list of circumstances under which specified offenses may be reclassified; amending s. 784.049, F.S.; increasing the monetary damages that an aggrieved person may receive as a result of violations relating to sexual cyberharassment; amending s. 827.071, F.S.; defining and redefining terms; conforming provisions to changes made by the act; amending s. 828.126, F.S.; revising definitions; revising the prohibition on sexual activities with animals; increasing the criminal penalties for such sexual activities; requiring courts to issue orders prohibiting persons convicted of such sexual activities from engaging in specified activities, from residing in certain households, or from engaging in occupations or positions in which animals are present; revising applicability; creating s. 836.13, F.S.; defining terms; prohibiting the willful and malicious promotion of certain sexual depictions without consent; providing criminal penalties; providing a civil cause of action; providing applicability; providing construction; creating s. 836.14, F.S.; defining terms; prohibiting a person from committing theft of sexually explicit images with the intent to promote such images; prohibiting the possession of sexually explicit images with certain knowledge and with intent to promote without consent; prohibiting the promotion of sexually explicit images for financial gain, without consent; providing criminal penalties; providing a civil cause of action; providing applicability; providing construction; amending s. 847.001, F.S.; redefining terms; replacing the term “child pornography” with the term “child sexual abuse material”; defining the terms “identifiable minor” and “promote”; amending s. 847.011, F.S.; authorizing law enforcement officers to arrest certain persons without a warrant; authorizing a search warrant to be issued for further investigation upon proper affidavits being made; amending s. 847.0137, F.S.; deleting the definition of the term “minor”; redefining the term “transmit”; conforming provisions to changes made by the act; amending s. 921.0022, F.S.; ranking offenses created by this act for purposes of the severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; amending s. 960.03, F.S.; replacing the term “child pornography” with the term “child sexual abuse material”; conforming provisions to changes made by the act; amending ss. 288.1254 and 847.0141, F.S.; conforming cross-references; amending ss. 39.0138, 92.56, 92.561, 435.07, 456.074, 847.002, 847.01357, 847.0139, 948.06, and 960.197, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Senator Book moved the following amendment which was adopted:

Amendment 1 (266094) (with title amendment)—Delete lines 64-1227 and insert:

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

(1) For purposes of this section:

(a) “Child” or “minor” means any person, whose identity is known or unknown, *younger less* than 18 years of age.

(b) “Child pornography” means:

1. Any image depicting a minor engaged in sexual conduct; or

2. Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.

(c) “Identifiable minor” means a person:

1. Who was a minor at the time the image was created, altered, adapted, or modified, or whose image as a minor was used in the creating, altering, adapting, or modifying of the image; and

2. Who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

The term may not be construed to require proof of the actual identity of the identifiable minor.

(d)(e) "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, or satisfaction brought about as a result of sadistic violence, from inflicting harm on another or receiving such harm oneself.

(e)(d) "Sexual battery" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or 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 vagina of the other.

(g)(f) "Sexual conduct" means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct."

(2) A violation of s. 827.071, s. 847.0135, s. 847.0137, or s. 847.0138 shall be reclassified to the next higher degree as provided in subsection (3) if:

(a) The offender possesses 10 or more images of any form of child pornography regardless of content; and

(b) The content of at least one image contains one or more of the following:

1. A child who is younger than the age of 5.
2. Sadomasochistic abuse involving a child.
3. Sexual battery involving a child.
4. Sexual bestiality involving a child.
5. Any motion picture, film, video, or computer-generated motion picture, film, or video ~~movie~~ involving a child, regardless of length and regardless of whether the motion picture, film, video, or computer-generated motion picture, film, or video ~~movie~~ contains sound.

(3)(a) In the case of a felony of the third degree, the offense is reclassified to a felony of the second degree.

(b) In the case of a felony of the second degree, the offense is reclassified to a felony of the first degree.

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 2. Paragraph (b) of subsection (5) of section 784.049, Florida Statutes, is amended to read:

784.049 Sexual cyberharassment.—

(5) An aggrieved person may initiate a civil action against a person who violates this section to obtain all appropriate relief in order to prevent or remedy a violation of this section, including the following:

(b) Monetary damages to include \$10,000 ~~\$5,000~~ or actual damages incurred as a result of a violation of this section, whichever is greater.

Section 3. Section 827.071, Florida Statutes, is amended to read:

827.071 Sexual performance by a child; child pornography; penalties.—

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

(a) "Child" or "minor" means any person, whose identity is known or unknown, younger than 18 years of age.

(b) "Child pornography" means:

1. Any image depicting a minor engaged in sexual conduct; or

2. Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.

(c)(a) "Deviate sexual intercourse" means sexual conduct between persons not married to each other consisting of contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva.

(d) "Identifiable minor" means a person:

1. Who was a minor at the time the image was created, altered, adapted, or modified, or whose image as a minor was used in the creating, altering, adapting, or modifying of the image; and

2. Who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

The term may not be construed to require proof of the actual identity of the identifiable minor.

(e)(b) "Intentionally view" means to deliberately, purposefully, and voluntarily view. Proof of intentional viewing requires establishing more than a single image, motion picture, exhibition, show, image, data, computer depiction, representation, or other presentation over any period of time.

(f)(e) "Performance" means any play, motion picture, photograph, or dance or any other visual representation exhibited before an audience.

(g)(d) "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, *transmit*, transmute, publish, distribute, circulate, disseminate, present, exhibit, *send, post, share*, or advertise or to offer or agree to do the same.

(h)(e) "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.

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

(j)(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 vagina of the other.

(k)(h) "Sexual conduct" means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast, with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother's breastfeeding of her baby does not under any circumstance constitute "sexual conduct."

(l)(i) "Sexual performance" means any performance or part thereof which includes sexual conduct by a child of less than 18 years of age.

(m) ~~(k)~~ “Simulated” means the explicit depiction of conduct set forth in paragraph ~~(k)~~ ~~(4)~~ which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks.

(2) A person is guilty of the use of a child in a sexual performance if, knowing the character and content thereof, he or she employs, authorizes, or induces a child ~~less than 18 years of age~~ to engage in a sexual performance or, being a parent, legal guardian, or custodian of such child, consents to the participation by such child in a sexual performance. ~~A person who~~ ~~Whoever~~ violates this subsection ~~commits~~ ~~is guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person is guilty of promoting a sexual performance by a child when, knowing the character and content thereof, he or she produces, directs, or promotes any performance which includes sexual conduct by a child ~~less than 18 years of age~~. ~~A person who~~ ~~Whoever~~ violates this subsection ~~commits~~ ~~is guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) It is unlawful for any person to possess with the intent to promote any photograph, motion picture, exhibition, show, representation, or other presentation which, in whole or in part, includes ~~child pornography~~ ~~any sexual conduct by a child~~. The possession of three or more copies of such photograph, motion picture, representation, or presentation is prima facie evidence of an intent to promote. ~~A person who~~ ~~Whoever~~ violates this subsection ~~commits~~ ~~is guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5)(a) It is unlawful for any person to knowingly possess, control, or intentionally view a photograph, motion picture, exhibition, show, representation, image, data, computer-depiction, or other presentation which, in whole or in part, he or she knows to include ~~child pornography~~ ~~any sexual conduct by a child~~. The possession, control, or intentional viewing of each such photograph, motion picture, exhibition, show, image, data, computer depiction, representation, or presentation is a separate offense. If such photograph, motion picture, exhibition, show, representation, image, data, computer-depiction, or other presentation includes ~~child pornography depicting sexual conduct by~~ more than one child, then each such child in each such photograph, motion picture, exhibition, show, representation, image, data, computer depiction, or other presentation that is knowingly possessed, controlled, or intentionally viewed is a separate offense. A person who violates this ~~paragraph~~ ~~subsection~~ commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) ~~Paragraph (a)~~ ~~This subsection~~ does not apply to any material possessed, controlled, or intentionally viewed as part of a law enforcement investigation.

(6) Prosecution of a ~~any~~ person for an offense under this section ~~does~~ ~~shall~~ ~~not preclude~~ ~~prohibit~~ prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime punishing the sexual performance or the sexual exploitation of children.

