



Journal of the Senate

Number 2—Special Session D

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CALL TO ORDER

The Senate was called to order by President Simpson at 10:00 a.m. A quorum present—38:

Mr. President	Cruz	Perry
Albritton	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	Mayfield	Torres
Broxson	Osgood	Wright
Burgess	Passidomo	

Excused: Senator Jones; Senator Ausley until 11:41 a.m.

PRAYER

The following prayer was offered by Senator Stargel:

Dear Heavenly Father, we thank you for this opportunity that we have to come together, Lord. We thank you, Lord, that we are in a country that we can do this freely without any fear of persecution or retribution. We thank you, Lord, that we live in a country that people who have different faiths than me can also stand and pray and worship. Lord, I thank you so much for the many blessings that you've given me, my family, and this country. We're never forgetting of all of the wonderful things you have done for us. Lord, thank you for directing our paths. Thank you for leading us to this place. The Bible says that no one is in power that you didn't allow to be in power. All of us here have a purpose and a calling and are put here because you wanted us to be here for such a time as this.

Lord, as we go through these proceedings that we deal with every day, that affect so many people in the State of Florida—people who are suffering, people who are afraid, people who are worried—Lord, please give all of those individuals peace and comfort. Lord, be with all of us as we make these decisions that we will do things that are honoring in your sight, that we will behave in a way that is honoring to you. Please watch over all of us. Lord, please watch over all of our family members. Please protect all of us and our families as this is a very challenging position for everyone. Give us the strength that we need to be able to accomplish your will. We ask all of these things in your name. Amen.

PLEDGE

Senator Harrell led the Senate in the Pledge of Allegiance to the flag of the United States of America.

MOMENT OF SILENCE

At the request of Senator Osgood, the Senate observed a moment of silence in memory of the victims who lost their lives due to gun violence at Tops Supermarket in Buffalo, New York, on May 14, 2022, and at the Irvine Taiwanese Presbyterian Church in Laguna Woods, California, on May 15, 2022.

SPECIAL RECOGNITION OF SENATOR FARMER

At the direction of the President, the Senate proceeded to the recognition of Senator Gary M. Farmer, Jr., honoring his years of service to the Senate as he approaches the completion of his term for the 34th Senate District.

SPECIAL GUESTS

President Simpson introduced Senator Farmer's current staff member, Matthew Singer, who was present in the chamber.

SPECIAL PRESENTATION

A video tribute was played honoring Senator Farmer.

REMARKS

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

Senator Mayfield: Gary, the video was absolutely wonderful, seeing you as a young man with your young children. You can really tell that you were really engaged in your family with your children. It was great to see that, because I don't think many of us see you that way on the floor. But you have a heart. I know you have a heart because we worked together for a year when you were a Leader and I was first appointed Leader. You were also open when I wanted to come talk to you about some of our issues and I wanted to get your thoughts to see where you were on it. I hope you felt the same way about me, that you could come do that. I wish you well. Your life has just begun and you're on to better things. If you ever need anything, you have my phone number so just give me a call. I'll always be there for an ear.

Senator Burgess: Senator Farmer, to Leader Mayfield's point, these moments have a way of humanizing us all. We get into the zone and into the arena here, and we know of each other what we see and what we experience. It was great to see you with your kids and great to see you with your extensive life outside of this process. I want to say thank you, because you and I have had occasion to be on the opposite ends of a handful of issues in these short two years. But you have never taken your role as the loyal opposition to anything I've carried forward in any personal way, in any way that would lead me to believe anything different than a true, deeply held conviction. You will fight tooth and nail for that conviction but you will do so with a lot of respect toward the person on the other side of that issue and I just wanted to thank you for that, and that can get missed in this process. I hope people are paying

attention to those moments. I appreciate you. Good luck, and God bless on everything you do going forward.

Senator Wright: Gary, I think of you as a friend. We have done a lot of things outside of this chamber here and you're an ultimate professional. As Senator Burgess mentioned, you're committed to your job and I respect you for that. You do a great job in representing your constituents. I'm going to miss you because I do look forward to those times when we run into each other somewhere else, and share a beverage and get to know each other. You're a great guy. God bless you and I hope you have a great life.

Senator Cruz: Senator Farmer, I want to wish you well in your next endeavor. I think that you are by far one of the best debaters that I have ever listened to. I appreciate your courage, your passion, your tenacious style, and your willingness to stand up and express your opinion whether you're making friends or not. I think that's important because I think you maintain the integrity in what you believe in and your fight. I wish you well and take care.

Senator Taddeo: Let the record reflect that I rise at 10:28 a.m. so the clock may start. Just kidding, but in your honor I did that because, obviously, we all remember those moments where your passion for your service of your constituents came through. We may have disagreed and fought many times, but I appreciate someone who is truly dedicated to public service and truly dedicated to representing the constituents that got you here. I still consider you my friend and I'm happy to call you my friend. I'm honored. I will tell you, I know that the State of Florida will be better off for everything that you do from here on out. The song said, "The Best Is Yet To Come." You've got that right. Thank you.

Senator Passidomo: The first thing that I want to say is when I was looking at the video, I lost a bet. When we first got elected, I bet that was not your real hair. Obviously, looking at you, either that or it wasn't real when you were like 18. So, I lost that bet. And that sort of kind of started our relationship. When the President asked me to be the Rules Chair, my first thought was, "Oh no, Gary Farmer." That's a compliment to you because I know you keep the Rule book right on your desk. It's probably got more marks and stickies than the professor has in his book. What's good about this is that you've kept us honest, in many ways, in the sense of continually challenging us to do good, to do better. That was important to me, even though you and I don't agree about 99 percent of the time. When we disagree, we've had really good, robust discussions that many of you have not heard, but it has always been courteous and graceful and humorous. How many times, "Come on, Kathleen, just give me one!" And we did. We gave you one. So, I guess in the future, I'm going to be calling you "Your Honor." Thank God I don't practice law over on your side of the coast. I really do wish you well. There will be an empty place in our heart for you because you've always been just, you know, a little quirky, but a good friend. Good luck in your future.

Senator Bean: Good morning, Florida Senate. Good morning, Gary Farmer. Three things that I've learned about Gary Farmer: One, and literally the very first words out of his mouth to me, I am not making this up, this is absolutely true, "Don't mess with the hair." That's what he said. We were filming. We were filming the press skits, and this is where we were shooting *Old School*, and the black van drove up. I was supposed to slam open the door, grab him, and pull him out. President Simpson said, "Bean, lean in on this one, we really want to capture it." So I'm ready to go, and he literally says, "You can do anything you want, just don't mess with the hair." That's it. You don't mess with the hair of Gary Farmer. As President Designate Passidomo said, "The Rules." When I'm up there, and I never know when I'm going to go, but I do know that if I'm up there and Gary Farmer's on the floor, you have got to have the Rule book handy. I've got to have Mr. Phelps handy, too. Because of you, I write down the time anybody starts debate just to be sure, which is good. You know, that's the thing: You have made the other side better. We know we have to prepare a little bit more and make sure that our bases are covered because when we go into battle on this floor, you make us all better. So that is absolutely a compliment. The last thing I know about Gary Farmer is he has a heart, he cares. We've been in so many long, passionate debates, particularly in healthcare. I know it can get very emotional. I know our hearts are all on the same side of caring for individuals that can't care for themselves. So hats off to you, Gary Farmer, in a way that doesn't mess up your hair. Go get 'em, my friend. Peace.

Senator Boyd: Senator Farmer, I think in the terms of agreement or disagreement, I'm somewhere on the scale with you between Burgess and Passidomo. I don't think we've disagreed 99 percent of the time, but we've had some pretty definite disagreements on some issues. You have always treated me with respect and kindness, and I can tell you, I've been a sharper member because of those thoughts that I'm going to have to talk to Senator Farmer about an issue. Thank you for that. I wish you well in your next step. I don't practice law but if I'm over in that area and I happen to be in your court, just remember I'm a decent guy, okay? All the best to you.

Senator Torres: Gary, what can I say? You've been inspirational—a friend, a colleague, a guiding light for me. Sometimes I'm watching you in debate and I'm going, "Uh oh, here we go. Let's sit down and let Gary go and talk." You've been a fighter. You never give up. You have a quality of life for the underdog and for the things that you believe will help our community. I really appreciate that. I'm not an attorney, but I see through you what attorneys should be doing, helping us—especially up here. I think that you are going to make history when you sit on the bench. You're going to be some judge down there. I wish you the best of luck with whatever you do. Thank you again for your friendship.

Senator Pizzo: Senator Farmer, you're very lucky because you get to make your father very proud. In his likeness and in his name, if you're fortunate enough to take the bench, you do so as a legacy which is incredible. I don't know any father-son combination like that. You lost your mom. I lost my dad. We disagree on a lot of stuff sometimes, but what I don't doubt is that which we share which is most fundamental to both of us—we adore our kids. We love them. We want them to be proud of us, and that's the lens that we use. But like Senator Boyd says, if I'm driving through Broward's 17th District, go easy on my bail amount. I have ties to the community. I'm not a flight risk. Thank you. You were very gracious when I entered this process. I remember meeting you for the first time—you probably don't remember meeting me the first time. It was actually in the conference room at Local 10 when you were about to go on a debate with Jim Waldman and I with Daphne but she didn't show up. Continue to do what you're doing. I will tell you, from a 38,000 foot view, your dad is going to be more proud of you sitting on the bench. My dad would have been more proud of me if I had played short stop for the Yankees, but it doesn't always work out. Very good luck to you, and I know I'll be seeing you soon.

Senator Gibson: You are certainly a gentleman, as I mentioned before, and true to yourself and true on this floor and in committee. And there is absolutely no issue with that because when all is said and done, you followed your belief and you advocated on behalf of people that you care about. Not that others don't, you just do it a little bit differently and there's absolutely nothing wrong with that. I'm not so sure how you're going to handle the bench because you're going to have to do more listening than talking so let me know how that works. Being a leader when you're in a super minority is very difficult because you have to cross many bridges, travel many roads, try to wrangle everyone together, and it seems like all is not going to happen as you would like it to. Within the caucus, it can, outside of the caucus, it can as well, particularly because you are a negotiator. I have appreciated your service. I have appreciated the way you carried yourself when things seemed like they were falling apart. You didn't fall apart, you stood up, and you still stood by your values. That takes a great personality, a thoughtful person, and great stamina. I know you'll be a fine judge if you just listen a little bit to the people who come up to talk. I'm sure I will be seeing you down the road.

Senator Powell: Senator Farmer, I want to say first, thank you. Thank you for the challenge of the process. Of course, when I was in the House, I knew you as part of the trial lawyers. Knowing that you were running, and coming into the Senate, many of you may not know, Gary sometimes can have a very strong personality. He believes in what he believes in, and I knew that this would make not just those of us who are Democrats stronger and tougher, but it would also make Republicans stronger and tougher, being the loyal opposition. Of course, we've agreed on a lot of things. We've also battled. People may not believe that you and I have battled about things, but we have. I thank you Gary also, for entrusting me when you became the Democratic Leader, to be your Pro Tempore. That was an honor, and still is an honor, to serve in this body and to know that someone would trust me with that type of responsibility and position. Gary, I also want to compliment you on doing what you always believe is right. In this process, sometimes it can be easy to follow what everybody else is doing. Even though in your heart,

you believe something different. You've been able to stick to your guns. I appreciate that, and I recognize that. I want to tell you that you have made a difference, you have made an impact, and in your next endeavor you will continue to make an impact. You'll be more valuable in terms of the impact that you make in this next endeavor, and I wish you the best. I often say that a life of service is a life that counts, and that's for all of us. But for you, I also say a life of service is a life that counts, and you continue to serve and continue to make your life count. Good luck, congratulations, and thank you.

Senator Berman: So, I knew Gary before he got involved as a Senator, and one of my first memories that I have is seeing him at a shopping center in Boca Raton. He was campaigning for Maria Sachs, and he was the most disheveled looking person you saw. He had been out knocking on doors all day. It was a reflection of how vigorous you are in this process, and how important you recognize that this process is. Then I remember one day we were in the House, and it was when Janet was the Leader and I was Rules. You came running over. You said, "Okay, this is what you guys need to do right now." Because you hadn't been in the House, you were like, "Okay, you're going to file a late amendment." We were like, "A late amendment? Nobody files a late amendment and gets away with it in the House." So we all had some learning to do on that issue. I think what everyone here on the floor has really said is you are a worthy adversary, and you have raised the level of all of us. You really stand by your principles, and there's a lot to be said for that. So thank you for making us all be better legislators.

Senator Baxley: Well good morning, Senator. Great to see you. This truly has been a wonderful journey together. I hear so much about the lack of civility. Yet, in this body, I can honestly say, Senator Farmer and I knew we were rarely going to see eye to eye. There has never been a negative dialogue between he and I on a personal level. Never. He's always cordial. He's always a worthy adversary. He represents a clear perspective that many times is different from mine, and yet, this is America. We can come and do that and still love each other as brothers and sisters that are in a struggle for finding the best policy for Florida. I can't thank you enough for never letting that digress into personal animosity between us. I have often wondered, "What does someone do with all that hair?" It's a mystery to me. Now there are some high school photos around if you go to Mainland High School. I actually had some pretty sexy hair in high school if you can remember back that far. You have this remarkable, striking presence whenever you enter the room. I don't touch the hair! The thing that I will really always remember about Senator Gary Farmer or "Your Honor," is I was able to develop an aficionado for Baxley candy from Sylva, North Carolina. There is a common thread, and he's one of the few people that I know who has ordered candy from there that he loved, out of the little sample that I like to give out to encourage people. Remember to be sweet to each other. You don't have to be mad at everybody because you're different. He responded. He communicated about that. So, any time we can spread that relationship, when we disagree about everything, we can enjoy a good piece of candy together. God bless you, onward and upward.

Senator Farmer: Thank you very much, Mr. President, for scheduling this. It's very much appreciated. I will promise not to filibuster today. I'll end up shedding too many tears if I go on too long. You know, there certainly was a common theme in the remarks that you all made, and I really appreciate it. Throughout my career here in the Senate, I have approached things in a little bit of a different way. If I feel that my belief or the issues that I'm advocating for are righteous and just, I'm going to fight as hard as I can. I appreciate the fact that you all understand the earnestness with which I do that. It was, and never will be personal. The relationships I have formed here mean so much to me. You know, the old saying, "We can disagree without being disagreeable." I appreciate that you all have understood that even when there may be passionate disagreement it was never personal. This is a special, hallowed place. It truly, truly is. I'm going to come back to that in a minute. I just wanted to share with you why I am the way I am. This career found me.