Section 4. Section 828.126, Florida Statutes, is amended to read:

828.126 Sexual activities involving animals.—

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

~~(a) “Sexual conduct” means any touching or fondling by a person, either directly or through clothing, of the sex organs or anus of an animal or any transfer or transmission of semen by the person upon any part of the animal for the purpose of sexual gratification or arousal of the person.~~

~~(b) “Sexual contact with an animal” means any act committed between a person and an animal for the purpose of sexual gratification, abuse, or financial gain which involves:~~

~~(a) Contact between the sex organ or anus of one and the mouth, sex organ, or anus of the other;~~

~~(b) The fondling of the sex organ or anus of an animal; or~~

~~(c) The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, or the insertion of any part of the body of an animal into the vaginal or anal opening of a person~~ ~~contact, however slight, between the mouth, sex organ, or anus of a person and the sex organ or anus of an animal, or any penetration, however slight, of any part of the body of the person into the sex organ or anus of an animal, or any penetration of the sex organ or anus of the person into the mouth of the animal, for the purpose of sexual gratification or sexual arousal of the person.~~

(2) A person may not:

(a) Knowingly engage in any ~~sexual conduct~~ or sexual contact with an animal;

(b) Knowingly cause, aid, or abet another person to engage in any ~~sexual conduct~~ or sexual contact with an animal;

(c) Knowingly permit any ~~sexual conduct~~ or sexual contact with an animal to be conducted on any premises under his or her charge or control; ~~or~~

(d) Knowingly organize, promote, conduct, ~~advertise~~, aid, abet, participate in as an observer, ~~or advertise, offer, solicit, or accept an offer of an animal for the purpose of sexual contact with such animal,~~ or perform any service in the furtherance of an act involving any ~~sexual conduct~~ or sexual contact with an animal; ~~or~~

~~(e) Knowingly film, distribute, or possess any pornographic image or video of a person and an animal engaged in any of the activities prohibited by this section for a commercial or recreational purpose.~~

(3) A person who violates this section commits a ~~felony of the third~~ ~~misdemeanor of the first~~ degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

(4) ~~In addition to other penalties prescribed by law, the court shall issue an order prohibiting a person convicted under this section from harboring, owning, possessing, or exercising control over any animal; from residing in any household in which animals are present; and from engaging in an occupation, whether paid or unpaid, or participating in a volunteer position at any establishment at which animals are present. The order may be effective for up to 5 years after the date of the conviction, regardless of whether adjudication is withheld.~~

(5)~~(4)~~ This section does not apply to accepted animal husbandry practices, including, but not limited to, bona fide agricultural purposes, assistance with the birthing process or artificial insemination of an animal for reproductive purposes, accepted conformation judging practices, or accepted veterinary medical practices.

Section 5. Section 836.13, Florida Statutes, is created to read:

836.13 Promotion of an altered sexual depiction; prohibited acts; penalties; applicability.—

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

(a) “Altered sexual depiction” means any visual depiction that, as a result of any type of digital, electronic, mechanical, or other modification, alteration, or adaptation, depicts a realistic version of an identifiable person:

1. With the nude body parts of another person as the nude body parts of the identifiable person;

2. With computer-generated nude body parts as the nude body parts of the identifiable person; or

3. Engaging in sexual conduct as defined in s. 847.001 in which the identifiable person did not engage.

(b) “Identifiable person” means a person who is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

(c) “Nude body parts” means the human male or female genitals, pubic area, or buttocks with less than fully opaque covering; or the female breast with less than a fully opaque covering of any portion thereof

below the top of the nipple; or the depiction of covered male genitals in a discernibly turgid state. The term does not under any circumstances include a mother breastfeeding her baby.

(d) “Promote” means to issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send, post, share, or advertise or to offer or agree to do the same.

(e) “Visual depiction” includes, but is not limited to, a photograph, picture, image, motion picture, film, video, or other visual representation.

(2) A person who willfully and maliciously promotes any altered sexual depiction of an identifiable person, without the consent of the identifiable person, and who knows or reasonably should have known that such visual depiction was an altered sexual depiction, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Every act, thing, or transaction prohibited by this section constitutes a separate offense and is punishable as such.

(4) The presence of a disclaimer within an altered sexual depiction which notifies a viewer that the person or persons depicted did not consent to or participate in the creation or promotion of the material, or that the person or persons depicted did not actually perform the actions portrayed, is not a defense and does not relieve a person of criminal liability under this section.

(5) An aggrieved person may initiate a civil action against a person who violates subsection (2) to obtain appropriate relief in order to prevent or remedy a violation of subsection (2), including all of the following:

(a) Injunctive relief.

(b) Monetary damages to include \$10,000 or actual damages incurred as a result of a violation of subsection (2), whichever is greater.

(c) Reasonable attorney fees and costs.

(6) The criminal and civil penalties of this section do not apply to:

(a) A provider of an interactive computer service as defined in 47 U.S.C. s. 230(f), of an information service as defined in 47 U.S.C. s. 153, or of a communications service as defined in s. 202.11 which provides the transmission, storage, or caching of electronic communications or messages of others; another related telecommunications or commercial mobile radio service; or content provided by another person;

(b) A law enforcement officer, as defined in s. 943.10, or any local, state, federal, or military law enforcement agency that promotes an altered sexual depiction in connection with the performance of his or her duties as a law enforcement officer or the duties of the law enforcement agency;

(c) A person reporting unlawful activity; or

(d) A person participating in a hearing, trial, or other legal proceeding.

(7) A violation of this section is committed within this state if any conduct that is an element of the offense, or any harm to the depicted person resulting from the offense, occurs within this state.

(8) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime related to child pornography or the sexual performance or the sexual exploitation of children.

Section 6. Section 836.14, Florida Statutes, is created to read:

836.14 Theft or unauthorized promotion of a sexually explicit image.—

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

(a) “Identifiable person” has the same meaning as in s. 836.13.

(b) “Promote” has the same meaning as in s. 836.13.

(c) “Sexually explicit image” means any image depicting an identifiable person portraying nudity as defined in s. 847.001 or an identifiable person engaging in sexual conduct as defined in s. 847.001.

(2) A person who commits a theft in violation of s. 812.014 of a sexually explicit image with the intent to promote such image commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person who willfully possesses with the intent to promote a sexually explicit image for the purpose of pecuniary or any other financial gain, when he or she knows or should have known the image was obtained in violation of subsection (2), commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) A person who willfully promotes, through the use of print media, an Internet website, or other electronic means, for the purpose of pecuniary or any other financial gain a sexually explicit image without consent of the identifiable person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(5) Every act, thing, or transaction prohibited by this section constitutes a separate offense and is punishable as such.

(6) An aggrieved person may initiate a civil action against a person who violates this section to obtain all appropriate relief in order to prevent or remedy a violation of this section, including the following:

(a) Injunctive relief.

(b) Monetary damages to include \$10,000 or actual damages incurred as a result of a violation of this section, whichever is greater.

(c) Reasonable attorney fees and costs.

(7) The criminal and civil penalties of this section do not apply to:

(a) A provider of an interactive computer service as defined in 47 U.S.C. s. 230(f), of an information service as defined in 47 U.S.C. s. 153, or of a communications service as defined in s. 202.11 which provides the transmission, storage, or caching of electronic communications or messages of others; another related telecommunications or commercial mobile radio service; or content provided by another person;

(b) A law enforcement officer, as defined in s. 943.10, or any local, state, federal, or military law enforcement agency that disseminates a sexually explicit image in connection with the performance of his or her duties as a law enforcement officer or the duties of the law enforcement agency;

(c) A person reporting unlawful activity;

(d) A person participating in a hearing, trial, or other legal proceeding;

(e) Sexually explicit images involving voluntary exposure in a public or commercial setting; or

(f) Sexually explicit images possessed or promoted by a bona fide news media organization for a legitimate and newsworthy purpose.

(8) A violation of this section is committed within this state if any conduct that is an element of the offense, or any harm to the depicted individual resulting from the offense, occurs within this state.

(9) Prosecution of a person for an offense under this section does not preclude prosecution of that person in this state for a violation of any other law of this state, including a law providing for greater penalties than prescribed in this section or any other crime related to child pornography or the sexual performance or the sexual exploitation of children.

Section 7. Present subsections (7) through (11) and (12) through (20) of section 847.001, Florida Statutes, are redesignated as subsections (8) through (12) and (14) through (22), respectively, new subsections (7)

and (13) are added to that section, and subsection (3) and present subsections (8), (16), and (19) of that section are amended, to read:

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

(3) “Child pornography” means:

(a) Any image depicting a minor engaged in sexual conduct; or

(b) Any image that has been created, altered, adapted, or modified by electronic, mechanical, or other means, to portray an identifiable minor engaged in sexual conduct.

(7) “Identifiable minor” means a person:

(a) Who was a minor at the time the image was created, altered, adapted, or modified, or whose image as a minor was used in the creating, altering, adapting, or modifying of the image; and

(b) Who is recognizable as an actual person by the person’s face, likeness, or other distinguishing characteristic, such as a unique birthmark, or other recognizable feature.

The term may not be construed to require proof of the actual identity of the identifiable minor.

(9)(8) “Minor” or “child” means any person, whose identity is known or unknown, younger than ~~under the age of~~ 18 years of age.

(13) “Promote” means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, transmute, publish, distribute, circulate, disseminate, present, exhibit, send, post, share, or advertise or to offer or agree to do the same.

(18)(16) “Sexual conduct” means actual or simulated sexual intercourse, deviate sexual intercourse, sexual bestiality, masturbation, or sadomasochistic abuse; actual or simulated lewd exhibition of the genitals; actual physical contact with a person’s clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party; or any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed. A mother’s breastfeeding of her baby does not under any circumstance constitute “sexual conduct.”

(21)(19) “Simulated” means the explicit depiction of conduct described in subsection (18) (16) which creates the appearance of such conduct and which exhibits any uncovered portion of the breasts, genitals, or buttocks.

Section 8. Subsection (5) of section 847.011, Florida Statutes, is amended to read:

847.011 Prohibition of certain acts in connection with obscene, lewd, etc., materials; penalty.—

(5)(a)1. A person may not knowingly sell, lend, give away, distribute, transmit, show, or transmute; offer to sell, lend, give away, distribute, transmit, show, or transmute; have in his or her possession, custody, or control with the intent to sell, lend, give away, distribute, transmit, show, or transmute; or advertise in any manner an obscene, child-like sex doll.

2.a. Except as provided in sub-subparagraph b., a person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. A person who is convicted of violating this paragraph a second or subsequent time commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b)1. Except as provided in subparagraph 2., a person who knowingly has in his or her possession, custody, or control an obscene, child-like sex doll commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. A person who is convicted of violating this paragraph a second or subsequent time commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(c)1. A law enforcement officer may arrest without a warrant any person who he or she has probable cause to believe has violated paragraph (b).

2. Upon proper affidavits being made, a search warrant may be issued to further investigate a violation of paragraph (b), including to search a private dwelling.

Section 9. Subsections (1) through (4) of section 847.0137, Florida Statutes, are amended to read:

847.0137 Transmission of pornography by electronic device or equipment prohibited; penalties.—

(1) As used in this section, the term ~~For purposes of this section:~~

(a) ~~“Minor” means any person less than 18 years of age.~~

(b) ~~“transmit” means the act of sending and causing to be delivered, including the act of providing access for receiving and causing to be delivered, any image, information, or data from one or more persons or places to one or more other persons or places over or through any medium, including the Internet or an interconnected network, by use of any electronic equipment or other device.~~

(2) Notwithstanding ss. 847.012 and 847.0133, any person in this state who knew or reasonably should have known that he or she was transmitting child pornography, as defined in s. 847.001, to another person in this state or in another jurisdiction commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Notwithstanding ss. 847.012 and 847.0133, any person in any jurisdiction other than this state who knew or reasonably should have known that he or she was transmitting child pornography, as defined in s. 847.001, to any person in this state commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) This section shall not be construed to ~~preclude~~ ~~prohibit~~ prosecution of a person in this state or another jurisdiction for a violation of any law of this state, including a law providing for greater penalties than prescribed in this section, for the transmission of child pornography, as defined in s. 847.001, to any person in this state.

The provisions of this section do not apply to subscription-based transmissions such as list servers.

Section 10. Paragraphs (c) through (f) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066(3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.	790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.	806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.	806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
327.35(2)(b)	3rd	Felony BUI.	810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.	812.014(2)(c)2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.	812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.
379.2431(1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.	812.081(2)	3rd	Theft of a trade secret.
379.2431(1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
379.2431(1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.	817.233	3rd	Burning to defraud insurer.
400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.	817.234(8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.	817.236	3rd	Filing a false motor vehicle insurance application.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.	817.413(2)	3rd	Sale of used goods of \$1,000 or more as new.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.	817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
697.08	3rd	Equity skimming.	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
			831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
			836.13(2)	3rd	<i>Person who promotes an altered sexual depiction of an identifiable person without consent.</i>
			838.021(3)(b)	3rd	Threatens unlawful harm to public servant.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
843.19	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
860.15(3)	3rd	Overcharging for repairs and parts.			
870.01(2)	3rd	Riot.	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
870.01(4)	3rd	Inciting a riot.	944.47(1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
			(d) LEVEL 4		
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.	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.
893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.	499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.	499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.	517.07(1)	3rd	Failure to register securities.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.	517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.	784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.	784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.	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.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.	784.082(3)	3rd	Battery by detained person on visitor or other detainee.
			784.083(3)	3rd	Battery on code inspector.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.	828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.	836.14(2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.	836.14(3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
787.07	3rd	Human smuggling.	837.02(1)	3rd	Perjury in official proceedings.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.	837.021(1)	3rd	Make contradictory statements in official proceedings.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.	838.022	3rd	Official misconduct.
790.115(2)(c)	3rd	Possessing firearm on school property.	839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.	839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
806.135	2nd	Destroying or demolishing a memorial or historic property.	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.	843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreatment or bond jumping).
810.06	3rd	Burglary; possession of tools.	847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.	870.01(3)	2nd	Aggravated rioting.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.	870.01(5)	2nd	Aggravated inciting a riot.
812.014(2)(c)4.-10.	3rd	Grand theft, 3rd degree; specified items.	874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.	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).
817.505(4)(a)	3rd	Patient brokering.	914.14(2)	3rd	Witnesses accepting bribes.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.	914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
817.568(2)(a)	3rd	Fraudulent use of personal identification information.	914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or re-encoder.	916.1085(2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.	918.12	3rd	Tampering with jurors.
			934.215	3rd	Use of two-way communications device to facilitate commission of a crime.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
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.	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
(e) LEVEL 5			790.01(2)	3rd	Carrying a concealed firearm.
			790.162	2nd	Threat to throw or discharge destructive device.
			790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
Florida Statute	Felony Degree	Description			
316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.	790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.	796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.	800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.	800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.	806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
			812.0145(2)(b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
			812.015(8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at \$750 or more and one or more specified acts.
			812.019(1)	2nd	Stolen property; dealing in or trafficking in.
379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.	812.081(3)	2nd	Trafficking in trade secrets.
			812.131(2)(b)	3rd	Robbery by sudden snatching.
379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.	817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.			

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.	893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.	893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.
817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.			
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.	893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography sexual conduct by a child.			
827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography sexual conduct by a child.	893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.	893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
836.14(4)	2nd	<i>Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.</i>	893.1351(1) (f) LEVEL 6	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.	Florida Statute 316.027(2)(b)	Felony Degree 2nd	Description Leaving the scene of a crash involving serious bodily injury.
843.01	3rd	Resist officer with violence to person; resist arrest with violence.	316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.	400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
847.0137(2) & (3)	3rd	Transmission of pornography by electronic device or equipment.	499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
847.0138(2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.	499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.	499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.	775.0875(1)	3rd	Taking firearm from law enforcement officer.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).	784.021(1)(a) 784.021(1)(b)	3rd 3rd	Aggravated assault; deadly weapon without intent to kill. Aggravated assault; intent to commit felony.

Florida Statute	Felony Degree	Description	Florida Statute	Felony Degree	Description
784.041	3rd	Felony battery; domestic battery by strangulation.	812.014(2)(b)1.	2nd	Property stolen \$20,000 or more, but less than \$100,000, grand theft in 2nd degree.
784.048(3)	3rd	Aggravated stalking; credible threat.	812.014(6)	2nd	Theft; property stolen \$3,000 or more; coordination of others.
784.048(5)	3rd	Aggravated stalking of person under 16.	812.015(9)(a)	2nd	Retail theft; property stolen \$750 or more; second or subsequent conviction.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.	812.015(9)(b)	2nd	Retail theft; aggregated property stolen within 30 days is \$3,000 or more; coordination of others.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.	812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.	817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
784.081(2)	2nd	Aggravated assault on specified official or employee.	817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.	817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
784.083(2)	2nd	Aggravated assault on code inspector.	825.102(1)	3rd	Abuse of an elderly person or disabled adult.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.	825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.	825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.	825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than \$10,000.
790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.	827.03(2)(c)	3rd	Abuse of a child.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.	827.03(2)(d)	3rd	Neglect of a child.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.	827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
794.05(1)	2nd	Unlawful sexual activity with specified minor.	828.126(3)	3rd	<i>Sexual activities involving animals.</i>
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.	836.05	2nd	Threats; extortion.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.	836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.	843.12	3rd	Aids or assists person to escape.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.	847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.	847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
			847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.

Florida Statute	Felony Degree	Description
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)(i)	3rd	Firearm or weapon introduced into county detention facility.

Section 11. 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* ~~or 847.001(10)~~.

Section 12. 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* ~~or 847.001(9)~~, and is harmful to minors, as defined in *s. 847.001* ~~or 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* ~~or 847.001(9)~~, and is harmful to minors, as defined in *s. 847.001* ~~or 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.

And the title is amended as follows:

Delete lines 3-57 and insert: *s. 775.0847, F.S.*; redefining terms; defining the term “identifiable minor”; revising the list of circumstances under which specified offenses may be reclassified; amending *s. 784.049, F.S.*; increasing the monetary damages that an aggrieved person may receive as a result of violations relating to sexual cyberharassment; amending *s. 827.071, F.S.*; defining and redefining terms; conforming provisions to changes made by the act; amending *s. 828.126, F.S.*; revising definitions; revising the prohibition on sexual activities with animals; increasing the criminal penalties for such sexual activities; requiring courts to issue orders prohibiting persons convicted of such sexual activities from engaging in specified activities, from residing in certain households, or from engaging in occupations or positions in which animals are present; revising applicability; creating *s. 836.13, F.S.*; defining terms; prohibiting the willful and malicious promotion of certain sexual depictions without consent; providing criminal penalties; providing a civil cause of action; providing applicability; providing construction; creating *s. 836.14, F.S.*; defining terms; prohibiting a person from committing theft of sexually explicit images with the intent to promote such images; prohibiting the willful possession of sexually explicit images with the intent to promote such images and with certain knowledge; prohibiting the promotion of sexually explicit images of identifiable persons for financial gain, without consent; providing criminal penalties; providing a civil cause of action; providing applicability; providing construction; amending *s. 847.001, F.S.*; redefining terms; defining the terms “identifiable minor” and “promote”; amending *s. 847.011, F.S.*; authorizing law enforcement officers to arrest certain persons without a warrant; authorizing a search warrant to be issued for further investigation upon proper affidavits being made; amending *s. 847.0137, F.S.*; deleting the definition of the term “minor”; redefining the term “transmit”; conforming provisions to changes made by the act; amending *s. 921.0022, F.S.*; ranking offenses created by this act for purposes of the severity ranking chart of the Criminal Punishment Code; conforming provisions to changes made by the act; amending *ss. 288.1254 and 847.0141, F.S.*; conforming cross-references;