I think most of you heard me tell the story in the past about my father and mother. My dad was a high school dropout in Toledo, Ohio. It was actually back when they had truancy court. He had been such a truant. His mother was an alcoholic and abandoned the family. She left his father, a bus driver in Toledo, Ohio, with three boys and a mentally disabled daughter. He wasn't around a lot. He's working double shifts and well, Dad was skipping a little school. Finally, the truancy court judge said, "Okay, you've got a choice. You're going to do 30 days in the

county jail or you're going to join the service." So, he joined the Marine Corps and went off to Korea. When he came back, he met my mom within weeks of returning from Korea. Her best friend was his cousin he happened to be visiting down in Wilton Manors, Florida, which is in my district. It still holds such a special place in my heart because I wouldn't be here if it weren't for the fact that he knocked on that door that day and met my beautiful mom. My mom saw in him untapped potential. And so, first, GED, then attending what was then Broward Junior College, then to Florida Atlantic University. One of the reasons I'm such a big advocate for FAU is he was part of the second graduating class. They did the graduation outdoors on the old Air Force runway. If you're familiar with FAU, it used to be an Air Force base. I was five years old when that happened.

Then we went off to Toledo, Ohio, for law school on the G.I. Bill. That's where, as I said, he had grown up. We drove up there in the old Oldsmobile 88 that my grandfather had given him. Through the last part of the trip, through Kentucky and Ohio, my sister and I had to sit in the front seat because there were holes in the floorboard in the back. My parents worried about carbon monoxide coming in the car. We get to Toledo, Ohio, and of course, most of the housing is dorms for young, single people. They had about five trailers for families. Well, there had been a mix up, and they gave away our trailer. There was nowhere for us to live. So through some connections at the university, there was a tennis club in this very rich suburb of Toledo called Ottawa Hills, the Toledo Tennis Club. It was just a mile or so from the university. Toledo was called the Glass City. It was formed to provide glass for the auto industry—Owens Corning, Ford, and Libby. This tennis club had these 15 clay courts, a pro shop, locker rooms, and a clubhouse. It had a little kitchen for the events they would have. In the attic, they had built an apartment. Typically, it would be for college students who would live there because it was closed in the winter but was opened five months in the summer. We ended up living there rent-free in exchange for being the janitors during the summer and the caretakers during the winter. So every night, after the tennis was over, my dad and I would clean the locker rooms, clean the toilets, and vacuum the floors. We were the janitors. Then we got to Gesu Elementary and we couldn't afford the tuition. They let us attend as long as we gave what we could on Sunday. I would take a city bus—imagine letting your kids do this today in first grade—cross the busiest road in Toledo, Ohio, Bancroft Street, get on a city bus, take it over to the university, walk over to the law school, and then sit in the back of my dad's classes waiting to get a ride home.

I share that with you because my die in life was cast very early on. He was a federal court judge. Recently we found a letter I wrote. I did an opinion on a trial I sat in on one summer in his courtroom where I used clearly inadmissible evidence to find the defendant guilty. My liberal bend? Hey, I went guilty on this one! I played a lot of basketball and my Converse would get holes in them. I'd put some cardboard in for a while and then finally I'd say, "Hey Mom, when the check comes, can I get some new sneakers?" She'd say, "Yes" and then go in the bedroom and start crying. She would tell people this as though it was embarrassing. I was so happy! I loved living in that tennis club. I loved doing those chores with my dad. I loved sitting in the back of that classroom watching him learn, be educated, and fight for our family. He went on to practice law, was appointed by the late, great Lawton Chiles to the 4th District Court of Appeals as Senator Pizzo alluded to. This next journey that I'm going to undertake, I had always anticipated. I always thought public service was in my heart and in my calling and I always thought I'd follow in my dad's footsteps and become a judge.

In 2005, I got a call to come to Tallahassee because there were some anti-court access issues happening and I had never been involved in this kind of process. I came up here and I went in front of the Judiciary Committee. Dan Webster was the Judiciary Chair. It was on class actions. I was representing people from Menorah Gardens who thought their loved one's remains were being interred in this sacred Jewish cemetery but their bones were being thrown in a field. I testified about that and why it was so important that we had a class action mechanism to get the people the relief and the justice they needed. This is a well-known story with the FJA. I testified and I came back and I'm sliding down the aisle to go back to my seat because the room's packed. People were saying, "Great job," and "Thank you, thank you." Then, I leaned over to Paul Jess who I think everyone in this room knows. Paul, he's been an institution up here. I said, "Who's next?" and he says, "What do you mean?" "Who's next?" He said, "Gary, I don't understand." I said, "Who's testifying next on our behalf?" The Better Business Bureau, Consumer Protection League—surely somebody else is going to stand

up and say why this bill is such a bad bill. Paul leans over to me, and he says, "Nobody." He says these two words that changed my life: "We're it." We're it. From that moment on my focus changed. I became engaged and spent 30-40 days a session up here. It wasn't until a few years ago that I realized a lot of the elected officials thought that the trial lawyers were paid to be up here. No, I'd spend about \$10,000 a year to be up here fighting for the things I believed in. I became President of the organization and then finally decided, "I'm going to stop talking these people into doing it. I'm going to do it myself."

I share that all with you so you just get a further glimpse into why the passion exists and what motivates me. I've always said it. You've heard me say it here and in committee. I consider myself the lobbyist, the advocate for the people that don't have a voice, that don't hire the lobbyist—for the little guy and the little gal. That's how I have approached this and, as I said, it warmed my heart hearing you all understand where I come from and why I'm sometimes a little so zealous in my advocacy and my work. I want to thank several people. My parents—I've already spoken about my dad. My mom, who passed away recently, was really the driving force. She was the one who got him to believe in himself. She was the one who carried our family through all this. She worked at the Toledo Men's Club as it was called up there. She made \$6,500 a year, and that was not a lot of money even back then. She just instilled in me the parts I think you see more. Everybody talks about my dad and the legal connection. If I have half the intelligence he had, I'd consider myself incredibly blessed because he's one of the greatest legal minds we've ever had. The heart of my mom—mom was a social worker. She got her MSW when she was 60 years old, also from Florida Atlantic University. And so people often assume, "Oh yeah, Gary is following his dad's footsteps—the law." That's true but I really feel like even more so, I follow in my mom's footsteps.

Now, with this new chapter in life, if I am fortunate enough to be chosen by the people of Broward County to go on the bench, I will be coming to the bench with a social worker's heart. I will do what I sought to do each and every day here which is to help people. Just help people. Of course, family means everything to us. You saw pictures of my beloved daughters, Hannah and Abby. They and their mom, Stacey, allowed me to come up here to Tallahassee. They supported me in efforts with the trial lawyers first and then being elected. Almost every one of you in here is a parent. You know how your family and your children mean everything to you. They inspire, they motivate, they guide you, they push you forward. Hannah and Abby are truly the wind beneath my wings and they always will be. My second family is that crazy group of trial lawyers that got me involved in this whole thing. You know, I've got a list here but it's too long. I was going to start naming names but it's just too long. We've got many representatives up in the gallery right now. I see Lynn McCartney in particular up there. Lynn is not a trial lawyer but I guarantee you she knows more law than about 80 or 90 percent of the people in this building right now. She is the heart and soul of the Florida Justice Association which, as I said, the goal is consumer protection. People want to make it about attorneys and attorney's fees. Hey, if bad things don't happen, we're not needed. I always advocated for and you all have seen me carry it around—one of the pictures was in the video today. I will be going to this third branch of government for which I have spent my life fighting to keep the courthouse doors open. I will never stop believing in the power of the judicial branch. It is truly the great equalizer where David can take on Goliath and prevail. I will have a different role. Senator Gibson, you are exactly right. I will have to listen a lot more than speak.

Even though I've been an advocate up here, I will be an umpire there. I will be fair and judicious with my rulings and my adjudications. Some of the people, Paul Jess, Lynn McCartney, Reggie Garcia, Eli Nortelus, Bret Heuchan, Bill Cotterell, and of course, Kevin Sweeney are here. Many of you know them. I wanted to mention them because they've meant so much to me. Of course, Andreina, you know, this process has affected my life in many, many ways. That's a special one, very much so. When I first got elected, outgoing Senators and House members call you up and, say, "Hey, you know, I'm termed out, but I've got my staff here. They're great." I got so many recommendations like that. True to form, though, I wanted believers working on my staff. It was no offense to any of the recommendations but Jay Shannon and Jake Flaherty were on my campaign. They were first hired by me in 2015 and again, true to form, when I came here, I had never served in the House or county commission or city commission or dogcatcher or anything. I ran against two eight-year House members so I called it like I was running against quasi-incumbents and we worked our tails off. Those little two geniuses

ran field and crunched data in a time when it wasn't as advanced as it is now. I brought them on as staff figuring that they could learn the ropes and I'd rather have that dedication and trust. It was the best decision I ever made. They are both so special to me. Jake is not here right now because he is with his wife, Morgan, at the hospital. She is in the midst of labor. As one chapter closes another opens. Little Sadie Flaherty will be joining us, hopefully today for Morgan's sake. So Jake, I wish you were here. I am joined by Matt Singer. Matt is such a great story. He started as an intern in our office, then came on staff. He's getting his Master's in American Politics in the MAAPP program over at FSU. He is truly an example of how we can affect lives even outside of legislating—just the staff and the people we lead and train. We mean so much to people and we lead by example. I just want to encourage you all to remember that. Karina Pereira also was an intern of mine. She ended up on staff over in the House. She's up at Georgetown Law School. Jay's working with the Army Corps of Engineers up there. So it goes on and on. Jennifer Gottlieb was my district aide for many years until joining the Broward Teacher's Union, and Diane Randolph is my current district aide. I thank them all so much. They've just meant the world to me and made my life easier.

The relationships I've made in this chamber are just such a testament to the power of what we talk about civility. We're all here because we care, right? I mean, this is not an easy thing to do. We're certainly not doing it for the money. But we all care. We may care in different ways and about different issues and have different views but you wouldn't be here doing this if you didn't care. I talked about when I first came up here, Dan Webster and I became very good friends. He didn't want to meet with me when I first came up here. I was this liberal trial lawyer, and a Broward County Democrat. He was a Christian conservative Republican from the middle of the state. I sat in his office for seven hours one day. Finally his staff just felt bad for me and got me a meeting. He and I became very good friends. I would visit with him when I went to Orlando. When I look around this room, I see the relationships I've made. Senator Bean, you were there for me on a tough day, on my mom's birthday. It's just such a special place we have here. I just hope you all don't take it for granted. One day, you'll be in my position when you're saying goodbye and it'll all come flooding across you. But this is a very special place. You've heard me talk about the importance of the role we play.

You've heard me tell the story about the saucer that cools the hot tea. That is what the Senate is. You know a lot of republics only have one chamber. So, Jefferson is dining with Washington and he says, "What's this Senate? Why do we need a bicameral legislature? The House should be the only body. It's the closest to the people." I don't know if you realize but teacups have a saucer for a reason. It's not just decorative. Back in the day, they wanted tea hot. You'd have to do it in the house, and then bring it out to the lawn to be enjoyed. So they'd make the tea really, really hot. When you poured it in your cup it was too hot to drink. You'd intentionally spill a little over into the saucer so that it would cool, and you could sip it out of the saucer. So, Washington said to Jefferson, "Thomas, just as that saucer cools your hot tea, so too shall the Senate cool the hot tea that comes from the House of Representatives." We haven't been cooling much tea lately. It's not just coming from the House. It's coming from another level of this building. I would encourage you to remember how important your role of being a Senator is. And sometimes, you've got to cool some hot tea. Sometimes moderation is in order. I hope we can get back to that because, you know, this past session was incredibly emotional. It led certainly to the decision I've made to try to switch gears and try to help people in a different way. You know I love to do quotes. When that Continental Congress was over, a woman famously called out to Ben Franklin, "What form of government have you given us, Mr. Franklin, a monarchy or a republic?" "A republic, ma'am. If you can keep her." We've got to keep her. Thank you for the privilege of a lifetime. It has been an incredible honor to serve with this body. Godspeed to all of you.

President Simpson: Leader Farmer, I heard several things I would like to make some comments about. The first one was you said that the Senate was the saucer. I thought the House was the saucer that did the cooling. My mistake. You have been a worthy adversary. I think that many folks have said that here today. I think that we know where your heart is, right? You are not being the worthy adversary for theater, you are doing it because that is where your heart is. We respect that in you and we respect the strength that all of our Democrat colleagues bring to this body. I think the Senate is much better off for having those different viewpoints. So today, I think we should focus on one of the

other issues that one of the Senators brought up—listening more than talking. I think today would be a really good day for you to start practicing the listening part, just in case you win. So without objection, I am going to show all the amendments withdrawn from the two bills today. No objection? Okay, show that motion adopted. I do not recognize Leader Farmer. Anyways, we have had a great run. I think we have served—you served from '12, right? '16? Well it felt like 2012. Anyway, it has been a good run. I appreciate your counsel, and I appreciate your serving in this Senate. As President, it has been a real honor to serve with you, and if I am ever in front of you, you know I am innocent. So let's get that straight early. Thank you for your service, Leader Farmer, and we look forward to your next endeavor. Thank you for being here today.

SPECIAL PRESENTATION

On behalf of the Senate, the President presented Senator Farmer with a framed ceremonial copy of CS for HCR 631 (2017) Groveland Four, which he managed during the 2017 Session.

SPECIAL ORDER CALENDAR

CS for SB 2-D—A bill to be entitled An act relating to property insurance; creating s. 215.5551, F.S.; creating the Reinsurance to Assist Policyholders program to be administered by the State Board of Administration; defining terms; requiring certain property insurers to obtain coverage under the program; requiring the board to provide reimbursement to property insurers under the program; requiring the board and property insurers to enter into contracts to provide certain insurance reimbursement; providing requirements for the contracts; providing construction; providing calculations for specified amounts of losses to determine reimbursement under the program; authorizing the board to inspect, examine, and verify insurer records; providing insurer eligibility qualifications for the program; providing for disqualification; requiring certain insurers to notify the board under a specified circumstance; providing for deferral of coverage under the program; prohibiting premiums from being charged for participation in the program; providing that the program does not affect the claims-paying capacity of the Florida Hurricane Catastrophe Fund; requiring the program to pay reimbursements directly to the applicable state guaranty fund in the event of insolvency; specifying requirements for the Florida Hurricane Catastrophe Fund if an insurer or the Citizens Property Insurance Corporation accept assignments of unsound insurers; providing that certain violations are violations of the insurance code; authorizing the board to enforce certain requirements; authorizing the board to adopt rules; providing legislative intent; requiring the board to submit a written notice within a certain timeframe to the Executive Office of the Governor relating to the program funds, under certain circumstances; providing a requirement for the notice and subsequent requests; requiring the Executive Office of the Governor to instruct the Chief Financial Officer to draw a warrant for a transfer to the board for the program under certain circumstances and to provide notification to specified persons within a certain timeframe; prohibiting cumulative transfers from exceeding a specified amount; providing reporting requirements; providing for expiration and transfer of unencumbered funds; requiring certain property insurers to reduce rates to reflect certain cost savings through rate filings by a specified date; prohibiting such insurers from making other rate changes; requiring the Office of Insurance Regulation to expedite the review of certain filings; amending s. 215.5586, F.S.; revising homeowner eligibility criteria for mitigation grants; specifying matching requirements for grants; revising reporting requirements; providing an appropriation; requiring the Department of Financial Services to submit budget amendments; specifying requirements for budget amendments; providing for reversion and appropriation of any unexpended balance; providing for expiration; amending s. 489.147, F.S.; revising the definition of the term “prohibited advertisement”; creating s. 624.1551, F.S.; requiring claimants to establish that property insurers have breached the insurance contract to prevail in certain claims for damages; amending s. 624.307, F.S.; requiring the office to publish certain information on its website; amending s. 624.313, F.S.; revising the information the office must include in a certain annual report; amending s. 624.315, F.S.; revising the information the office must include in certain reports; amending s. 624.424, F.S.; requiring the Office of Insurance Regulation to aggregate on a statewide basis and make publicly available certain data submitted by insurers and insurer groups; specifying requirements for publishing

such data; providing that such information is not a trade secret and is not subject to a certain public records exemption; amending s. 626.9373, F.S.; revising conditions for the award of reasonable attorney fees to apply to all suits brought under residential or commercial property insurance policies, rather than those not brought by assignees; limiting the transfer, assignment, or acquisition of rights to attorney fees in certain property insurance suits; amending s. 627.428, F.S.; revising conditions for the award of reasonable attorney fees to apply to all suits brought under residential or commercial property insurance policies, rather than those not brought by assignees; limiting the transfer, assignment, or acquisition of rights to attorney fees in certain property insurance suits; amending s. 627.701, F.S.; revising a prohibition against the issuance of insurance policies containing certain deductible provisions; revising the conditions a personal lines residential property insurance policy covering certain risks must meet under certain circumstances; requiring personal lines residential property insurance policies containing separate roof deductibles to include specified information; authorizing property insurers to include separate roof deductibles if certain requirements are met; providing requirements for policyholders in rejecting such deductibles under certain circumstances; requiring the office to expedite the review of filing of certain forms; authorizing the commission to adopt certain model forms or guidelines; requiring the office to review certain filings within a specified timeframe; providing that roof deductible portions of the filing are not subject to a specified extension for review; amending s. 627.7011, F.S.; authorizing property insurers to limit certain roof claim payments under certain circumstances; defining the term “authorized inspector”; prohibiting insurers from refusing to issue or renew homeowners’ policies insuring certain structures; requiring insurers to allow homeowners to have roof inspections performed before requiring roof replacement; providing applicability; amending s. 627.70131, F.S.; requiring insurers to conduct physical inspections for certain claims within a specified timeframe; requiring property insurers to notify and provide certain detailed estimates to policyholders; providing construction; requiring property insurers to provide reasonable explanations related to claims under certain circumstances; amending s. 627.70152, F.S.; making a technical change; authorizing property insurers to be awarded attorney fees in certain suit dismissals; providing that a strong presumption is created that a lodestar fee is sufficient and reasonable; providing that such presumption may be rebutted only under certain circumstances; amending s. 627.7142, F.S.; conforming a cross-reference; amending s. 627.7152, F.S.; revising the definition of the term “assignment agreement”; deleting the definitions of the terms “disputed amount” and “judgment obtained”; revising a requirement for assignment agreements; revising the requirement for assignees to indemnify and hold harmless assignors; specifying a timeframe during which and the addresses to which a notice of intent must be served; deleting certain limitations on the recovery and award of attorney fees in suits related to assignment agreements; creating s. 627.7154, F.S.; creating a property insurer stability unit within the office for a specified purpose; specifying the duties of the unit; requiring the unit to provide a specified report biannually; specifying requirements for such report; specifying events that trigger referrals to the unit; requiring the unit’s supervisors to review such referrals for a certain determination; requiring unit expenses be paid from a specified fund; requiring costs of examinations to be paid by examined persons in a specified circumstance; amending s. 631.031, F.S.; requiring certain notifications by the office to the department of grounds for delinquency proceedings to include an affidavit; specifying contents of such affidavit; amending s. 631.398, F.S.; specifying duties of the department for insurer insolvency proceedings; providing for construction of the act in pari materia with laws enacted during the 2022 Regular Session of the Legislature; providing effective dates.

—was read the second time by title.

Senator Boyd moved the following amendments which were adopted:

Amendment 1 (909730) (with title amendment)—Delete lines 369-373 and insert:

(12) **RULEMAKING.**—*The board may adopt rules to implement this section. In addition, the board may adopt emergency rules, pursuant to s. 120.54, at any time, as are necessary to implement this section for the 2022-2023 fiscal year. The Legislature finds that such emergency rule-making power is necessary in order to address a critical need in the state’s problematic property insurance market. The Legislature further finds that the uniquely short timeframe needed to effectively implement*

this section for the 2022-2023 fiscal year requires that the board adopt rules as quickly as practicable. Therefore, in adopting such emergency rules, the board need not make the findings required by s. 120.54(4)(a). Emergency rules adopted under this section are exempt from s. 120.54(4)(c) and shall remain in effect until replaced by rules adopted under the nonemergency rulemaking procedures of chapter 120, which must occur no later than July 1, 2023.

And the title is amended as follows:

Delete line 32 and insert: requirements; authorizing the board to adopt nonemergency rules and emergency rules; providing legislative findings; specifying conditions and limitations for any emergency rules adopted;

SENATOR BEAN PRESIDING

Amendment 2 (522372) (with title amendment)—Between lines 525 and 526 insert:

(4) The department may adopt emergency rules pursuant to s. 120.54, Florida Statutes, at any time, as are necessary to implement this section and s. 215.5586, Florida Statutes, as amended by this act. The Legislature finds that such emergency rulemaking authority is necessary to address a critical need in the state’s problematic property insurance market. The Legislature further finds that the uniquely short timeframe needed to effectively implement this section for the 2022-2023 fiscal year requires that the department adopt rules as quickly as practicable. Therefore, in adopting such emergency rules, the department need not make the findings required by s. 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from s. 120.54(4)(c), Florida Statutes, and shall remain in effect until replaced by rules adopted under the nonemergency rulemaking procedures of chapter 120, Florida Statutes, which must occur no later than July 1, 2023.

And the title is amended as follows:

Delete line 58 and insert: appropriation of any unexpended balance; authorizing the Department of Financial Services to adopt emergency rules; providing legislative findings; providing that such rules remain in effect until replaced by rules adopted using nonemergency rulemaking procedures; providing for

Senator Taddeo moved the following amendment which failed:

Amendment 3 (508274) (with title amendment)—Between lines 617 and 618 insert:

Section 10. Section 624.4056, Florida Statutes, is created to read:

624.4056 Offer of homeowner’s insurance in all counties required.—An insurer writing homeowner’s insurance in this state must offer homeowner’s insurance policies in all counties of this state.

And the title is amended as follows:

Delete line 69 and insert: the office must include in certain reports; creating s. 624.4056, F.S.; requiring certain insurers to offer homeowner’s insurance policies in all counties; amending

The vote was:

Yeas—15

Table with 3 columns: Senator Name, Senator Name, Senator Name. Rows: Ausley, Farmer, Powell; Berman, Gibson, Rouson; Book, Osgood, Stewart; Bracy, Pizzo, Taddeo; Cruz, Polsky, Torres

Nays—24

Table with 3 columns: Senator Name, Senator Name, Senator Name. Rows: Mr. President, Bradley, Diaz; Albritton, Brandes, Gainer; Baxley, Brodeur, Garcia; Bean, Broxson, Gruters; Boyd, Burgess, Harrell

Table with 3 columns: Senator Name, Senator Name, Senator Name. Rows: Hooper, Passidomo, Rodriguez; Hutson, Perry, Stargel; Mayfield, Rodrigues, Wright

Senator Farmer moved the following amendment which failed:

Amendment 4 (921852) (with title amendment)—Delete lines 621-652 and insert:

(10) Each insurer or insurer group doing business in this state shall file on a quarterly basis in conjunction with financial reports required by paragraph (1)(a) a supplemental report on an individual and group basis on a form prescribed by the commission with information on personal lines and commercial lines residential property insurance policies in this state. The supplemental report shall include separate information for personal lines property policies and for commercial lines property policies and totals for each item specified, including premiums written for each of the property lines of business as described in ss. 215.555(2)(c) and 627.351(6)(a). The report shall include the following information:

(a) For each county on a monthly basis:

- 1. Total number of policies in force at the end of each month.
2. Total number of policies canceled.
3. Total number of policies nonrenewed.
4. Number of policies canceled due to hurricane risk.
5. Number of policies nonrenewed due to hurricane risk.
6. Number of new policies written.
7. Total dollar value of structure exposure under policies that include wind coverage.
8. Number of policies that exclude wind coverage.

The office shall aggregate on a statewide basis the data submitted by each insurer or insurer group under this paragraph and make such data publicly available by publishing such data on the office’s website within 1 month after each quarterly and annual filing. Such information, when aggregated on a statewide basis as to an individual insurer or insurer group, is not a trade secret as defined in s. 688.002(4) or s. 812.081 and is not subject to the public records exemption for trade secrets provided in s. 119.0715.

(b) A statement and compilation of all related information and criteria that the insurer uses to evaluate the risks of insuring associated with anthropogenic climate change and impacts, including any information related to the causes of this threat to property. Impacts of anthropogenic climate change include, but are not limited to, severe rain and weather events, rapidly intensifying tropical cyclones, increased flooding, sea level rise, higher wind velocities, climate gentrification, and change in property values and insurance rates due to a property’s proximity to climate change or flooding-related mitigation projects.

1. The office shall aggregate on a statewide basis the information submitted under this paragraph and make such data publicly available by publishing such data on the office’s website within 1 month after each annual filing. Such information, when aggregated on a statewide basis as to an individual insurer or insurer group, is not a trade secret as defined in s. 688.002(4) or s. 812.081 and is not subject to the public records exemption for trade secrets provided in s. 119.0715. The office shall also present this information to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2024, and annually thereafter.

2. In coordination with the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the Chief Resilience Officer, and the Chief Science Officer, the office shall collect, publish, and summarize all publicly available information and data produced or owned by the state related to anthropogenic climate change on the office’s website at the same time as each annual report.

3. Using all available information, the office shall issue recommendations for the Legislature, local governments, and all rulemaking

entities to increase affordability of insurance, protect consumers and renters, and minimize risk to property now and in the future. Recommendations to the Legislature may include requests for funds for studies that can help inform future recommendations.

And the title is amended as follows:

Delete line 76 and insert: public records exemption; requiring insurers and insurer groups to report certain information related to climate change; requiring the office to aggregate on a statewide basis and make publicly available such information; specifying requirements for publishing such data and presenting such data to the Governor and Legislature by a specified date and annually thereafter; providing that such information is not a trade secret and is not subject to a certain public records exemption; requiring the office to coordinate with the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the Chief Resilience Officer, and the Chief Science Officer in collecting and publishing certain data; requiring the office to issue recommendations; amending s. 626.9373, F.S.;

Senator Taddeo moved the following amendment which failed:

Amendment 5 (422768) (with title amendment)—Between lines 676 and 677 insert:

Section 12. Subsection (5) is added to section 627.0613, Florida Statutes, to read:

627.0613 Consumer advocate.—The Chief Financial Officer must appoint a consumer advocate who must represent the general public of the state before the department and the office. The consumer advocate must report directly to the Chief Financial Officer, but is not otherwise under the authority of the department or of any employee of the department. The consumer advocate has such powers as are necessary to carry out the duties of the office of consumer advocate, including, but not limited to, the powers to:

(5) Collect information from any entity issued a certificate of authority by the Office of Insurance Regulation relating to subject matter that is necessary to carry out the duties of the office of consumer advocate. Aggregate information may include information asserted as trade secret information unless the trade secret information can be individually extrapolated, in which case the trade secret information remains protected as provided in s. 624.4213.

Section 13. Paragraph (l) is added to subsection (2) of section 627.062, Florida Statutes, to read:

627.062 Rate standards.—

(2) As to all such classes of insurance:

(l) If the office receives a filing proposing a rate increase, the office must consult with the consumer advocate in its review and in making its determination regarding approval of the filing.

The provisions of this subsection do not apply to workers' compensation, employer's liability insurance, and motor vehicle insurance.

And the title is amended as follows:

Between lines 82 and 83 insert: amending s. 627.0613, F.S.; authorizing the insurance consumer advocate to collect certain information from entities issued a certificate of authority by the Office of Insurance Regulation; amending s. 627.062, F.S.; requiring the office to consult with the insurance consumer advocate in a specified circumstance;

Senator Farmer moved the following amendments which failed:

Amendment 6 (139186) (with title amendment)—Between lines 676 and 677 insert:

Section 12. Section 626.9375, Florida Statutes, is created to read:

626.9375 Proceeding venues and governing law.—After July 1, 2022:

(1) Any litigation, arbitration, or mediation involving a personal residential property insurance policy issued by, or a claim against, a

surplus lines insurer authorized under ss. 626.913-626.937 covering real property in this state must be conducted in this state and governed by the laws of this state.

(2) A personal residential property insurance policy issued by a surplus lines insurer authorized under ss. 626.913-626.937 covering real property in this state may not require an insured to pursue dispute resolution through litigation, arbitration, or mediation outside this state.

And the title is amended as follows:

Between lines 82 and 83 insert: creating s. 626.9375, F.S.; providing requirements for proceeding venues and governing law for specified policies issued by and claims against surplus lines insurers; prohibiting such policies from requiring certain proceedings outside the state;

Amendment 7 (367274) (with title amendment)—Between lines 676 and 677 insert:

Section 12. Paragraph (a) of subsection (6) of section 627.062, Florida Statutes, is amended to read:

627.062 Rate standards.—

(6)(a) If an insurer requests an administrative hearing pursuant to s. 120.57 related to a rate filing under this section, the director of the Division of Administrative Hearings shall expedite the hearing and assign an administrative law judge who shall commence the hearing within 30 days, but no earlier than 7 days, after the receipt of the formal request. *Notwithstanding s. 120.525, the office must give notice of the hearing on its website no later than 24 hours after the hearing is scheduled and by publication in the next issue of the Florida Administrative Register. The administrative law judge shall and* enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript by the administrative law judge, whichever is later. Each party shall have 10 days in which to submit written exceptions to the recommended order. The office shall enter a final order within 30 days after the entry of the recommended order. The provisions of this paragraph may be waived upon stipulation of all parties.