On motion by Senator Book, by two-thirds vote, **CS for CS for SB 1798**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Bean

CS for CS for SB 1950—A bill to be entitled An act relating to the statewide Medicaid managed care program; amending *s. 409.912, F.S.*; requiring, rather than authorizing, that the reimbursement method for provider service networks be on a prepaid basis; deleting the authority to reimburse provider service networks on a fee-for-service basis; conforming provisions to changes made by the act; providing that provider service networks are subject to and exempt from certain requirements; providing construction; repealing *s. 409.9124, F.S.*, relating to managed care reimbursement; amending *s. 409.964, F.S.*; deleting a requirement that the Agency for Health Care Administration provide the opportunity for public feedback on a certain waiver application; amending *s. 409.966, F.S.*; revising requirements relating to the databook published by the agency consisting of Medicaid utilization and spending data; reallocating regions within the statewide managed care program; de-

leting a requirement that the agency negotiate plan rates or payments to guarantee a certain savings amount; deleting a requirement for the agency to award additional contracts to plans in specified regions for certain purposes; revising a limitation on when plans may begin serving Medicaid recipients to apply to any eligible plan that participates in an invitation to negotiate, rather than plans participating in certain regions; making technical changes; amending s. 409.967, F.S.; deleting obsolete provisions; amending s. 409.968, F.S.; conforming provisions to changes made by the act; amending s. 409.973, F.S.; revising requirements for healthy behaviors programs established by plans; deleting an obsolete provision; amending s. 409.974, F.S.; requiring the agency to select plans for the managed medical assistance program through a single statewide procurement; authorizing the agency to award contracts to plans on a regional or statewide basis; specifying requirements for minimum numbers of plans which the agency must procure for each specified region; conforming provisions to changes made by the act; deleting procedures for plan procurements when no provider service networks submit bids; deleting a requirement for the agency to exercise a preference for certain plans; amending s. 409.975, F.S.; providing that cancer hospitals meeting certain criteria are statewide essential providers; requiring payments to such hospitals to equal a certain rate; amending s. 409.977, F.S.; revising the circumstances for maintaining a recipient's enrollment in a plan; deleting obsolete language; authorizing specialty plans to serve certain children who receive guardianship assistance payments under the Guardianship Assistance Program; amending s. 409.981, F.S.; requiring the agency to select plans for the long-term care managed medical assistance program through a single statewide procurement; authorizing the agency to award contracts to plans on a regional or statewide basis; specifying requirements for minimum numbers of plans which the agency must procure for each specified region; conforming provisions to changes made by the act; deleting procedures for plan procurements when no provider service networks submit bids; amending s. 409.8132, F.S.; conforming a cross-reference; reenacting ss. 409.962(1), (7), (13), and (14) and 641.19(22) relating to definitions, to incorporate the amendments made by this act to s. 409.912, F.S., in references thereto; reenacting s. 430.2053(3)(h), (i), and (j) and (11), relating to aging resource centers, to incorporate the amendments made by this act to s. 409.981, F.S., in references thereto; requiring the agency to amend existing Statewide Medicaid Managed Care contracts to implement changes made by the act; requiring the agency to implement changes made by the act for a specified plan year; providing an effective date.

—was read the second time by title.

Senator Brodeur moved the following amendment which was adopted:

Amendment 1 (594018) (with title amendment)—Delete lines 648-650 and insert:

that an eligible plan has *obtained signed contracts or* written agreements or ~~signed contracts or~~ has made substantial progress in establishing relationships with providers before the plan ~~submits~~ *submitting* a response. The agency

And the title is amended as follows:

Delete line 43 and insert: service networks submit bids; making technical changes; deleting a requirement

On motion by Senator Brodeur, by two-thirds vote, **CS for CS for SB 1950**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—39

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

Taddeo Torres Wright

Nays—None

On motion by Senator Bean—

HB 7065—A bill to be entitled An act relating to child welfare; creating s. 39.0143, F.S.; requiring the Department of Children and Families and Department of Juvenile Justice to identify and meet the needs of dually-involved children within a specified timeframe; requiring a quarterly report with specified information to the Legislature; amending s. 39.205, F.S.; removing the requirement of a specified report; amending s. 39.4022, F.S.; requiring a representative from the Department of Juvenile Justice to be invited to a multidisciplinary team staffing under certain circumstances; amending s. 39.6035, F.S.; revising information that must be included in a transition plan; requiring the child to sign a specified document; requiring the Department of Children and Families or a community-based care lead agency to review and, if necessary, update a young adult's transition plan after his or her 18th birthday under certain circumstances; making technical changes; amending s. 383.011, F.S.; requiring prenatal and infant health care delivery programs to include certain father engagement activities; amending s. 409.1451, F.S.; increasing the monthly stipend for post-secondary education services and supports; requiring the Department of Children and Families, or an agency under contract with the department, to conduct a specified assessment and provide certain information and referrals to certain young adults; requiring such assessment be included in the young adult's transition plan; requiring the department, or an agency under contract with the department, to work with young adults to create, review, and update certain plans; requiring a financial plan be included in the young adult's transition plan; requiring a transition plan to include certain information; amending s. 409.1452, F.S.; requiring the Department of Children and Families to collaborate with specified entities for a certain purpose; requiring liaisons and coaching services to provide specified assistance for certain students at certain school district programs, Florida College System institutions, or state universities; providing requirements for such liaisons; requiring a liaison's contact information to be used in certain ways; requiring certain school district programs, Florida College System institutions, and state universities to maintain certain documentation; requiring certain entities to report certain information annually to the Department of Children and Families; conforming provisions to changes made by the act; removing obsolete language; creating s. 409.1464, F.S.; requiring the Department of Children and Families to contract for the development and implementation of the Responsible Fatherhood Initiative; providing initiative requirements; providing requirements for the entity contracting with the Department of Children and Families to implement the initiative; requiring certain collaboration to implement the initiative; creating 409.1465, F.S.; providing legislative intent; requiring the Department of Children and Families to award specified grants to not-for-profit community-based organizations to address the needs of fathers; requiring the department to prioritize grant applicants in a specified manner; specifying the time period for which a grant may be awarded; requiring grant recipients to submit certain reports; authorizing the Department of Children and Families to adopt rules; creating s. 409.1467, F.S.; requiring the Department of Children and Families to provide grants to community-based not-for-profit organizations to offer certain mentorship programs; providing grant requirements; providing grant eligibility requirements; providing requirements for grant recipients; requiring the department to prioritize grant applicants in a specified manner; providing the amounts and duration of the grants; requiring grant recipients to submit specified reports to the department; requiring the department to contract for the provision of technical assistance and certain training; requiring grant recipients to complete such training within a specified time; amending s. 409.147, F.S.; requiring children's initiatives to update strategic community plans to include certain information; requiring the Ounce of Prevention to provide technical assistance to the children's initiative corporations; providing requirements for children's initiatives to receive state funding; amending s. 409.2557, F.S.; requiring the Department of Revenue to establish a webpage that contains certain information; amending s. 409.2564, F.S.; requiring Department of Revenue to provide certain written notification to delinquent obligors; requiring the written notification to include certain information; creating s. 409.25996, F.S.; requiring the Department of Economic Opportunity to award grants to organizations that assist noncustodial parents in meeting their child

support obligations; amending s. 409.988, F.S.; requiring lead agencies to address certain needs of fathers served by the lead agency; requiring lead agencies to conduct an assessment, create an action plan, employ certain specialists, and prioritize certain individuals for specified purposes; requiring the Department of Children and Families to annually review lead agencies; amending ss. 409.996 and 409.997, F.S.; revising when specified reports must be submitted to the Governor and Legislature; creating s. 683.334, F.S.; designating the month of June as “Responsible Fatherhood Month”; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **HB 7065** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gruters—