And the title is amended as follows:

Between lines 82 and 83 insert: amending s. 627.062, F.S.; revising the timeframe for commencement of rate hearings; specifying the timeframe for notice of such hearings;

Amendment 8 (690394) (with title amendment)—Between lines 676 and 677 insert:

Section 12. Paragraph (kk) is added to subsection (6) of section 627.351, Florida Statutes, to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(kk) If required to report attorney fees paid by the corporation, the corporation must specify separately the amount paid:

1. For attorneys employed by the corporation or hired by the corporation from third-party firms.

2. To claimants for whom the corporation has been held liable.

And the title is amended as follows:

Between lines 82 and 83 insert: amending s. 627.351, F.S.; requiring the Citizens Property Insurance Corporation to report certain amounts separately when required to report attorney fees;

Senator Taddeo moved the following amendment which failed:

Amendment 9 (157972) (with title amendment)—Between lines 1488 and 1489 insert:

Section 22. By October 1, 2022, each insurer writing property insurance in this state shall make a rate filing with the Office of Insurance Regulation. The filing must propose a rate reduction reflecting any savings resulting from this act.

And the title is amended as follows:

Delete line 156 and insert: proceedings; requiring certain insurers to make rate filings with the office by a specified date; requiring that any such filing propose a rate reduction; providing for construction of the act in

Senator Book moved the following amendment which failed:

Amendment 10 (770908) (with title amendment)—Between lines 1488 and 1489 insert:

Section 22. *For insurers writing residential or commercial property insurance as defined in s. 624.604, Florida Statutes, the rates in effect on June 30, 2022, shall remain in effect until June 30, 2023, except for any rate change that results in a lower rate pursuant to Section 2 of this act to reflect the cost savings realized by participating in the Reinsurance to Assist Policyholders program.*

And the title is amended as follows:

Delete line 156 and insert: proceedings; requiring rates for certain insurers to remain in effect until a specified date; providing an exception; providing for construction of the act in

The vote was:

Yeas—16

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

Nays—23

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

Senator Farmer moved the following amendment which failed:

Amendment 11 (322868) (with title amendment)—Between lines 1488 and 1489 insert:

Section 22. (1) *The Department of Revenue shall use the revenue from the premium tax collected under s. 624.509, Florida Statutes, to issue rebates to homeowners who have experienced residential property insurance premium increases of 15 percent or more. A homeowner is eligible if the premium for the policy year has increased by 15 percent or more over the premium for the previous policy year. By August 31, 2022, and annually thereafter, a homeowner may apply to the department for a rebate. The department may request information from the homeowner which is necessary to determine the homeowner's eligibility. If the department determines that the homeowner is eligible, the department must issue a rebate in the amount of the premium increase. If the total revenue from the premium tax is insufficient to issue rebates to all homeowners determined eligible by the department, the department shall distribute rebates proportionately based on the amounts for which each homeowner is eligible.*

(2) *The department is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of administering this section.*

(3) *Notwithstanding any other law, emergency rules adopted pursuant to subsection (2) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.*

And the title is amended as follows:

Delete line 156 and insert: proceedings; requiring the Department of Revenue to use the revenue from the insurance premium tax to issue rebates to certain homeowners; providing for eligibility; authorizing homeowners to apply for rebates; authorizing the department to request necessary information; requiring the department to issue rebates to eligible homeowners; providing for distribution of rebates; authorizing the department to adopt emergency rules; providing for expiration of that authority; providing for construction of the act in

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

Senator Farmer moved the following amendments which failed:

Amendment 12 (287014) (with title amendment)—Between lines 617 and 618 insert:

Section 10. Subsection (1) of section 624.407, Florida Statutes, is amended to read:

624.407 Surplus required; new insurers.—

(1) To receive authority to transact any one kind or combinations of kinds of insurance, as defined in part V of this chapter, an insurer applying for its original certificate of authority in this state shall possess surplus as to policyholders at least the greater of:

(a) For a property and casualty insurer, \$5 million, or \$2.5 million for any other insurer;

(b) For life insurers, 4 percent of the insurer's total liabilities;

(c) For life and health insurers, 4 percent of the insurer's total liabilities, plus 6 percent of the insurer's liabilities relative to health insurance;

(d) For all insurers other than life insurers and life and health insurers, 10 percent of the insurer's total liabilities;

(e) Notwithstanding paragraph (a) or paragraph (d), for a domestic insurer that transacts residential property insurance and is:

1. Not a wholly owned subsidiary of an insurer domiciled in any other state, \$30 ~~\$15~~ million.

2. A wholly owned subsidiary of an insurer domiciled in any other state, \$50 million;

(f) Notwithstanding paragraphs (a), (d), and (e), for a domestic insurer that only transacts limited sinkhole coverage insurance for personal lines residential property pursuant to s. 627.7151, \$7.5 million; or

(g) Notwithstanding paragraphs (a), (d), and (e), for an insurer that only transacts residential property insurance in the form of renter's insurance, tenant's coverage, cooperative unit owner insurance, or any combination thereof, \$10 million.

And the title is amended as follows:

Between lines 69 and 70 insert: s. 624.407, F.S.; increasing the minimum surplus required for certain residential property insurers to receive authority to transact insurance; amending

Amendment 13 (948766) (with title amendment)—Between lines 617 and 618 insert:

Section 10. Section 624.4055, Florida Statutes, is amended to read:

624.4055 Restrictions on existing private passenger automobile insurance.—

(a) No insurer writing private passenger automobile insurance in this state may continue to write such insurance if the insurer writes homeowners' insurance in another state but not in this state, unless the insurer writing private passenger automobile insurance in this state is affiliated with an insurer writing homeowners' insurance in this state.

(b) Upon receipt of a complaint from a resident of this state or an insurer that an insurer has violated this section, the Department of Revenue shall investigate and determine whether a violation has occurred. The department may request, and the office and the insurer that is the subject of the investigation shall provide to the department, information necessary for the department to conduct the investigation. Upon a determination that an insurer has violated this section, the department shall suspend disbursements to the office from the operating budget of the office.

And the title is amended as follows:

Between lines 69 and 70 insert: s. 624.4055, F.S.; requiring the Department of Revenue to investigate complaints of certain violations; authorizing the department to request certain information; requiring the Office of Insurance Regulation and certain insurers to provide such information to the Department of Revenue; requiring the Department of Revenue to suspend certain disbursements in a certain circumstance; amending

Amendment 14 (821180) (with title amendment)—Between lines 652 and 653 insert:

Section 11. Section 626.7452, Florida Statutes, is amended to read:

626.7452 Managing general agents; examination authority; required report.—

(1) The acts of the managing general agent are considered to be the acts of the insurer on whose behalf it is acting. A managing general agent may be examined as if it were the insurer.

(2) The Office of Insurance Regulation shall analyze the use of managing general agents (MGAs) by the insurance industry within this state. By December 1, 2022, the office shall publish on its website and submit to the President of the Senate and the Speaker of the House of Representatives a report that must include, at a minimum, data on the number of MGAs active in this state; the number of policies serviced by MGAs; the number of claims settled by MGAs; all monies paid to all MGAs by insurance companies, separately specified for each MGA and insurance carrier; and other functions frequently performed by MGAs.

And the title is amended as follows:

Delete line 76 and insert: public records exemption; amending s. 626.7452, F.S.; requiring the office to analyze certain information and publish on its website and submit to the Legislature a report with certain data by a specified date; amending s. 626.9373, F.S.;

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

Senator Taddeo moved the following amendment which failed:

Amendment 15 (116884) (with title amendment)—Between lines 676 and 677 insert:

Section 12. Paragraph (c) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(c) The corporation's plan of operation:

1. Must provide for adoption of residential property and casualty insurance policy forms and commercial residential and nonresidential property insurance forms, which must be approved by the office before use. The corporation shall adopt the following policy forms:

a. Standard personal lines policy forms that are comprehensive multiperil policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the

requirements of the secondary mortgage market, but which is more limited than the coverage under a standard policy.

c. Commercial lines residential and nonresidential policy forms that are generally similar to the basic perils of full coverage obtainable for commercial residential structures and commercial nonresidential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to residential properties located in areas eligible for coverage under the coastal account referred to in sub-subparagraph (b)2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage under the coastal account referred to in sub-subparagraph (b)2.a.

f. The corporation may adopt variations of the policy forms listed in sub-subparagraphs a.-e. which contain more restrictive coverage.

g. Effective January 1, 2013, the corporation shall offer a basic personal lines policy similar to an HO-8 policy with dwelling repair based on common construction materials and methods.

h. Effective January 1, 2023, the corporation shall offer a personal lines policy with dwelling-only coverage which excludes coverage for personal property.

2. Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only.

a. As used in this subsection, the term:

(I) "Quota share primary insurance" means an arrangement in which the primary hurricane coverage of an eligible risk is provided in specified percentages by the corporation and an authorized insurer. The corporation and authorized insurer are each solely responsible for a specified percentage of hurricane coverage of an eligible risk as set forth in a quota share primary insurance agreement between the corporation and an authorized insurer and the insurance contract. The responsibility of the corporation or authorized insurer to pay its specified percentage of hurricane losses of an eligible risk, as set forth in the agreement, may not be altered by the inability of the other party to pay its specified percentage of losses. Eligible risks that are provided hurricane coverage through a quota share primary insurance arrangement must be provided policy forms that set forth the obligations of the corporation and authorized insurer under the arrangement, clearly specify the percentages of quota share primary insurance provided by the corporation and authorized insurer, and conspicuously and clearly state that the authorized insurer and the corporation may not be held responsible beyond their specified percentage of coverage of hurricane losses.

(II) "Eligible risks" means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the corporation and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.

b. The corporation may enter into quota share primary insurance agreements with authorized insurers at corporation coverage levels of 90 percent and 50 percent.

c. If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the agreement.

e. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.

f. For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Catastrophe Fund. For all policies of eligible risks covered under such agreements, the corporation and the authorized insurer must maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as required by fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.

g. The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of the agreements, pricing of the agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.

h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer is voluntary and at the discretion of the authorized insurer.

3. May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation may borrow funds by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary to effectuate the requirements of this subsection, including, without limitation, the power to issue bonds and incur other indebtedness in order to refinance outstanding bonds or other indebtedness. The corporation may seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (q)2. in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation may take all actions needed to facilitate tax-free status for such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation may pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, policyholder surcharges and other surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4. Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of nine individuals who are residents of this state and who are from different geographical areas of the state, one of whom is appointed by the Governor and serves solely to advocate on behalf of the consumer. The appointment of a consumer representative by the Governor is deemed to be within the scope of the exemption provided in s. 112.313(7)(b) and is in addition to the appointments authorized under sub-subparagraph a.

a. The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance and be deemed to be within the scope of the exemption

provided in s. 112.313(7)(b). The Chief Financial Officer shall designate one of the appointees as chair. All board members serve at the pleasure of the appointing officer. All members of the board are subject to removal at will by the officers who appointed them. All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. However, for the first term beginning on or after July 1, 2009, each appointing officer shall appoint one member of the board for a 2-year term and one member for a 3-year term. A board vacancy shall be filled for the unexpired term by the appointing officer. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the board in connection with the board's duties under this subsection. The executive director and senior managers of the corporation shall be engaged by the board and serve at the pleasure of the board. Any executive director appointed on or after July 1, 2006, is subject to confirmation by the Senate. The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the board.

b. The board shall create a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and its customer and agent service levels in relationship to the voluntary market insurers writing similar coverage.

(I) The members of the advisory committee consist of the following 11 persons, one of whom must be elected chair by the members of the committee: four representatives, one appointed by the Florida Association of Insurance Agents, one by the Florida Association of Insurance and Financial Advisors, one by the Professional Insurance Agents of Florida, and one by the Latin American Association of Insurance Agencies; three representatives appointed by the insurers with the three highest voluntary market share of residential property insurance business in the state; one representative from the Office of Insurance Regulation; one consumer appointed by the board who is insured by the corporation at the time of appointment to the committee; one representative appointed by the Florida Association of Realtors; and one representative appointed by the Florida Bankers Association. All members shall be appointed to 3-year terms and may serve for consecutive terms.

(II) The committee shall report to the corporation at each board meeting on insurance market issues which may include rates and rate competition with the voluntary market; service, including policy issuance, claims processing, and general responsiveness to policyholders, applicants, and agents; and matters relating to depopulation.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. Subject to s. 627.3517, with respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the office, a basic policy including wind coverage, for a new application to the corporation for coverage, the risk is not eligible for any policy issued by the corporation unless the premium for coverage from the authorized insurer is more than 20 percent greater than the premium for comparable coverage from the corporation. Whenever an offer of coverage for a personal lines residential risk is received for a policyholder of the corporation at renewal from an authorized insurer, if the offer is equal to or less than the corporation's renewal premium for comparable coverage, the risk is not eligible for coverage with the corporation. If the risk is not able to obtain such offer, the risk is eligible for a standard policy including wind coverage or a basic policy including wind coverage issued by the corporation; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk is eligible for a basic policy including wind coverage unless rejected under subparagraph 8. However, a policyholder removed from the corporation through an assumption agreement remains eligible for coverage from the corporation until the end of the assumption period. The corporation shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

(I) If the risk accepts an offer of coverage through the market assistance plan or through a mechanism established by the corporation other than a plan established by s. 627.3518, before a policy is issued to

the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-sub-paragraph (A).

(II) If the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-sub-paragraph (A).

b. With respect to commercial lines residential risks, for a new application to the corporation for coverage, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for a policy issued by the corporation unless the premium for coverage from the authorized insurer is more than 15 percent greater than the premium for comparable coverage from the corporation. Whenever an offer of coverage for a commercial lines residential risk is received for a policyholder of the corporation at renewal from an authorized insurer, if the offer is equal to or less than the corporation's renewal premium for comparable coverage, the risk is not eligible for coverage with the corporation. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation. However, a policyholder removed from the corporation through an assumption agreement remains eligible for coverage from the corporation until the end of the assumption period.

(I) If the risk accepts an offer of coverage through the market assistance plan or through a mechanism established by the corporation other than a plan established by s. 627.3518, before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-sub-paragraph (A).

(II) If the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is en-

abled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-sub-paragraph (A).

c. For purposes of determining comparable coverage under subparagraphs a. and b., the comparison must be based on those forms and coverages that are reasonably comparable. The corporation may rely on a determination of comparable coverage and premium made by the producing agent who submits the application to the corporation, made in the agent's capacity as the corporation's agent. A comparison may be made solely of the premium with respect to the main building or structure only on the following basis: the same coverage A or other building limits; the same percentage hurricane deductible that applies on an annual basis or that applies to each hurricane for commercial residential property; the same percentage of ordinance and law coverage, if the same limit is offered by both the corporation and the authorized insurer; the same mitigation credits, to the extent the same types of credits are offered both by the corporation and the authorized insurer; the same method for loss payment, such as replacement cost or actual cash value, if the same method is offered both by the corporation and the authorized insurer in accordance with underwriting rules; and any other form or coverage that is reasonably comparable as determined by the board. If an application is submitted to the corporation for wind-only coverage in the coastal account, the premium for the corporation's wind-only policy plus the premium for the ex-wind policy that is offered by an authorized insurer to the applicant must be compared to the premium for multiperil coverage offered by an authorized insurer, subject to the standards for comparison specified in this subparagraph. If the corporation or the applicant requests from the authorized insurer a breakdown of the premium of the offer by types of coverage so that a comparison may be made by the corporation or its agent and the authorized insurer refuses or is unable to provide such information, the corporation may treat the offer as not being an offer of coverage from an authorized insurer at the insurer's approved rate.

6. Must include rules for classifications of risks and rates.

7. Must provide that if premium and investment income for an account attributable to a particular calendar year are in excess of projected losses and expenses for the account attributable to that year, such excess shall be held in surplus in the account. Such surplus must be available to defray deficits in that account as to future years and used for that purpose before assessing assessable insurers and assessable insureds as to any calendar year.

8. Must provide objective criteria and procedures to be uniformly applied to all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following must be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the corporation shall be construed as the private placement of insurance, and the provisions of chapter 120 do not apply.

9. Must provide that the corporation make its best efforts to procure catastrophe reinsurance at reasonable rates, to cover its projected 100-year probable maximum loss as determined by the board of governors. If catastrophe reinsurance is not available at reasonable rates, the cor-

poration need not purchase it, but the corporation shall include the costs of reinsurance to cover its projected 100-year probable maximum loss in its rate calculations even if it does not purchase catastrophe reinsurance.

10. The policies issued by the corporation must provide that if the corporation or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates, the risk is no longer eligible for renewal through the corporation, except as otherwise provided in this subsection.

11. Corporation policies and applications must include a notice that the corporation policy could, under this section, be replaced with a policy issued by an authorized insurer which does not provide coverage identical to the coverage provided by the corporation. The notice must also specify that acceptance of corporation coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

12. May establish, subject to approval by the office, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods continue to have access to coverage from the corporation. If coverage is sought in connection with a real property transfer, the requirements and procedures may not provide an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

13. Must provide that, with respect to the coastal account, any assessable insurer with a surplus as to policyholders of \$25 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the office, within the first 90 days of each calendar year, to qualify as a limited apportionment company. A regular assessment levied by the corporation on a limited apportionment company for a deficit incurred by the corporation for the coastal account may be paid to the corporation on a monthly basis as the assessments are collected by the limited apportionment company from its insureds, but a limited apportionment company must begin collecting the regular assessments not later than 90 days after the regular assessments are levied by the corporation, and the regular assessments must be paid in full within 15 months after being levied by the corporation. A limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-subparagraph (b)3.d. The plan must provide that, if the office determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that all or part of such assessment be deferred as provided in subparagraph (q)4. However, an emergency assessment to be collected from policyholders under sub-subparagraph (b)3.d. may not be limited or deferred.

14. Must provide that the corporation appoint as its licensed agents only those agents who throughout such appointments also hold an appointment as defined in s. 626.015 by an insurer who is authorized to write and is actually writing or renewing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.

15. Must provide a premium payment plan option to its policyholders which, at a minimum, allows for quarterly and semiannual payment of premiums. A monthly payment plan may, but is not required to, be offered.

16. Must limit coverage on mobile homes or manufactured homes built before 1994 to actual cash value of the dwelling rather than replacement costs of the dwelling.

17. Must provide coverage for manufactured or mobile home dwellings. Such coverage must also include the following attached structures:

a. Screened enclosures that are aluminum framed or screened enclosures that are not covered by the same or substantially the same materials as those of the primary dwelling;

b. Carports that are aluminum or carports that are not covered by the same or substantially the same materials as those of the primary dwelling; and

c. Patios that have a roof covering that is constructed of materials that are not the same or substantially the same materials as those of the primary dwelling.

The corporation shall make available a policy for mobile homes or manufactured homes for a minimum insured value of at least \$3,000.

18. May provide such limits of coverage as the board determines, consistent with the requirements of this subsection.

19. May require commercial property to meet specified hurricane mitigation construction features as a condition of eligibility for coverage.

20. Must provide that new or renewal policies issued by the corporation on or after January 1, 2012, which cover sinkhole loss do not include coverage for any loss to appurtenant structures, driveways, sidewalks, decks, or patios that are directly or indirectly caused by sinkhole activity. The corporation shall exclude such coverage using a notice of coverage change, which may be included with the policy renewal, and not by issuance of a notice of nonrenewal of the excluded coverage upon renewal of the current policy.

21. As of January 1, 2012, must require that the agent obtain from an applicant for coverage from the corporation an acknowledgment signed by the applicant, which includes, at a minimum, the following statement:

**ACKNOWLEDGMENT OF POTENTIAL SURCHARGE
AND ASSESSMENT LIABILITY:**

1. AS A POLICYHOLDER OF CITIZENS PROPERTY INSURANCE CORPORATION, I UNDERSTAND THAT IF THE CORPORATION SUSTAINS A DEFICIT AS A RESULT OF HURRICANE LOSSES OR FOR ANY OTHER REASON, MY POLICY COULD BE SUBJECT TO SURCHARGES, WHICH WILL BE DUE AND PAYABLE UPON RENEWAL, CANCELLATION, OR TERMINATION OF THE POLICY, AND THAT THE SURCHARGES COULD BE AS HIGH AS 45 PERCENT OF MY PREMIUM, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA LEGISLATURE.

2. I UNDERSTAND THAT I CAN AVOID THE CITIZENS POLICYHOLDER SURCHARGE, WHICH COULD BE AS HIGH AS 45 PERCENT OF MY PREMIUM, BY OBTAINING COVERAGE FROM A PRIVATE MARKET INSURER AND THAT TO BE ELIGIBLE FOR COVERAGE BY CITIZENS, I MUST FIRST TRY TO OBTAIN PRIVATE MARKET COVERAGE BEFORE APPLYING FOR OR RENEWING COVERAGE WITH CITIZENS. I UNDERSTAND THAT PRIVATE MARKET INSURANCE RATES ARE REGULATED AND APPROVED BY THE STATE.

3. I UNDERSTAND THAT I MAY BE SUBJECT TO EMERGENCY ASSESSMENTS TO THE SAME EXTENT AS POLICYHOLDERS OF OTHER INSURANCE COMPANIES, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA LEGISLATURE.

4. I ALSO UNDERSTAND THAT CITIZENS PROPERTY INSURANCE CORPORATION IS NOT SUPPORTED BY THE FULL FAITH AND CREDIT OF THE STATE OF FLORIDA.

a. The corporation shall maintain, in electronic format or otherwise, a copy of the applicant's signed acknowledgment and provide a copy of the statement to the policyholder as part of the first renewal after the effective date of this subparagraph.

b. The signed acknowledgment form creates a conclusive presumption that the policyholder understood and accepted his or her potential surcharge and assessment liability as a policyholder of the corporation.

And the title is amended as follows:

Between lines 82 and 83 insert: amending s. 627.351, F.S.; requiring the Citizens Property Insurance Corporation to offer dwelling-only coverage;

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

Senator Farmer moved the following amendment which failed:

Amendment 16 (220380) (with title amendment)—Between lines 1488 and 1489 insert:

Section 22. Subsection (2) and paragraph (a) of subsection (3) of section 631.57, Florida Statutes, are amended to read:

631.57 Powers and duties of the association.—

(2) The association may:

(a) Employ or retain such persons as are necessary to handle claims and perform other duties of the association;

(b) Borrow funds necessary to effect the purposes of this part in accord with the plan of operation. *If it elects to borrow funds, the association must compare the terms of any loan agreement offered by an entity other than the state with the terms of a loan agreement that would be offered by a state entity, including, but not limited to, the Florida Hurricane Catastrophe Fund, the Citizens Property Insurance Corporation, or the Florida Retirement System Trust Fund. The association may not enter into a loan agreement with an entity other than the state if the terms for such a loan agreement would be less favorable than those offered by a state entity;*

(c) Sue or be sued, provided that service of process shall be made upon the person registered with the department as agent for the receipt of service of process; and

(d) Negotiate and become a party to such contracts as are necessary to carry out the purpose of this part. Additionally, the association may enter into such contracts with a municipality, a county, or a legal entity created pursuant to s. 163.01(7)(g) as are necessary in order for the municipality, county, or legal entity to issue bonds under s. 631.695. In connection with the issuance of any such bonds and the entering into of any such necessary contracts, the association may agree to such terms and conditions as the association deems necessary and proper.

(3)(a) To the extent necessary to secure funds for the respective accounts for the payment of covered claims, to pay the reasonable costs to administer such accounts, and to secure funds for the account specified in s. 631.55(2)(b) or to retire indebtedness, including, without limitation, the principal, redemption premium, if any, and interest on, and related costs of issuance of, bonds issued under s. 631.695 and the funding of reserves and other payments required under the bond resolution or trust indenture pursuant to which such bonds have been issued, the office, upon certification of the board of directors, shall levy assessments in accordance with subparagraph (f)1. or subparagraph (f) 2. *The office may not levy any new assessment during the 12-month period beginning on the effective date of this act. Any funds required for the purposes of this paragraph during such period must be borrowed by the association pursuant to paragraph (2)(b).* Assessments shall be remitted to and administered by the board of directors in the manner specified by the approved plan and paragraph (f). Every assessment shall be a uniform percentage. The assessments levied against any insurer may not exceed in any one calendar year more than 2 percent of that insurer's direct written premiums in this state for the kinds of insurance included within such account.

Section 23. *The Division of Law Revision is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.*

And the title is amended as follows:

Delete line 156 and insert: proceedings; amending s. 631.57, F.S.; requiring the Florida Insurance Guaranty Association to compare terms of certain loan agreements; prohibiting the association from entering into loan agreements with entities other than the state under certain circumstances; prohibiting the office from levying certain assessments during a specified period; requiring that certain funds be borrowed by the association pursuant to certain requirements; providing a directive to the Division of Law Revision; providing for construction of the act in

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

Senator Rouson moved the following amendment which failed:

Amendment 17 (352416) (with title amendment)—Between lines 993 and 994 insert:

(d) Notwithstanding any other provision of law, for any property insurance coverage subject to this chapter issued or renewed on or after the effective date of this act, every insurer must reduce its rates to levels that are at least 1 percent less than the rates for the same coverage that was in effect on January 1, 2022.

And the title is amended as follows:

Delete line 129 and insert: circumstances; requiring insurers to reduce insurance rates by a specified amount for certain property insurance coverage; amending s. 627.7142, F.S.; conforming

The vote was:

Yeas—14

Ausley	Farmer	Powell
Berman	Gibson	Rouson
Bracy	Osgood	Taddeo
Brodeur	Pizzo	Torres
Cruz	Polsky	

Nays—24

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

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

Senator Bracy moved the following amendment which failed:

Amendment 18 (578438) (with title amendment)—Between lines 1488 and 1489 insert:

Section 22. *In order to convey to more consumers, including residential tenants, the insurance premium savings that landlords in this state will receive pursuant to this act, landlords that rent a dwelling unit subject to part II of chapter 83, Florida Statutes, must limit rent increases on every occupied and vacant dwelling unit to no more than 3 percent per 12-month period beginning upon the effective date of this act.*

And the title is amended as follows:

Delete line 156 and insert: proceedings; requiring landlords to limit rent increases on specified residential dwelling units to a specified amount for a specified timeframe; providing for construction of the act in

The vote was:

Yeas—16

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

Nays—23

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

Gruters	Mayfield	Rodriguez
Harrell	Passidomo	Stargel
Hooper	Perry	Wright
Hutson	Rodrigues	

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

Senator Polsky moved the following amendment which failed:

Amendment 19 (125058) (with title amendment)—Delete lines 555-558 and insert:

(1) *Notwithstanding any provision of s. 624.155, a claimant must establish that the property insurer breached the insurance contract to prevail in a claim for extracontractual damages under s. 624.155(1)(b).*

(2) *Notwithstanding any other provision of law, for any property insurance coverage subject to this chapter issued or renewed on or after the effective date of this act, every insurer must reduce its rates to levels that are at least 2 percent less than the rates for the same coverage that was in effect on January 1, 2022.*

And the title is amended as follows:

Delete line 64 and insert: damages; requiring insurers to reduce insurance rates by a specified amount for certain property insurance coverage; amending s. 624.307, F.S.; requiring the

The vote was:

Yeas—16

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

Nays—22

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

THE PRESIDENT PRESIDING

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

Senator Osgood moved the following amendment which failed:

Amendment 20 (503666) (with title amendment)—Between lines 1426 and 1427 insert:

Section 20. Section 627.7155, Florida Statutes, is created to read:

627.7155 *Mandatory personal lines and commercial residential property insurance rate rollback; prior rate approval.*—

(1) *With respect to any personal lines or commercial residential coverage subject to this part issued or renewed on or after July 1, 2022, a rate or premium increase must be limited to a total maximum 5 percent increase each year through June 30, 2024.*

(2) *After July 1, 2024, rates and premiums subject to subsection (1) may be increased only if the Director of the Office of Insurance Regulation finds, after an evidentiary public hearing, that an insurer is unable to earn a fair rate of return.*

(3) *Commencing July 1, 2023, insurance rates subject to this section must be approved by the Director of the Office of Insurance Regulation, after a hearing, before their use.*

(4) *Any separate affiliate of an insurer shall be subject to this section.*

And the title is amended as follows:

Delete line 150 and insert: in a specified circumstance; creating s. 627.7155, F.S.; limiting rate increases for certain coverages issued or renewed on or after specified dates; authorizing rate increases after a specified date only if a certain condition is met; requiring prior approval of insurance rates after a specified date; providing applicability; amending s. 631.031,

The vote was:

Yeas—16

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

Nays—23

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

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

Senator Boyd moved the following amendment which was adopted:

Amendment 21 (484216) (with title amendment)—Between lines 879 and 880 insert:

(d) *For purposes of this subsection, a roof's age shall be calculated using the last date on which 100 percent of the roof's surface area was built or replaced in accordance with the building code in effect at that time or the initial date of a partial roof replacement when subsequent partial roof builds or replacements were completed that resulted in 100 percent of the roof's surface area being built or replaced.*

And the title is amended as follows:

Delete line 115 and insert: replacement; specifying the manner of calculating the age of certain roofs; providing applicability; amending s.