CS for CS for SB 1796—A bill to be entitled An act relating to dissolution of marriage; amending s. 61.046, F.S.; defining the term “active gross income”; revising the definition of the term “income”; amending s. 61.08, F.S.; defining terms; requiring the court to make certain written findings in its awards of alimony; limiting the court’s ability to award a combination of forms of alimony to only certain circumstances; removing the court’s ability to consider adultery of either spouse in determining the amount of an alimony award; requiring the court to make certain findings in writing; revising factors that the court must consider in determining the proper type and amount of alimony; removing the court’s ability to order an obligor to purchase or maintain a life insurance policy or other instrument to secure an alimony award; authorizing a party to whom the court has awarded alimony to purchase or maintain a life insurance policy on the obligor’s life to protect an award of alimony; requiring the obligor to cooperate in the process of procuring the life insurance policy; modifying certain rebuttable presumptions related to the duration of a marriage for purposes of determining alimony; prohibiting the length of an award of rehabilitative alimony from exceeding a specified timeframe; revising a provision authorizing the modification of rehabilitative alimony upon completion of the rehabilitative plan to include a certain condition; revising provisions related to durational alimony; prohibiting the length of an award of durational alimony from exceeding specified timeframes; authorizing the court to extend durational alimony under certain circumstances; specifying what constitutes the length of a marriage for the purpose of determining durational alimony; requiring the court to make certain written findings when awarding durational alimony; providing a formula for the calculation of durational alimony; requiring the court to reduce the length of an award of durational alimony based on certain payments made by the obligor; requiring the court to consider specified factors when determining an alimony award involving the existence of a supportive relationship between the obligee and another person; providing for the burden of proof in such determinations; requiring the court to make certain written findings in such determinations; providing for the termination of a durational alimony award upon retirement of the obligor under certain circumstances; providing an exception; providing that a party who has reached retirement age before adjudication of a petition for dissolution of marriage may not be ordered to pay alimony; providing exceptions; establishing that alimony may not be awarded to a party who has a certain monthly net income; prohibiting social security retirement benefits from being imputed to the obligor, with an exception; requiring an obligee to meet certain requirements if he or she alleges that a physical disability has impaired his or her ability to earn income; removing the court’s ability to grant permanent alimony; providing applicability; amending s. 61.13, F.S.; creating a presumption that equal time-sharing is in the best interest of the child, with exceptions; creating a presumption for purposes of modifying a parenting plan or time-sharing schedule; amending s. 61.14, F.S.; authorizing the court to order an obligee to reimburse alimony payments to the obligor under certain circumstances; specifying a timeframe for the court to consider a supportive relationship between the obligee and another person for purposes of reducing or terminating an award of alimony or ordering reimbursement of alimony payments; providing for the burden of proof in such determinations; revising factors the court may consider when determining whether a supportive relationship exists or existed between the obligee and another person; requiring the court to make its findings related to such factors in writing; providing that an obligor’s subsequent remarriage or cohabitation is not a basis for modification of alimony; authorizing an obligor to file a notice of retirement and intent to terminate alimony within a

specified timeframe before such retirement; providing notice and response requirements; requiring the court to make written findings regarding specified factors when deciding whether to reduce the amount or duration of alimony; providing for the reduction and termination of alimony within specified timeframes under certain circumstances; authorizing the court to extend durational alimony beyond an obligor’s full retirement age or reasonable retirement age for his or her profession or line of work under certain circumstances, notwithstanding its other findings; authorizing the court to terminate an alimony obligation if the obligor retires at a reasonable age for his or her profession or line of work or is past his or her full retirement age; requiring the court to consider certain factors in determining whether the obligor’s retirement is reasonable; authorizing an obligor to prospectively file a petition for modification or termination of alimony, effective upon his or her retirement; requiring a court to modify or terminate an alimony award upon retirement of the obligor, with an exception; providing that certain benefits of the obligee constitute a change in circumstances for which an obligor may seek modification of an alimony award; providing that certain agreements on alimony payments are considered expressly modifiable or eligible for termination under certain circumstances; amending s. 61.19, F.S.; requiring the court to grant, upon request of either party, a final judgment of dissolution of marriage and reserve jurisdiction to adjudicate other substantive issues, under certain circumstances; requiring the court to enter temporary orders necessary to protect the parties and their children, if any; providing that such temporary orders are effective until all other issues are adjudicated by the court; providing applicability; providing an effective date.

—was read the second time by title.

Senator Gruters moved the following amendment:

Amendment 1 (466290) (with title amendment)—Delete lines 252-260 and insert:

(5)(4) For purposes of determining alimony, there is a rebuttable presumption that a short-term marriage is a marriage having a duration of less than 7 years, a moderate-term marriage is a marriage having a duration of greater than 7 years but less than 17 years, and long-term marriage is a marriage having a duration of 17 years or greater. The length of a marriage is the period of time from the date of marriage until the date of filing of an action for dissolution of marriage.

And the title is amended as follows:

Delete lines 22-24 and insert: prohibiting the length of an award of

Senator Gruters moved the following substitute amendment which was adopted:

Substitute Amendment 2 (536442) (with title amendment)—Delete lines 252-485 and insert:

~~(4) For purposes of determining alimony, there is a rebuttable presumption that a short term marriage is a marriage having a duration of less than 7 years, a moderate term marriage is a marriage having a duration of greater than 7 years but less than 17 years, and long term marriage is a marriage having a duration of 17 years or greater. The length of a marriage is the period of time from the date of marriage until the date of filing of an action for dissolution of marriage.~~

(5) Bridge-the-gap alimony may be awarded to assist a party by providing support to allow the party to make a transition from being married to being single. Bridge-the-gap alimony is designed to assist a party with legitimate identifiable short-term needs, and the length of an award of bridge-the-gap alimony may not exceed 2 years. An award of bridge-the-gap alimony terminates upon the death of either party or upon the remarriage of the party receiving alimony. An award of bridge-the-gap alimony ~~is shall~~ not be modifiable in amount or duration.

(6)(a) Rehabilitative alimony may be awarded to assist a party in establishing the capacity for self-support through either:

1. The redevelopment of previous skills or credentials; or
2. The acquisition of education, training, or work experience necessary to develop appropriate employment skills or credentials.

(b) In order to award rehabilitative alimony, there must be a specific and defined rehabilitative plan which shall be included as a part of any order awarding rehabilitative alimony.

(c) *The length of an award of rehabilitative alimony may not exceed 5 years.*

(d) An award of rehabilitative alimony may be modified or terminated in accordance with s. 61.14 based upon a substantial change in circumstances, upon noncompliance with the rehabilitative plan, or upon completion of the rehabilitative plan *if the plan is completed before the length of the award of rehabilitative alimony expires.*

~~(7)(a) Durational alimony may be awarded when permanent periodic alimony is inappropriate. The purpose of durational alimony is to provide a party with economic assistance for a set period of time following a marriage of short or moderate duration or following a marriage of long duration if there is no ongoing need for support on a permanent basis. An award of durational alimony terminates upon the death of either party or upon the remarriage of the party receiving alimony. The amount of an award of durational alimony may be modified or terminated based upon a substantial change in circumstances in accordance with s. 61.14. Durational alimony may not be awarded following a marriage lasting fewer than 3 years. However, the length of an award of durational alimony may not be modified except under exceptional circumstances and may not exceed 50 percent of the length of a the marriage lasting between 3 and 10 years, 60 percent of the length of a marriage lasting between 10 and 20 years, or 75 percent of the length of a marriage lasting 20 years or longer. However, if the party seeking alimony is either permanently mentally or physically disabled and unable to provide for his or her own support, either partially or fully, or is the full-time in-home caregiver to a fully and permanently mentally or physically disabled child who is common to the parties, the court may extend durational alimony beyond the thresholds established in this subsection based on the duration of the marriage until the death of the child or until the court determines that there is no longer a need for durational alimony. For purposes of this subsection, the length of a marriage is the period of time beginning on the date of marriage and ending on the date an action for dissolution of marriage is filed. When awarding durational alimony, the court must make written findings that an award of another type of alimony, or a combination of the other forms of alimony, is insufficient.~~

(b) *The amount of durational alimony is the amount determined to be the obligee's reasonable need or an amount not to exceed 35 percent of the difference between the parties' net incomes, whichever amount is less.*

(c) *In determining the length of an award of durational alimony, the court shall reduce the length of an award of durational alimony for the length of time during which the obligor made temporary support payments to the obligee, either voluntarily or pursuant to a court order, after the date of filing of a petition for dissolution of marriage.*

(d) *In determining the extent to which alimony should be granted because a supportive relationship exists or has existed between the party seeking alimony and another person who is not related by consanguinity or affinity at any time since 180 days before the filing of the petition for dissolution of marriage, the court shall consider all relevant factors presented concerning the nature and extent of the supportive relationship in question. The burden is on the obligor to prove by a preponderance of the evidence that a supportive relationship exists. If a supportive relationship is proven to exist, the burden shifts to the obligee to disprove by a preponderance of the evidence that the court should deny or reduce the initial award of alimony. The court must make written findings of fact concerning the circumstances of the supportive relationship, including, but not limited to, the factors set forth in s. 61.14(1)(b)2.*

(e) *In the event that the obligor reaches full retirement age as determined by the Social Security Administration before the end of the durational period indicated by paragraph (a), and has reached at least 65 years of age, the durational alimony shall end on such retirement date if all of the following conditions are met:*

1. *The obligor files a notice of retirement and intent to terminate alimony with the court and personally serves the alimony recipient and his or her last known attorney of record, if such attorney is still practicing in the same county, at least 1 year before the date that the obligor's retirement is intended to become effective.*

2. *The obligee has not contested the notice of retirement and intent to terminate alimony according to the factors specified in s. 61.14(12)(b) or the court has determined that such factors do not apply. If the court makes any of the findings specified in s. 61.14(12)(b), the court must consider and make written findings regarding the factors listed in s. 61.14(12)(c) to determine whether to extend the length of the alimony award as set forth in s. 61.08(7)(a).*

However, if the obligor continues to work beyond his or her retirement age as provided under this paragraph and earns active gross income of more than 50 percent of the obligor's average preretirement annual active gross income for the 3 years preceding his or her retirement age, the court may extend alimony until the durational limitations established in this subsection have been satisfied or the obligor retires and reduces his or her active gross income below the 50 percent threshold established in this paragraph.