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

Senator Powell moved the following amendment which failed:

Amendment 22 (746282)—Delete line 785 and insert: *percent of the coverage A limit of the policy or 20 percent of*

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

Senator Book moved the following amendment which failed:

Amendment 23 (453462) (with title amendment)—Between lines 1488 and 1489 insert:

Section 22. *The Office of Insurance Regulation shall conduct a study to determine whether Broward County with regard to its current insurance market lacks a reasonable degree of competition such that the requirements of s. 627.351(6)(a)3.b.-d., Florida Statutes, do not apply in the county. The office may study any other county similarly situated.*

Each study must consider whether a lack of competition has been found in any adjoining counties and whether the factors that led to any such finding apply in the studied county. The office shall submit a report of its findings concerning Broward County to the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives no later than September 1, 2022. The findings concerning any other county studied under this section shall be presented to the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives within 90 days after the commencement of the study. This section expires December 31, 2022.

And the title is amended as follows:

Delete line 156 and insert: proceedings; requiring the office to conduct studies concerning coverage for personal lines residential structures; providing reporting requirements; providing for expiration; providing for construction of the act in

On motion by Senator Boyd, further consideration of **CS for SB 2-D**, as amended, was deferred.

SPECIAL RECOGNITION

Senator Albritton recognized Jae Williams, who was present in the gallery, upon the occasion of her retirement after 17 years of service in his district office.

MOTIONS

On motion by Senator Passidomo, by the required constitutional two-thirds vote of the membership, building safety was included in the legislative business to be considered during Special Session D as provided in Article III, Section 3 of the Constitution.

SPECIAL RECOGNITION OF SENATOR TADDEO

At the direction of the President, the Senate proceeded to the recognition of Senator Annette Taddeo, honoring her years of service to the Senate as she approaches the completion of her term for the 40th Senate District.

SPECIAL GUESTS

President Simpson introduced Senator Taddeo's husband, Dr. Eric Goldstein; daughter, Sofia; and mother, Elizabeth Taddeo; and her current staff, Antonio Rodriguez, Veronica Sandoval, and Kyle Trotman, who were present in the chamber.

SPECIAL PRESENTATION

A video tribute was played honoring Senator Taddeo.

REMARKS

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

Senator Polsky: How can I be emotional already? I'm watching you cry. I'm happy to start this off. I've only known you for a few years but it's been a pleasure working with you, being on an important committee with you, and learning from you. I think we all know how passionate you are about your family—Sofia, she talks about you all the time—your constituents, Miami, the state. It just shines through in everything that you do. You will really be missed. You're so smart, you're creative, passionate as I said, and caring. It's really been a pleasure to work with you and I certainly hope that we are able to stay in touch. I know that you are destined for amazing things and I look forward to continuing to work with you in some fashion. Congratulations on the next move. Best of luck to you. I wish you and the family all the best, truly.

Senator Book: Senator Taddeo, we started around the same time. I feel like when I look over at Sofia, I see my own kids. We had the ball

pit, and Sofia would come and hang out with the twins, and almost taught them how to walk. You have always shown me, too, that it is okay to bring your kids along, that it's okay to be a mom in this process. If people don't like it, then they don't need to be in your office, right? You have always been a shining light in sometimes very difficult situations, a calming force and a driving force to get things done and accomplished in a calm way. I will always think of you. My favorite bill that you've ever worked on is actually one that Sofia and you were working on together, and that was corporal punishment in schools. Your mom fought so hard for that, and watching her advocacy along with yours together is just something so special. *Sí se puede, Sí se puede, Sí se puede.*

Senator Wright: Senator Taddeo—always with a smile, always so attractive with all of your outfits, and hard working. I'm just really proud to know you. I think I'm one of the youngest members of this whole group of people that are here—not age-wise, I'm 70 now. I just turned 70; I'm still 50 at heart. But anyway, I really enjoy working with you. You're always a pleasure. You're always so respectful and I try to be respectful. Hopefully, you feel the same way. I'm just really proud to have met you. Good luck in your future. I know you have an amazing future ahead of you.

Senator Cruz: Standing behind me, I have a little bit of Tampa here. We have the Tampa Bay area in the House who want to wish you well. I want to speak, personally, about the fact that you were one of the very first Hispanic Democratic women to serve here in the Senate. That was quite an honor. I watched, listened, and followed in your footsteps. I will surely miss you. I also am in awe of how clearly you make the importance of your family and how often I hear you speak about Sofia and your mother—and all of the hard work that we do and whose shoulders we hope it falls upon and stays with. I will miss you. I wish you very well in your endeavor. I know that our paths will cross constantly as we continue to advocate for Hispanic women across our state. Thank you very much.

Senator Albritton: Senator Taddeo, I am a first name kind of person, Annette. You know, I guess at the end of the day, our paths crossed here for the first time. I want to use a couple of words to describe you. What I have watched and sensed with you is you are as genuine as they come. Every single day, every minute of every day, you are Annette Taddeo. It doesn't matter what is happening around you, your principles, your guiding light, all of the things that you are, it is all there. Every minute of every day, it doesn't matter what is flying around you. I so deeply respect that.

The second thing is that you are just bright. You are a bright light. You likely know this, but I am just going to say it—there isn't a room that can't be lit up by your smile. I am standing here in a room full of smart and capable women. It is phenomenal actually to watch it happen and watch the process happen with that element. You are one of those women, and I respect you. I think you are an amazing person and I just want to say thank you for the kindness and the genuineness that you have shared with me. You should know that you have had a positive impact on my life.

Senator Pizzo: Annette, when we got sworn in here, my mom and dad were sitting over there and they saw your name. They go, "Any relation to Frank Taddeo?" So Frank Taddeo, and it is Taddeo, was my first grade best friend at Saint Ann's Catholic School in Raritan, New Jersey. I said "No, no, no—it is Taddeo, it is Taddeo." Oh, I am sorry.

I rise for the following reason: Sofia, you are uniquely blessed to have her as your mother. I say uniquely blessed because you are going to be very hard-pressed to find someone who demonstrates the manifestation of the American dream like your mother—one who checks off all of the boxes of struggle, hard work, diligence, and never takes any shortcuts. So you are uniquely blessed that you don't have to read about women like your mother. You don't have to meet sometimes, if you are lucky enough, people like your mother. That is your mother. You are incredibly blessed. Thank you.

Senator Ausley: So Senator, I don't know if you remember this, but we met in your office years ago. When I had just left the House, we had a lovely conversation. I watched your career rise like a meteor in the State of Florida. Now I have been so blessed to be able to serve alongside you and to learn from you. First of all, I agree your smile and those pictures just light up a room, and we need that in this room sometimes. What I

will take most, as I am learning the Senate, is watching you try to bring us all together. You know? Sometimes we have to do it around a margarita, right? Whatever day we end up doing that, it is a bipartisan group and we are enjoying each other's company. We need to do more of that. Thank you for leading by example. I think as much as Sofia is lucky to have you as a mother, I think all of us in elected office, particularly those who live in South Florida, better watch out. You are lucky to have Sofia as a daughter. You can judge the worth of a person by the children that they raise, and you have certainly done an amazing job with Sofia. Sofia, we can't wait to see what you do next either. So, good luck to both of you. You will be very missed in this chamber and in this process. We will watch your star continue to shine and rise.

Senator Burgess: You left a really big impression on me the first time we spoke on the phone, Annette. I had just left the Busy Bee. Like most of us do, I had gotten my Slurpee for the last 70 miles. I remember calling you. It was probably over one of the initial controversial bills that I had coming forward. We hadn't had a chance to speak yet, so I called you. I was on the interstate and I was curious as to how it would go. Like, "Hey, I am Danny Burgess, can we just serve—oh by the way, I have this bill." It was one of those. So you really got right into saying, "If I tell you I am going to do something, I am going to do it." You lived that motto through and through, and you should be very proud of that.

The second thing immediately that you pivoted to was your daughter, Sofia. I just thought that was the coolest darn thing with three little kids myself. I remember you said, "She is going to knock on your door and look forward to talking to you about these issues that are important to her." What an inspiration your mother must be to you and what an inspiration you must be to your mother. What an inspiration you are to young parents who are in this process. It is really special for us to see that encouragement, and to know that there are people out there who do this but do this with their number ones in their life right by their side. To me, that is the only way to get this done and to go through the wringer like we do here. I have really admired watching you thrive in this environment with your family right by your side. It says so much about you. God bless you on everything you do going forward.

Senator Farmer: Yeah, Burgess only carries controversial bills. I think we've all learned that, little did you know at the time. Annette, you and I met when you were running statewide as Lieutenant Governor. I could see the passion and feel how much you cared about people and the issues that you were advocating for then. Then we got to work together to get you here—knocking on doors in Richmond Heights down there a few different weekends. That was a really great victory and, to me, kind of showed how the power of the people can still matter. We appreciate everything you've done to show that, and Senator Ausley alluded to it on top of everything else. I think I speak for the entire chamber, we don't know where we'd be without Margarita Mondays some of those weeks. You know, the best margarita recipe you're ever going to have is Senator Taddeo's. She guards it, you know. We are calling on the Twittersphere to start a petition to get her to reveal the margarita recipe so we can all take it forward. God bless you, Annette. Best of luck in everything you are going to do going forward. Thank you.

Senator Stargel: You know, as I was sitting here, all the songs that people play usually mean something. I don't speak Spanish so when the song came up "Creo en Mi," I looked it up in Spanish. For those of you who don't speak Spanish or need to look that up, the words are perfect. I'll just read you a couple of them. It says, "I'm not scared of the missiles or the bullets, so much war gave me wings of metal, ready to fight, I believe and I believe in me." You can see that in the way you conduct yourself, you can see that in the positions that you stand for, and you can see that in the way that you're fighting for the things that are important to you. I know we keep using that word up here, fight, but you're passionate about the things you care about—we all are—obviously in the things you fought for, for things that were personal to you with your daughter. I remember a couple of times we were working on some education issues, and we worked together in getting bills moved to a position. You sided with me against your party on some of those, and I appreciated that. Then we worked together to get to something that we thought we could all vote for. That's what it takes to be up here. That's what it takes to move something along—that passion and that work. You see it in the way you are handling yourself and what your newest endeavor is. You're handling it with grace, with passion, and with strength. I appreciate that, and I wish you the best in your future endeavors.

Senator Torres: What can I say about Annette? I'm going to go back to when President Obama was running. My wife, Carmen, and I were in a line when President Obama was being interviewed by Jorge Ramos from Telemundo. I believe Annette was the DEC Chair at that time and she was in line with us. We were talking, excited, and she was smiling. She said, "How can I help you and your wife? You drove down here from Orlando?" I said, "Sure, you know, to listen to President Obama and the questions." Years later I have a picture, and I gave Annette a picture, of my mom, and my daughter when she came to Orlando. She was running with Charlie Crist, for Lieutenant Governor. After that, when she ran for the Senate. I remember going down and canvassing for her and knocking on doors. What I'm getting at is this lady has that tenacity, that women power, that get up and go. Her integrity—she tells it like it is and tries to tell everyone why she is running, why she is doing this. For me, as a friend and a colleague, it was special to be at her side, in the different counties, when she announced she was running for Governor. Ben Albritton, you are right, Senator. She lights up a room. I've seen the different folks, from the different parts of the State of Florida, who have heard Annette talk and express her desire to make the life better for Floridians. We went to Puerto Rico just recently. Same thing again, I'm telling you. There's a path for this woman that nobody can stop. That's why she's my friend, and that's why I stand here today. I'm so honored to be her friend and colleague. God bless you Annette. I know you're going to achieve what you set your eyes on.

Senator Berman: I'm losing both of my seatmates back here. I have to say having had both of you as seatmates—this applies to both—they talk about people being work horses and show horses. Annette is certainly a show horse as you saw in that video. She looks beautiful and has gorgeous outfits. I try and emulate that but she's also a work horse. She comes in here, I see her setup every day. She's always prepared, she's always at her desk, and she's always paying attention. It's nice to have seatmates who do those kinds of things and set the example for all of us. It's also kind of interesting that she is a combination of so many different groups—she's Jewish, she's Hispanic, she's a woman, she's a Democrat, she's from Miami, and she is unique. It's really a special combination of factors. It's so exciting to see that and see the way that you carry yourself with such grace and dignity here in the chamber. I will really miss serving with you but like everyone else has said, I know this is not the end. It's only the beginning.

Senator Powell: Senator Taddeo, it is never about today but always about tomorrow. As you sit with your family, the people who love you around you, I look at your daughter. I think about my daughter. What's most important is that she sees you as someone who is bold and one who has no fear, someone who will overcome, someone who pushes to achieve. The book that's on my desk has a small excerpt—it says in every success manual, in every success study, it consistently stated that "success is a choice, and not chance." It means it's a choice. Many of us have opportunities to choose to do things that are bold, to do things that are different. But sometimes fear keeps those people on the porch. We are proud of you. We're excited for you in your next endeavor, and whatever it holds. It will make a huge difference, not just for you but for that little girl sitting beside you, and that is so important. Family first, family over everything. Good luck. We're proud of you. We will miss you in this process, as a fighter, as a friend, and as family. We know you've got a larger calling. We wish you success.

Senator Passidomo: I will miss you next year. When I think about Senator Taddeo, Annette, I think about one of the most prepared members of this body, in committee meetings particularly. I was always concerned when I was presenting a bill, I would look over to see what she was writing furiously, because I knew she had questions. They were always good questions. They were the right kind of questions that elicited responses about a bill that you wanted to know, really know the answers. I don't think I've ever heard Senator Taddeo ask a question that was a "gotcha" or a "let me see how I can embarrass you." It was always, I want to know about this bill. That means a lot to me, and I think it means a lot to all of us. With your serious attention to those details, it helped us present these bills better so that by the time they got to the committees and they got to the floor, they had a little bit of the "Taddeo flavor" with them. I, for one, really appreciate that. I will miss you, I will miss comparing outfits with you and trying to upstage you, which I never could. So, now I'll be the only one in St. John by myself, which is fine. Good luck in whatever you do. Don't be a stranger. Come back to visit and again, I appreciate everything that you've done for the Florida Senate.

Senator Taddeo: Thank you for talking about the song. You're right—the song I picked is about a woman who's been brought down in life and been through a ton of stuff, and yet, persevered. I am here standing tall as the song says. That's been the story of my life.

I'm going to start by saying that we all talk about getting here, fighting, and being very much about fighting for what we believe in. My dad's not here. He died a month before my daughter was born. He was my hero. He was, as many of you may know, a fighter pilot in World War II—he fought the Nazis. He gave me that fighting spirit. He always told me, and I talk about this all the time, when the cause is just, don't stand on the sidelines, get in there and fight for what you believe. I feel like I do that every day of my life. I needed it from the minute that I was born. My mom—te quiero mucho, Mami. My mom, who I really didn't realize all that she went through when I was born until I started getting worried about the fact that I was pregnant. My daughter could be born with the same issue I was born with. It didn't happen, thank goodness. I was born with what's called a bilateral cleft lip. When you're born with half your mouth missing, you can't drink from your mother's breast milk. Learning to speak is very difficult. So I just want to say to Mom, I can't imagine what it was like to have a baby that had all those issues to deal with. Gracias, Mami por se una mama maravillosa. I love that all of you talked about my smile. The reason I smile so much is because I had to go through 19 surgeries so that I can smile and speak clearly.

Obviously, you guys know I speak two languages and even pronounce my last name Ta-day-oh, Tad-ee-o, to-may-to, to-mah-to. My mom just said, "Don't ever confuse it with St. Jude's Taddeo's—that's where the name comes from, in case you're wondering. But yes, I'm Jewish. I want you to know that growing up, the reason why the song means so much is because people can throw bullets at you and say all kinds of awful things. You can imagine growing up with a disfigured face, kids can be really mean. The bullying was out of control. But I will tell you one little story. One time, the bullying was so bad that I started just bawling and my dad found out about it. My dad found out about it and he was supposed to come pick me up from school. Instead of picking me up in the car, he actually landed the helicopter in the soccer field. I can tell you those boys never bullied me again because I was the one with the dad with the helicopter. Everybody wanted to be my friend after that. Again, that was my dad, always telling me, "It's fine, you'll be fine. You will survive. They can be mean, but you will make it."

You guys know that I came here when I was 17. I thought I spoke English, and I did not realize how terrible my English was until I got to Alabama and had to really learn it. Hey, it didn't turn out so bad for Alabama—come on. I will tell you that fighting spirit all throughout those periods that were difficult. I came by myself and my father had just been kidnapped by the FARC. So, it was a difficult time to be alone with a family that took me in and learning English. I mean, all of it was just a lot of rough moments that I've been through, but they make me who I am today. They make me strong. The reason why I keep fighting is to make sure that all those people that have to flee to this wonderful nation of ours have the opportunity to fulfill the American dream that I've been so lucky to be able to do.

I want to say thank you to all of you. It's been such an honor to serve with all of you. I have gotten to know each and every one of you, sometimes through what I call margarita diplomacy. So there you go, I'll leave you with the margarita diplomacy. It has been just something very special to get to know all of you and to get to know what we have in common rather than what divides us. It was a race that everybody told me there's no way we could win. For those of you who do not know, I actually was discouraged by my party from running. I thank the House members that are here. A bunch of House members had endorsed someone else and it was just like push her out, make sure she doesn't get in. When somebody calls me and tells me, "We don't want you to run," well that's the worst thing you can do to me is give me that phone call. Boy, that pushed me over the edge. My husband's nodding his head yes as he's learned through the years. Don't tell me not to do something. But when I got here, I knew how important it was that we won against all odds and that it was a special election. I had the privilege of, through the Secretary, again you have done such a wonderful job. When I got here, I remember somebody tweeted, "I wonder if in orientation they told Annette Taddeo about Mr. Pitts." I responded on Twitter, "Mr. Pitts? Orientation? What do you mean orientation?" When you win a special election, you don't have a class—they don't teach you anything. So it goes right with my life, I just have to bear and grunt it, just get with it, and learn it. That we did.

I will tell you that it was important to me to be sworn in. I got to pick the Supreme Court Justice to swear me in. Peggy Quince did that, the first and only African American woman that has served on the Supreme Court. I will leave you with the fact that I would like to see, and all of us to push, to make sure that we have an African American sitting on the Supreme Court. I think it's a disservice to our state that 17 percent of the population doesn't have representation. So my message with that swearing in was we need to have everybody at the table so that we can truly be a state that's representative of everyone that's here. I just want to make sure that I leave you with some advice and that is let's remember that those people that get elected back at home are the ones closest to the people. Let's not try to dictate so much on those local elected officials. I think it has been something that has gotten way out of hand. I recommend that we always think, "Is this good for our state and the encroachment on home rule?"

I want to thank my staff. Let me start with the newest, which is Kyle. You guys heard the wonderful announcement from Senator Pizzo. I just want to say thank you to the Secretary because all of the people that work up there, you do such an incredible job. The fact that Kyle applied to work with me, I was very excited to have him. Remember that word that none of us could pronounce, that he did? I was just so impressed with him, and he's such an impressive gentleman. More importantly, all of the people that sit up there, you guys get to see everything and yet, you guys make it all look so smooth—because of the training that you do, Madam Secretary. Obviously, I like having good staff. So Kyle, welcome to our team. We are delighted to have you even if it's just for a little bit at the end here. Veronica, who has been with me the longest, was my intern. Her dad filled out a form online to say that he was her dad and that she wanted to volunteer for Colombia Day. That's how she ended up as a volunteer for Colombia Day, then as an intern, and then obviously with me ever since. It's been years now, so she is quite a bright young woman with a great future. Julian is not here—Julian Santos—but I do want to say something about what a wonderful staffer he was. Chief of Staff is what I called him. He trained my current Chief of Staff, Toni Rodriguez who's just amazing, from Hialeah, I might add. I always have to have some Hialeah representation in Miami. Again, just somebody else that's very bright, and we have all the different schools represented around here.

I'm going to end here but I want to make sure to talk about my family. My husband, Eric, I don't know that it bothers him that people call him Mr. Ta-day-oh, or Tad-ee-o. I think it bothers him more that they take off the doctor. He is someone that has been my strongest supporter. Sometimes he can't handle the criticism. Our spouses really have a hard time with some of the attacks, and our family is the one that bears the brunt of all of the attacks that we get. I just want to say that when I proposed to him one month after meeting him—I know what I want, and I go get it—he literally said, "Where's the ring?" So I went to Tiffany's and got the ring, and he wore the ring for six months. We got married six months later. It's been 22 years, and he knew that I wanted to run for office when we got married, because I always knew that public service was something that I was going to do. Thank you, sweetheart. Thank you, I love you. Thank you for supporting me every step of the way, even the times that you think I'm crazy for doing it.

Last, but certainly not least, my daughter, Sofia, you guys all talked about how much I talk about her—which she hates. She's of course about to turn 16. Yes, she will be on the road, so be careful. I think the hardest thing for us as parents is when we're not there for them when they need us. My first session is when Parkland happened. That's when it really hit me—we are not home to pick them up. We are not home to hug them in the moment when they really need us there. It is a tremendous sacrifice for our kids when we put ourselves out there to make a difference which is why to me it's so important that I make it worthwhile—that we pass legislation that is for the good of everyone, that we kill really bad legislation, which by the way, is my funnest thing to do. I just want to say to Sofia, you are the best lobbyist anybody could ever hire because there were many difficult votes. I want you guys to know, many difficult votes and some where I bucked my own party, but it was Sofia who I said, "What do you think?" I discussed it with her and she was usually the one that would be my anchor, my rock, to tell me this is the right thing to do, put the politics aside. It's just amazing, you are so wise beyond your dreams, Sofia. I will tell you her name Sofia means wisdom. Little did I know that you were going to be so, so wise. Today, I wonder if you've been hired as a lobbyist for the DCCC because you've certainly been lobbying heavily, along with others. I will say that your future is so bright, I am so proud to be your mom. I want you guys

to know one last little thing about her. I knew that I wanted to be a mom. I had to work really hard to be a mom and had to go through lots of procedures. It was just something I was not going to give up on until it happened, and I am so lucky to have you as my daughter—so bright, so smart, so beautiful, but more importantly, with that serving heart. You have that desire to make a difference and leave the world a better place, as our Jewish religion says we should.

With that, I will say to all of you, “Thank you.” Thank you for serving with me. Thank you for your friendship. Thank you for the cigars. Thank you for all the good times and all the good fights because with respect, we did it. We debated, we respected each other, and hopefully made a difference for Floridians. For me, I will tell you that they asked me, “Is there a bill that you’re particularly proud of?” There’s one bill that I said, “This one” because when we pass bills for those that have no lobbyists, as I see friend lobbyists up there—thank you. When we think and represent people that don’t have a voice is when you really know you’re doing something good. I know that with this particular bill, I felt really good about it because we were helping parents. You stood up and you said, “It’s really one of the best bills in the session.” I ended up getting the Autism Speaks Legislator of the Year. Here’s the best part—Florida is now a model for legislation for the rest of the country. They are trying to emulate it all over the country. What we did here when it comes to kids and figuring out their disability earlier on, we didn’t wait so late. Obviously, anybody that has any kid with any kind of issue, this is really important. Start early so we find out and do the right thing for those kids, for their future, and for those parents who struggle so much. I just want to say to you guys, “Thank you.”

Let me end by thanking my constituents who gave me the honor to represent them against all odds, being attacked like crazy, and it didn’t matter. They showed up, we won, and then we won reelection. I am so honored to have had the opportunity to be their voice, their voice here. The first Latina Democrat in the Florida Senate, proudly. Thank you to all of you. The future is bright and certainly, with those wings of steel, I’m going forward. I’m sure we’ll persevere. Thank you.

President Simpson: Thank you, Senator Taddeo for being so respectful to the Florida Senate and the Senate process. We can disagree without being disagreeable. You obviously have upheld that standard. It is nice to see your family here today with you. We know how important your family is. The one thing I would really say is had we all grown up in Alabama, we may have all been speaking bad English. I am not sure. Anyway, it has been an honor to serve with you. Thank you for your service to the state. We know great things are in your future.

SPECIAL PRESENTATION

On behalf of the Senate, the President presented Senator Taddeo with a framed ceremonial copy of CS for CS for HB 173 (2021) Individual Education Plan Requirements for Students with Disabilities, ch. 2021-142, Laws of Florida, which she managed and became law during her legislative career.

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

CS for SB 2-D—A bill to be entitled An act relating to property insurance; creating s. 215.5551, F.S.; creating the Reinsurance to Assist Policyholders program to be administered by the State Board of Administration; defining terms; requiring certain property insurers to obtain coverage under the program; requiring the board to provide reimbursement to property insurers under the program; requiring the board and property insurers to enter into contracts to provide certain insurance reimbursement; providing requirements for the contracts; providing construction; providing calculations for specified amounts of losses to determine reimbursement under the program; authorizing the board to inspect, examine, and verify insurer records; providing insurer eligibility qualifications for the program; providing for disqualification; requiring certain insurers to notify the board under a specified circumstance; providing for deferral of coverage under the program; prohibiting premiums from being charged for participation in the program; providing that the program does not affect the claims-paying capacity of the Florida Hurricane Catastrophe Fund; requiring the program to pay reimbursements directly to the applicable state guaranty fund in the event of insolvency; specifying requirements for the Florida Hurricane Catastrophe Fund if an insurer or the Citizens Property Insurance

Corporation accept assignments of unsound insurers; providing that certain violations are violations of the insurance code; authorizing the board to enforce certain requirements; authorizing the board to adopt rules; providing legislative intent; requiring the board to submit a written notice within a certain timeframe to the Executive Office of the Governor relating to the program funds, under certain circumstances; providing a requirement for the notice and subsequent requests; requiring the Executive Office of the Governor to instruct the Chief Financial Officer to draw a warrant for a transfer to the board for the program under certain circumstances and to provide notification to specified persons within a certain timeframe; prohibiting cumulative transfers from exceeding a specified amount; providing reporting requirements; providing for expiration and transfer of unencumbered funds; requiring certain property insurers to reduce rates to reflect certain cost savings through rate filings by a specified date; prohibiting such insurers from making other rate changes; requiring the Office of Insurance Regulation to expedite the review of certain filings; amending s. 215.5586, F.S.; revising homeowner eligibility criteria for mitigation grants; specifying matching requirements for grants; revising reporting requirements; providing an appropriation; requiring the Department of Financial Services to submit budget amendments; specifying requirements for budget amendments; providing for reversion and appropriation of any unexpended balance; providing for expiration; amending s. 489.147, F.S.; revising the definition of the term “prohibited advertisement”; creating s. 624.1551, F.S.; requiring claimants to establish that property insurers have breached the insurance contract to prevail in certain claims for damages; amending s. 624.307, F.S.; requiring the office to publish certain information on its website; amending s. 624.313, F.S.; revising the information the office must include in a certain annual report; amending s. 624.315, F.S.; revising the information the office must include in certain reports; amending s. 624.424, F.S.; requiring the Office of Insurance Regulation to aggregate on a statewide basis and make publicly available certain data submitted by insurers and insurer groups; specifying requirements for publishing such data; providing that such information is not a trade secret and is not subject to a certain public records exemption; amending s. 626.9373, F.S.; revising conditions for the award of reasonable attorney fees to apply to all suits brought under residential or commercial property insurance policies, rather than those not brought by assignees; limiting the transfer, assignment, or acquisition of rights to attorney fees in certain property insurance suits; amending s. 627.428, F.S.; revising conditions for the award of reasonable attorney fees to apply to all suits brought under residential or commercial property insurance policies, rather than those not brought by assignees; limiting the transfer, assignment, or acquisition of rights to attorney fees in certain property insurance suits; amending s. 627.701, F.S.; revising a prohibition against the issuance of insurance policies containing certain deductible provisions; revising the conditions a personal lines residential property insurance policy covering certain risks must meet under certain circumstances; requiring separate roof deductibles to include specified information; authorizing property insurers to include separate roof deductibles if certain requirements are met; providing requirements for policyholders in rejecting such deductibles under certain circumstances; requiring the office to expedite the review of filing of certain forms; authorizing the commission to adopt certain model forms or guidelines; requiring the office to review certain filings within a specified timeframe; providing that roof deductible portions of the filing are not subject to a specified extension for review; amending s. 627.7011, F.S.; authorizing property insurers to limit certain roof claim payments under certain circumstances; defining the term “authorized inspector”; prohibiting insurers from refusing to issue or renew homeowners’ policies insuring certain structures; requiring insurers to allow homeowners to have roof inspections performed before requiring roof replacement; providing applicability; amending s. 627.70131, F.S.; requiring insurers to conduct physical inspections for certain claims within a specified timeframe; requiring property insurers to notify and provide certain detailed estimates to policyholders; providing construction; requiring property insurers to provide reasonable explanations related to claims under certain circumstances; amending s. 627.70152, F.S.; making a technical change; authorizing property insurers to be awarded attorney fees in certain suit dismissals; providing that a strong presumption is created that a lodestar fee is sufficient and reasonable; providing that such presumption may be rebutted only under certain circumstances; amending s. 627.7142, F.S.; conforming a cross-reference; amending s. 627.7152, F.S.; revising the definition of the term “assignment agreement”; deleting the definitions of the terms “disputed amount” and “judgment obtained”; revising a requirement for assignment agreements; revising the requirement for assignees to indemnify and hold harmless assignors; specifying a timeframe during which and the addresses to which a notice of intent must be served; deleting certain limitations on the recovery and award of attorney fees

in suits related to assignment agreements; creating s. 627.7154, F.S.; creating a property insurer stability unit within the office for a specified purpose; specifying the duties of the unit; requiring the unit to provide a specified report biannually; specifying requirements for such report; specifying events that trigger referrals to the unit; requiring the unit’s supervisors to review such referrals for a certain determination; requiring unit expenses be paid from a specified fund; requiring costs of examinations to be paid by examined persons in a specified circumstance; amending s. 631.031, F.S.; requiring certain notifications by the office to the department of grounds for delinquency proceedings to include an affidavit; specifying contents of such affidavit; amending s. 631.398, F.S.; specifying duties of the department for insurer insolvency proceedings; providing for construction of the act in pari materia with laws enacted during the 2022 Regular Session of the Legislature; providing effective dates.