(8)(a) *A party against whom alimony is sought who has attained his or her full retirement age as determined by the Social Security Administration before the adjudication of the petition for dissolution of marriage may not be ordered to pay bridge-the-gap, rehabilitative, or durational alimony, unless the court determines that:*

1. *As a result of the dissolution of marriage, the party seeking alimony would have an income of less than 130 percent of the federal poverty guidelines for a one-person household, as published by the United States Department of Health and Human Services, based on the income and investable assets available after the dissolution is final, including any retirement assets from which the obligee can access income without incurring early withdrawal penalties;*

2. *The party seeking alimony would be left with the inability to meet his or her basic needs and necessities of life, including, but not limited to, housing, utilities, food, and transportation; or*

3. *The party seeking alimony is the full-time in-home caregiver to a fully and permanently mentally or physically disabled child who is common to the parties, or the party is permanently and mentally or physically disabled and unable to provide for his or her own support, either partially or fully.*

(b) *However, if the obligor continues to work beyond his or her retirement age as provided under this subsection and earns active gross income of more than 50 percent of the obligor's average preretirement annual active gross income for the 3 years preceding his or her retirement age, the court may award durational alimony until the durational limitations established in subsection (7) have been satisfied or the obligor retires and reduces his or her active gross income below the 50 percent threshold established in this paragraph.*

(9) *Notwithstanding any other law, alimony may not be awarded to a party who has a monthly net income that is equal to or more than the other party's monthly net income.*

(10) *Social security retirement benefits may not be imputed to the obligor as demonstrated by a social security retirement benefits entitlement letter unless those benefits are actually being paid.*

(11) *If the obligee alleges that a physical disability has impaired his or her capability to earn income, the obligee must have qualified for benefits under the Social Security Administration Disability Insurance Program or, in the event the obligee is not eligible for the program, must demonstrate that his or her disability meets the disability qualification standards of the Social Security Administration Disability Insurance Program.*

~~(8) Permanent alimony may be awarded to provide for the needs and necessities of life as they were established during the marriage of the parties for a party who lacks the financial ability to meet his or her needs and necessities of life following a dissolution of marriage. Permanent alimony may be awarded following a marriage of long duration if such an award is appropriate upon consideration of the factors set forth in subsection (2), following a marriage of moderate duration if such an award is appropriate based upon clear and convincing evidence after consideration of the factors set forth in subsection (2), or following a marriage of short duration if there are written findings of exceptional circumstances. In awarding permanent alimony, the court shall include a finding that no other form of alimony is fair and reasonable under the~~

~~circumstances of the parties. An award of permanent alimony terminates upon the death of either party or upon the remarriage of the party receiving alimony. An award may be modified or terminated based upon a substantial change in circumstances or upon the existence of a supportive relationship in accordance with s. 61.14.~~

~~(9) The award of alimony may not leave the payor with significantly less net income than the net income of the recipient unless there are written findings of exceptional circumstances.~~

~~(12)(a)(10)(a) With respect to any order requiring the payment of alimony entered on or after January 1, 1985, unless the provisions of paragraph (c) or paragraph (d) applies apply, the court shall direct in the order that the payments of alimony be made through the appropriate depository as provided in s. 61.181.~~

(b) With respect to any order requiring the payment of alimony entered before January 1, 1985, upon the subsequent appearance, on or after that date, of one or both parties before the court having jurisdiction for the purpose of modifying or enforcing the order or in any other proceeding related to the order, or upon the application of either party, unless the provisions of paragraph (c) or paragraph (d) *applies apply*, the court shall modify the terms of the order as necessary to direct that payments of alimony be made through the appropriate depository as provided in s. 61.181.

(c) If there is no minor child, alimony payments need not be directed through the depository.

(d)1. If there is a minor child of the parties and both parties so request, the court may order that alimony payments need not be directed through the depository. In this case, the order of support *must shall* provide, or be deemed to provide, that either party may subsequently apply to the depository to require that payments be made through the depository. The court shall provide a copy of the order to the depository.

2. If ~~the provisions of~~ subparagraph 1. *applies apply*, either party may subsequently file with the depository an affidavit alleging default or arrearages in payment and stating that the party wishes to initiate participation in the depository program. The party shall provide copies of the affidavit to the court and the other party or parties. Fifteen days after receipt of the affidavit, the depository shall notify all parties that future payments shall be directed to the depository.

3. In IV-D cases, the IV-D agency *has shall have* the same rights as the obligee in requesting that payments be made through the depository.

(13) *The court shall apply this section to all petitions*

And the title is amended as follows:

Delete line 22 and insert: repealing certain rebuttable presumptions related to

Senator Gruters moved the following amendments which were adopted:

Amendment 3 (178604)—Delete line 592 and insert:
sharing schedule, a parent's permanent relocation from a residence more than 50 miles from the primary residence of the child to a residence

Amendment 4 (674252)—Between lines 806 and 807 insert:

7. *Whether the obligor and obligee agreed to permanent alimony or an extraordinary term of alimony in exchange for the obligor retaining significant marital assets, as reflected in the written marital settlement agreement.*

Amendment 5 (221028)—Delete lines 817-833 and insert:
continues to work beyond retirement age as determined by paragraph (d) and earns active gross income of more than 50 percent of the obligor's average preretirement annual active gross income for the 3 years preceding his or her retirement age or actual retirement date, the court may extend alimony until the obligor retires and reduces his or her active gross income below the 50 percent active gross income threshold established under this paragraph.

(f) *If an obligor, so long as he or she is older than 65 years of age, seeks to retire, the court may terminate an alimony award if it*

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

Senator Berman moved the following amendment which failed:

Amendment 6 (303346) (with directory and title amendments)—Delete lines 493-579.

And the directory clause is amended as follows:

Delete lines 489-490 and insert:

Section 3. Subsection (3) of section 61.13, Florida Statutes, is amended to read:

And the title is amended as follows:

Delete lines 62-64 and insert: s. 61.13, F.S.; creating a presumption for purposes

Pursuant to Rule 4.19, **CS for CS for SB 1796**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Passidomo, the rules were waived and time of adjournment was extended until completion of today's order of business.

CS for CS for SB 1474—A bill to be entitled An act relating to online training for private security officers; amending ss. 493.6105 and 493.6303, F.S.; providing that certain required training criteria for Class "G" and Class "D" licenses, respectively, may be conducted online; providing requirements for such training; requiring the Department of Agriculture and Consumer Services to establish certain criteria and rules for the regulation of certain entities that provide online training; providing reporting requirements upon completion of the training; creating s. 493.6132, F.S.; providing requirements for online training courses for a Class "D" license; requiring entities offering online training to provide the Division of Licensing with live access to each course; authorizing such entities to deliver online instruction using recordings under certain circumstances; providing an effective date.

—was read the second time by title.

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

Senator Bradley moved the following amendment which was adopted:

Amendment 1 (520642)—Delete lines 131-134 and insert:
completion of such training, the school or training facility or the instructor must submit proof of completion of training for each applicant to the department electronically in a manner prescribed by the department. The school or training facility or the

On motion by Senator Bradley, by two-thirds vote, **CS for CS for SB 1474**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—38

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

Rodriguez	Stargel	Torres
Rodriguez	Stewart	Wright
Rouson	Taddeo	

Nays—None

Vote after roll call:

Yea—Garcia

Consideration of **CS for CS for SB 1702** and **CS for CS for SB 1710** was deferred.

CS for CS for SB 1728—A bill to be entitled An act relating to property insurance; amending s. 489.147, F.S.; revising the definition of the term “prohibited advertisement”; amending s. 627.021, F.S.; revising applicability; amending s. 627.351, F.S.; deleting obsolete provisions related to eligibility thresholds for personal lines residential coverage with the Citizens Property Insurance Corporation; requiring the corporation to use a method for valuing dwelling replacement costs which is approved by the Office of Insurance Regulation; requiring, rather than authorizing, the corporation to use a single account under certain circumstances; specifying qualifications requirements for certain members of the board of governors for the corporation; defining the term “demonstrated expertise in insurance”; revising conditions for eligibility for coverage with the corporation; providing for a required limited annual rate increase for specified policies; requiring that certain new policies written by the corporation be charged a specified premium until certain conditions are met; defining the terms “primary residence” and “unsound insurer”; providing that eligible surplus lines insurers may participate, in the same manner and on the same terms as an authorized insurer, in depopulation, take-out, or keep-out programs relating to policies removed from Citizens Property Insurance Corporation; providing certain exceptions, conditions, and requirements relating to such participation by a surplus lines insurer in the corporation’s depopulation, take-out, or keep-out programs; providing thresholds for eligibility for coverage by the corporation for risks that are offered coverage from qualified surplus lines insurers; authorizing information from underwriting files and confidential claims files to be released under certain circumstances by the corporation to specified entities that consider writing or underwriting risks insured by the corporation; specifying that only the corporation’s transfer of a policy file to an insurer, as opposed to the transfer of any file, changes the file’s public record status; revising the contents of a specified notice provided by the corporation; making technical changes; amending s. 627.3518, F.S.; deleting an obsolete provision related to implementing the clearinghouse program by a specified date; deleting an obsolete reporting requirement; conforming provisions to changes made by the act; amending s. 627.701, F.S.; revising a prohibition against the issuance of insurance policies containing certain deductible provisions; requiring personal lines residential property insurance policies containing separate roof deductibles to include specified information; authorizing property insurers to require separate roof deductibles if certain conditions are met; amending s. 627.7011, F.S.; authorizing insurers to limit roof claim payments to the actual cash value under certain circumstances; amending s. 627.70152, F.S.; authorizing the award of reasonable attorney fees to defendants under certain circumstances; reenacting ss. 624.424(10), 627.3517, and 627.712(1), F.S., relating to annual insurer statements, consumer choice, and required residential windstorm coverage, respectively, to incorporate the amendments made to s. 627.351, F.S., in references thereto; providing an effective date.

—was read the second time by title.

Senator Bracy moved the following amendment which failed:

Amendment 1 (385312) (with title amendment)—Delete lines 1953-1974.

And the title is amended as follows:

Delete lines 56-58 and insert: met; amending s. 627.70152,

Senator Rouson moved the following amendment which failed:

Amendment 2 (186652) (with title amendment)—Delete lines 1975-1986.

And the title is amended as follows:

Delete lines 58-60 and insert: under certain circumstances;

Senator Boyd moved the following amendment which was adopted:

Amendment 3 (327802) (with title amendment)—Delete lines 1985-1986 and insert:
defendant may be awarded reasonable attorney fees and costs associated with securing the dismissal.

And the title is amended as follows:

Delete line 60 and insert: fees and costs to defendants under certain circumstances;

On motion by Senator Boyd, by two-thirds vote, **CS for CS for SB 1728**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—28

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

Nays—11

Ausley	Farmer	Rouson
Berman	Garcia	Taddeo
Bracy	Gibson	Torres
Cruz	Powell	

Vote after roll call:

Nay to Yea—Bracy

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.

SENATOR BEAN PRESIDING

—was read the second time by title. On motion by Senator Rodriguez, by two-thirds vote, **CS for SB 196** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

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

Nays—None

Vote after roll call:

Yea—Cruz

Consideration of **CS for SB 486** was deferred.

CS for CS for SB 718—A bill to be entitled An act relating to the provision of health care; amending s. 400.488, F.S.; revising the definitions of the terms “informed consent” and “unlicensed person”; authorizing unlicensed persons to assist patients with other specified tasks; revising provisions relating to medications and devices with which unlicensed persons may assist patients in self-administration under certain circumstances; amending s. 401.252, F.S.; specifying staffing requirements for advanced life support ambulances during interfacility transfers; providing that the person occupying the ambulance who has the highest medical certification in this state is in charge of patient care during the transfer; amending s. 429.256, F.S.; revising the definitions of the terms “informed consent” and “unlicensed person”; authorizing unlicensed persons to assist patients with other specified tasks; revising provisions relating to medications and devices with which unlicensed persons may assist patients in self-administration under certain circumstances; amending s. 464.0156, F.S.; authorizing registered nurses to delegate to certified nursing assistants and home health aides the administration of certain medications to patients in county detention facilities under certain circumstances; revising the list of medications that a registered nurse may delegate the administration of to a certified nursing assistant or home health aide; amending ss. 401.25 and 401.27, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 718**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 469** was withdrawn from the Committee on Appropriations.

On motion by Senator Bradley—

CS for HB 469—A bill to be entitled An act relating to patient care in health care facilities; amending s. 400.488, F.S.; revising the definitions of the terms “informed consent” and “unlicensed person”; authorizing unlicensed persons to assist patients with other specified tasks; revising provisions relating to medications and devices with which unlicensed persons may assist patients in self-administration under certain circumstances; amending s. 401.252, F.S.; specifying staffing requirements for advanced life support ambulances during interfacility transfers; providing that the person occupying the ambulance who has the highest medical certification in this state is in charge of patient care during the transfer; amending s. 464.0156, F.S.; revising the list of medications that a registered nurse may delegate the administration of to a certified nursing assistant or home health aide; amending ss.

401.25, 401.27, and 429.256, F.S.; conforming provisions to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 718** and read the second time by title.

Senator Bradley moved the following amendment:

Amendment 1 (635964) (with title amendment)—Delete line 189 and insert:
agency or in a local county detention facility as defined in s. 951.23(1), if the certified nursing assistant or home health aide

And the title is amended as follows:

Delete line 15 and insert: transfer; amending s. 464.0156, F.S.; authorizing registered nurses to delegate to certified nursing assistants and home health aides the administration of certain medications to patients in county detention facilities under certain circumstances; revising the

Senator Bradley moved the following substitute amendment which was adopted:

Substitute Amendment 2 (388784) (with title amendment)—Delete lines 189-196 and insert:
agency or in a local county detention facility as defined in s. 951.23(1), if the certified nursing assistant or home health aide meets the requirements of s. 464.2035 or s. 400.489, respectively. A registered nurse may not delegate the administration of any controlled substance listed in Schedule II, Schedule III, or Schedule IV of s. 893.03 or 21 U.S.C. s. 812, except for the administration of an insulin syringe that is prefilled with the proper dosage by a pharmacist or an insulin pen that is prefilled by the manufacturer.

Section 4. Subsection (1) of section 464.2035, Florida Statutes, is amended to read:

464.2035 Administration of medication.—

(1) A certified nursing assistant may administer oral, transdermal, ophthalmic, otic, rectal, inhaled, enteral, or topical prescription medication to a patient of a home health agency or to a patient in a county detention facility as defined in s. 951.23(1) if the certified nursing assistant has been delegated such task by a registered nurse licensed under part I of this chapter, has satisfactorily completed an initial 6-hour training course approved by the board, and has been found competent to administer medication to a patient in a safe and sanitary manner. The training, determination of competency, and initial and annual validation required under this section must be conducted by a registered nurse licensed under this chapter or a physician licensed under chapter 458 or chapter 459.

And the title is amended as follows:

Delete line 18 and insert: assistant or home health aide; authorizing registered nurses to delegate to certified nursing assistants and home health aides the administration of certain medications to patients in county detention facilities under certain circumstances; amending s. 464.2035, F.S.; authorizing certified nursing assistants to administer certain medication to patients in county detention facilities under certain circumstances; amending ss. 401.25,

On motion by Senator Bradley, by two-thirds vote, **CS for HB 469**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—38

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

Pizzo	Rodriguez	Taddeo
Polsky	Rouson	Torres
Powell	Stargel	Wright
Rodrigues	Stewart	

Nays—None

Vote after roll call:

Yea—Brandes

SB 892—A bill to be entitled An act relating to charter school charters; amending s. 1002.33, F.S.; requiring a request for a consolidation of multiple charters to be approved or denied within a specified timeframe; requiring a charter school sponsor to provide to the charter school specified information relating to a denial of a request for a consolidation within a certain timeframe; revising the time period for notification of specified actions relating to a charter school charter; providing for the automatic renewal of a charter under certain circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 892**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 225** was withdrawn from the Committee on Rules.

On motion by Senator Burgess—

CS for HB 225—A bill to be entitled An act relating to charter school charters; amending s. 1002.33, F.S.; requiring a request for a consolidation of multiple charters to be approved or denied within a specified timeframe; requiring a charter school sponsor to provide specified information relating to a denial of a request for a consolidation to the charter school within a specified timeframe; revising the time period for notification of specified actions relating to a charter school charter; providing for the automatic renewal of a charter under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 892** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 225** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1060** was deferred.

SB 1360—A bill to be entitled An act relating to the Governor’s Medal of Freedom; amending s. 14.35, F.S.; abrogating the repeal of provisions authorizing the Governor to present the Governor’s Medal of Freedom to certain persons; providing an effective date.

—was read the second time by title. On motion by Senator Wright, by two-thirds vote, **SB 1360** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—36

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

Nays—1

Farmer

Vote after roll call:

Yea—Mr. President, Brandes

Nay to Yea—Farmer

CS for CS for SB 1374—A bill to be entitled An act relating to clinical laboratory testing; amending s. 483.801, F.S.; exempting registered nurses from clinical laboratory personnel licensure requirements 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 CS for SB 1374** 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

On motion by Senator Hutson—

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

—was read the second time by title.

Senator Hutson moved the following amendment which was adopted:

Amendment 1 (726208) (with title amendment)—Delete lines 92-124 and insert:

district, a supervisor must be an eligible voter who resides in the district and who:

1. *Is actively engaged in, or retired after 10 years of being engaged in, agriculture as defined in s. 570.02;*
2. *Is employed by an agricultural producer; or*

3. Owns, leases, or is actively employed on land classified as agricultural under s. 193.461.

(b) At the time of qualifying, a candidate for supervisor shall submit an affirmation in substantially the following form:

State of Florida
County of

Statement of Candidate for Supervisor of Soil and Water Conservation District

I, (Name of candidate), a candidate for Supervisor of Soil and Water Conservation District, meet the qualifications pursuant to s. 582.19(1), Florida Statutes, to serve on the governing body of the Soil and Water Conservation District.

(Signature of candidate)

(Address)

Sworn to and subscribed before me this day of, (year), at County, Florida.

Section 4. Section 582.195, Florida Statutes, is created to read:

582.195 Mandatory meeting of supervisors.—All five supervisors of the governing body of each district shall meet at least once per calendar year in a public meeting pursuant to s. 286.011.

Section 5. Section 582.295, Florida Statutes, is created to read:

582.295 Automatic dissolution of districts.—

(1) If the governing body of a district fails to meet as required under s. 582.195, the district shall be automatically dissolved as of January 1 of the year immediately following the year in which the governing body failed to meet. All assets and liabilities of the district shall be transferred to the Department of Agriculture and Consumer Services.

(2) Sections 189.076, 582.30, 582.31, and 582.32 do not apply to dissolution of a district under this section.

Section 6. The Department of Economic Opportunity declared the Baker Soil and Water Conservation District inactive on August 3, 2020, and the Martin Soil and Water Conservation District inactive on March 17, 2020; therefore, the districts are hereby dissolved and all assets and liabilities of the districts are transferred to the Department of Agriculture and Consumer Services.

And the title is amended as follows:

Delete line 17 and insert: at the time of qualifying; creating s. 582.195, F.S.; requiring mandatory public meetings at least annually for the supervisors of soil and water conservation districts; creating s. 582.295, F.S.; providing for the automatic dissolution of soil and water conservation districts under certain conditions; providing for the transfer of the assets and liabilities of such districts to the department; exempting automatic dissolutions from specified provisions; dissolving the Baker Soil and Water Conservation District and the Martin Soil and Water Conservation District; transferring the assets and liabilities of those districts to the department; requiring all supervisors

Pursuant to Rule 4.19, CS for CS for CS for SB 1078, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of SB 940, CS for SB 7012, CS for CS for SB 1952, and CS for CS for SB 1010 was deferred.

THE PRESIDENT PRESIDING

By direction of the President, there being no objection, the Senate reverted to—

BILLS ON THIRD READING

SB 1402—A bill to be entitled An act relating to domestic surplus lines insurers; amending s. 626.914, F.S.; defining the term “domestic surplus lines insurer”; revising the definition of the term “eligible surplus lines insurer” to include domestic surplus lines insurers; creating s. 626.91805, F.S.; defining the term “nonadmitted insurer”; providing that specified nonadmitted insurers are eligible to transact insurance as domestic surplus lines insurers under certain circumstances; requiring domestic surplus lines insurers to maintain a minimum surplus amount; requiring such insurers to be deemed eligible surplus lines insurers and to be included in the list of eligible surplus lines insurers; authorizing such insurers to write certain kinds of insurance; requiring such insurers to be considered unauthorized insurers for specified purposes; requiring such insurers to be considered nonadmitted insurers for specified purposes; authorizing domestic surplus lines insurers to write only surplus lines insurance under a specified circumstance; prohibiting such insurers from simultaneously holding any certificate of authority to operate as admitted insurers; authorizing such insurers to write surplus lines insurance in any jurisdiction if specified requirements are met; providing applicability of specified requirements of the Florida Insurance Code to such insurers; providing an exception; providing an exemption from a specified law for such insurers; providing exemptions from specified requirements for surplus lines insurance policies issued by such insurers; providing that such policies are subject to specified taxes but are not subject to certain other taxes; providing that such policies are not subject to the protections and requirements of specified acts and a specified fund; prohibiting such insurers from issuing certain homeowners’ policies under a specified circumstance; providing nonapplicability; prohibiting such insurers from issuing certain policies to satisfy specified laws; amending ss. 458.320, 459.0085, and 464.0123, F.S.; conforming cross-references; amending s. 629.401, F.S.; specifying cross-references; providing an effective date.

—as amended March 2, was read the third time by title.

On motion by Senator Burgess, SB 1402, as amended, was passed and certified to the House. The vote on passage was:

Yeas—28

Table with 3 columns: Name, Name, Name. Includes Mr. President, Albritton, Ausley, Baxley, Bean, Boyd, Bradley, Brandes, Brodeur, Broxson, Burgess, Diaz, Gainer, Garcia, Gruters, Harrell, Hooper, Hutson, Mayfield, Passidomo, Perry, Polsky, Powell, Rodrigues, Rodriguez, Stargel, Stewart, Wright.

Nays—8

Table with 3 columns: Name, Name, Name. Includes Berman, Cruz, Farmer, Gibson, Jones, Rouson, Taddeo, Torres.

RECESS

The President declared the Senate in recess at 7:32 p.m. to reconvene at 8:15 p.m. or upon his call.

EVENING SESSION

The Senate was called to order by President Simpson at 8:15 p.m. A quorum present—39:

Table with 3 columns: Name, Name, Name. Includes Mr. President, Albritton, Ausley, Baxley, Bean, Berman, Book, Boyd, Bracy, Bradley, Brandes, Brodeur, Broxson, Burgess, Cruz.

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

BILLS ON THIRD READING, continued

CS for HB 5—A bill to be entitled An act relating to reducing fetal and infant mortality; amending s. 381.84, F.S.; revising the purpose and requirements for the Comprehensive Statewide Tobacco Education and Use Prevention Program; revising a provision relating to a certain report to conform to changes made by the act; creating s. 383.21625, F.S.; providing a definition; requiring the Department of Health to contract with local healthy start coalitions for the creation of fetal and infant mortality review committees in all regions of the state; providing requirements for such committees; requiring local healthy start coalitions to report the findings and recommendations developed by the committees to the department annually; requiring the department to compile such findings and recommendations in a report and submit such report to the Governor and Legislature by a specified date and annually; authorizing the department to adopt rules; amending s. 390.011, F.S.; revising and providing definitions; amending s. 390.0111, F.S.; prohibiting a physician from performing a termination of pregnancy if the physician determines the gestational age of a fetus is more than a specified number of weeks; providing an exception; amending s. 390.0112, F.S.; revising a requirement that the directors of certain medical facilities submit a monthly report to the Agency for Health Care Administration; requiring certain physicians to submit such report to the agency; requiring the report to be submitted electronically on a form adopted by the agency, the Board of Medicine, and the Board of Osteopathic Medicine; requiring the report to include certain additional information; removing obsolete language; creating s. 395.1054, F.S.; requiring that certain hospitals participate in a minimum number of quality improvement initiatives developed in collaboration with the Florida Perinatal Quality Collaborative within the University of South Florida College of Public Health; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Stargel, **CS for HB 5** was passed and certified to the House. The vote on passage was:

Yeas—23

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

Nays—15

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

Vote after roll call:

Yea—Garcia

CS for SB 1808—A bill to be entitled An act relating to immigration enforcement; amending s. 900.05, F.S.; revising the type of data re-

quired to be reported by the clerk of the court, county detention facilities, and the Department of Corrections as part of criminal justice data collection; amending s. 908.102, F.S.; revising the definition of the term “sanctuary policy” to include specified laws, policies, practices, procedures, or customs that limit or prohibit a law enforcement agency from providing specified immigration information to a state entity; creating s. 908.11, F.S.; requiring each law enforcement agency operating a county detention facility to enter into a specified agreement with the United States Immigration and Customs Enforcement to assist with immigration enforcement; requiring such agency to report specified information concerning such agreement quarterly to the Department of Law Enforcement; creating s. 908.111, F.S.; providing definitions; prohibiting a governmental entity from executing, amending, or renewing a contract with common carriers or contracted carriers under certain circumstances; requiring specified governmental entity contracts with common carriers or contracted carriers to include specified provisions on or after a certain date; requiring the Department of Management Services to develop a specified form; providing an effective date.

—as amended March 2, was read the third time by title.

On motion by Senator Bean, **CS for SB 1808**, 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

MOTIONS

On motion by Senator Passidomo, the rules were waived and all bills temporarily postponed on the Special Order Calendar this day were retained on the Special Order Calendar.

BILLS ON SPECIAL ORDERS

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Thursday, March 3, 2022: CS for CS for SB 1352, SB 144, CS for CS for SB 1800, CS for CS for SB 1802, SB 1476, CS for CS for SB 524, CS for CS for SB 190, CS for CS for SB 1262, CS for CS for SB 1382, CS for CS for SB 1426, CS for SB 1048, CS for CS for SB 758, CS for CS for SB 752, CS for SB 802, CS for CS for SB 466, SB 360, CS for CS for SB 804, CS for CS for SB 768, CS for SB 944, CS for CS for SB 1304, SB 7044, CS for HM 43, CS for CS for SB 1798, CS for CS for SB 1950, HB 7065, CS for CS for SB 1796, CS for CS for SB 1474, CS for CS for SB 1702, CS for CS for SB 1710, CS for CS for SB 1728, CS for SB 196, CS for SB 486, CS for CS for SB 718, SB 892, CS for SB 1060, SB 1360, CS for CS for SB 1374, CS for CS for CS for SB 1078.

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

**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 adopted CS/SM 174.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has adopted SM 826.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Wilton Simpson, President

I am directed to inform the Senate that the House of Representatives has adopted SM 982.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

ENROLLING REPORTS

CS for SB 282 has been enrolled, signed by the required constitutional officers, and presented to the Governor on March 3, 2022.

Debbie Brown, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 2 was corrected and approved.

CO-INTRODUCERS

Senators Perry—CS for CS for SB 752, CS for CS for SB 1262, SB 1360, SB 1476, CS for CS for SB 1728

ADJOURNMENT

On motion by Senator Passidomo, the Senate adjourned at 11:01 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, March 4 or upon call of the President.