—which was previously considered and amended this day.

SENATOR BEAN PRESIDING

THE PRESIDENT PRESIDING

On motion by Senator Boyd, by two-thirds vote, **CS for SB 2-D**, as amended, was read the third time by title, passed, ordered engrossed, and then certified to the House. The vote on passage was:

Yeas—30

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

Nays—9

Ausley	Farmer	Rouson
Berman	Osgood	Taddeo
Bracy	Powell	Torres

Vote preference:

May 25, 2022: Yea—Jones

COMMUNICATION

The Honorable Debbie Brown Secretary, Florida Senate 404 S. Monroe St. Tallahassee, FL 32399-0001 May 25, 2022

Dear Secretary Brown,

Thank you for excusing my absence from yesterday’s floor proceedings. For the record, had I been present to vote, I would have voted in the following manner:

- CS/SB 2-D by AP, Boyd; *Property Insurance* YES
- SB 4-D by AP, Boyd; *Roof Repair, Replacement, and Recovering Requirements* YES

Thank you for your attention to this important matter. If you have questions comments or concerns, please do not hesitate to contact me or my office.

Sincerely,
Shevrin Jones
Senator, District 35

SPECIAL RECOGNITION OF SENATOR DIAZ

At the direction of the President, the Senate proceeded to the recognition of Senator Manny Diaz, Jr., honoring his years of service to the Senate as he approaches the completion of his term for the 36th Senate District.

SPECIAL GUESTS

President Simpson introduced Senator Diaz’s wife, Jennifer; daughters, Madison, Grayson, and Lexington, mother-in-law, Olga Carraza; and current staff member, Judith Ruiz, who were present in the chamber.

President Simpson recognized Speaker Designate Paul Renner, and Representatives Bryan Avila, David Borrero, Tom Fabricio, Sam Garrison, Danny Perez, Alex Rizo, Jay Turnbull, and Jayer Williamson who were present in the chamber.

President Simpson introduced Senator Diaz’s former staff member, Daniel Martinez, and many friends and supporters who were present in the gallery.

SPECIAL PRESENTATION

A video tribute was played honoring Senator Diaz.

REMARKS

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

Senator Passidomo: I first knew Manny in the House, but not really well until I was in the Senate. I took over the K-12 Appropriations Committee my second session in the Senate, and I had never really served in that kind of capacity. In fact, I probably hadn’t even served on any education committees other than my first two years in the House. I had no idea and Manny was my counterpart in the House. I learned very quickly that I did not know anything and Manny knew everything, and actually he told me that. The thing about Manny is he is the consummate gentleman. First of all, he dresses beautifully, and he is always just so GQish—I think that will bode you well as you move into your new role. In all seriousness though, I’m really sad you’re leaving because the knowledge that you have and what you’ve offered to this chamber the last couple years is unparalleled. You’ve got a real understanding of education issues that we’re going to miss, but in your new role we’re not losing you. I’m looking forward to asking your advice, and your input in the things that we do for Florida’s families and children. I’m just thrilled for you to do this on a statewide basis and whatever we can do to help you. I’m going to miss you but you’re not really going anywhere, just around the corner. Senator Bean asked me to make sure that you could clean the roof of the Turlington Building more regularly. Anyway, thank you all so much.

Senator Boyd: Like President Designate Passidomo, we go back to the House days, and I just have such fond memories of the times we had over there, the gentleman that you were, and the knowledgeable person you were. While you’re an expert in education, you were so effective and so helpful and so useful in so many ways though when we were together in the House. Then coming over here and working with you and watching you on education, I can’t think of anybody better equipped to take on the role that you’re taking on as Commissioner of Education—looking out for the welfare, the benefits, and the opportunities, and most importantly, for families and their kids. So, you and your beautiful family, I’m so excited for y’all. We’ll miss you here but like the Leader says, you’ll be right across the road so we will know where to get you. So excited for you in this next chapter. Thanks for being part of my life and helping me understand what you do in the silo that you’ve been in so much better. I’m very grateful.

Senator Brodeur: We’ll take care of all the close ones here and get the awkward angle out of the way. Very similar story to my classmates of 2010 is that we met Senator Diaz in 2012 when he entered in the House of Representatives. Everyone told me he was this big education guy. So I would sit on the floor and get constituent questions that were very technical and nuanced. It’s almost like healthcare policy, that if

you've seen one, you've seen one, because every family is different. I would wander over and I'd go, "Hey, big shot, you want to come over here and check out my email, and you could help me out here?" He would write this email back to a constituent that explained everything. He's like, "You want to save that in a draft for later, you can use that again." I got in the habit of making sure that anytime I did not understand a piece of policy we were doing, particularly within the education space, I would wander over. Then Representative Diaz would come over and make sure I got all of it in case I ever heard it again. You helped make me a better legislator. I think that is, as we mentioned, the grace and the diplomacy and all of the things that make you great. You are a competent expert, and that's awesome because in this process we all come in with our own set of experience and background and it's not everything. Nobody comes in an expert at everything. To have somebody like you on the floor that we could rely on, I value my time as your Vice Chair in Healthcare. I think that went great, and I couldn't think of anybody for the State of Florida that would be better to lead our next generation. To your family, I couldn't be more excited that we get to work together. So of all the meals, all the laughs, all the things we've gotten to do together, we are just going to keep on doing it. Thank you my friend.

Senator Broxson: Manny, I have really enjoyed working with you the last two years. I am a little embarrassed though that you get the Speaker Designate here. I was looking for the Governor to walk in. You really kind of over did it with all of your friends that showed up here. Thank you for coming. I remember when you presented a bill and immediately after you presented it, I had the staff give me a two page list of acronyms. I think you used every one of them and I didn't have any idea what you were talking about. You are a real first class member of this Senate. You will be missed. There is no one that can fill the space that you had and thank you for your help. Thank you for being my friend. God bless you as you go and move this state forward in education. Thank you, sir.

Senator Book: Senator Diaz, we got to know each other from back down south and you have just become a really wonderful friend. We would joke around all the time whether it was Bad Bunny or all of our Godfather conversations. I am truly going to miss you. I would say the first time that we actually got to work together was after the MSD Commission. We were doing a public safety bill. You know, I thought maybe they will let me try it. Yeah, right. So, you were carrying the bill. It was highly technical, it was a very contentious time. I went to the grocery store just up the street and I got the Time Magazine with the Godfather on the cover. I slid it in your bill presentation folder. I hope I didn't mess up your notes there. Anytime I had an issue or a problem or a concern, you have always been there. Sometimes we get ourselves into trouble whenever we hang out. That tends to be the case. No one else will appreciate my horse head in a bed emoji like you. We tend to send our memes and there was one that I have never sent you. I was just looking up like what is the best one that I can talk about. This one truly exemplifies who and what you are. The RV trips, your kids, your beautiful wife, your family. "A man who doesn't spend time with his family can never be a real man." You are a "real man" and we truly appreciate you.

Senator Cruz: Senator Diaz, I started in '10, you started in '12. I am looking over at your 10-year old and I remember how proud you were that your wife was pregnant. Then you brought her in the stroller or carriage when she was just an infant. Look at you now. You have gone forth and been quite productive. You have a beautiful family. I feel as if we connect because we have those Latino roots, of course. We put family above everything, but so do many people. I have always appreciated your gentlemanly decorum. You are such a gentleman here. You really truly are a bright light in this Senate. You are always smiling, and you and I both have one goal, I think, and that is the education of the kids in the State of Florida. Although we are polar opposites and our roads diverge, we both care about educating our children. I want you to know that I appreciate your dedication.

I have run a bill for the past couple of years that seeks to turn the Education Commissioner into an elected position but I only did that because Richard Corcoran was there. So maybe next year I won't run that bill, Manny.

Senator Wright: Manny, you know how much I appreciate you, and you have helped me so much in this job. Some of you may not be aware that he and his whole family park their motor home at my place

when they come up to Volusia County. My wife just adores your whole family. We sat up until 2:30 in the morning, Manny and I did, solving all of the problems of the world one night. The next day, as tired as he was, and as tired as I was, they were bound and determined to leave to head on to some other location. His little sweet princesses went in to say goodbye to my wife, Cindy. They noticed that Cindy's fish had died overnight. So, the entire trip was shut down while they had a funeral for my wife's little fish. We will never forget how special that was with those sweetheart girls making sure they had a proper burial. Manny, I am looking forward to what you are going to be doing for this state. We are really lucky to have you taking that position. Thank you, sir.

Senator Stargel: I will call Manny my partner in crime in Education. When I first came to this process, I did Education because when you have children, that's kind of what you know. I'm in the House and then Manny got elected shortly after. We would contemplate and talk about all the things we wished and hoped could happen in Education. When I came over to the Senate, he was still in the House. We continued to work on things. He got to the Senate. Looking back on the time that I've been here and working with you and others who've had this passion, it's amazing what we've gotten accomplished. Things that you look at that were fights way back then aren't even fights anymore. We've seen the benefit and the reward and what has happened for the people of the State of Florida—the things that we've done in Education. You know the subject inside and out. You're a true fighter for the things that we needed to get done. I am so excited to see you in this next role knowing your heart, knowing your passion, knowing that you care for all the kids in the state, that you want all the kids to learn, all the kids to have opportunity—knowing that that's going really to be the ticket to have success in that true American dream. You're going to do amazing things there. I feel like you will make sure that the roof gets cleaned because that's the kind of guy that you are. I'm looking forward to watching your future and if there's anything I can ever do to help, give me a call.

Senator Albritton: Manny, I wanted to focus on just a small handful of observations about you that, to me, really define the reason why I respect you so deeply. The first is that you love hard and completely, especially your family. I have a deep respect for the fact that you do this job, and you've chosen to sacrifice your time and your energies in serving the public. You didn't leave your family behind, and they go where you go, right? You do life together and that matters. That is a reflection of your character, a reflection of how you prioritize your life. That is number one on the list of why I respect you so deeply. The second thing is that as I've watched you over the years, you have an innovative spirit. The status quo is not okay with you, and that's a big deal in this process. Now, with 7055, 7069, all of these gargantuan, complex education bills have helped students all over this state. You champion those ideas, you took that innovative spirit and applied it to education, and the state's better off for it. I couldn't agree more that you are the most qualified individual I've ever seen to be Commissioner of Education and you are going to do a fantastic job. It's first nature for you. I watched you on the Health Policy Committee. You know the President threw some of us a curve ball and put us in some areas that we had no real clue about. Here's what you did and I was blessed to be sitting on the committee with you. You took that same innovative spirit and you applied it like President Galvano would say "the hole that you were on." Right? You did a fantastic job with that, continuing to look for new ways to do things, and looking for opportunities to highlight emerging critical issues in the state. Although you're going to be across the way, you're not going to be far. I'm sure we are going to have the opportunity to spend plenty of time with you. One of the critical emerging issues that you brought to all of us that was significantly important was the awareness of the otter cat. I just want you to know, as I was speaking to my colleagues here, you may not be in this chamber but that otter cat awareness is alive and well. We are not going to leave it behind. We are going to make sure going forward that that issue is forefront and people know what's really going on with the otter cat. Thank you so much for all that you've done. You've made me a better legislator. You've forced me to think differently. I want to say, "Thank you." Thanks for everything.

Senator Pizzo: You remind me a little bit of my brother. We politically are not aligned on a number of the fringe issues, but on the meat and on the middle and on our care and concern for our families. The greatest compliment I can give to you is you are a far better father than I am with that dedication. I do not want our text messages ever public records requested. Not because they're terribly nefarious or malicious, but because of the following: you were always accessible and you were

always decent. In the throes of the pandemic, with parents and school issues, I think I have 1:00 a.m. and 1:00 p.m. texts to you over a number of days. We watch these sort of goodbyes, and people are right to recognize their staff. Then there's those situations where you have staff members and they're a reflection of you. Where the quality and the type of people that you have around you speaks to how good of a person, decent person you are. The very first week Judy took Maggie. They drove up to Georgia and spent some time together. I had to call you when people were being shot in your district, and you called me when kids were shot in mine. You helped families get through SAT problems, grading problems, school issues, and graduation and college issues, and all that stuff. I will cherish the fact that the last text I have from you, you had to correct your grammar. I am going to make that a poster. You are a perfect example of how on a two-dimensional checklist we are not going to agree on certain social issues. But on the stuff that actually matters, that improves quality of lives, that saves lives, that cares about the decency of humanity outside of all of this ornamental stuff—you are, at your core, a very decent person. I appreciate being your friend. This is sort of a big deal for us because this is my fourth year but you're the first since I've been here to go off to do something else. Now, we know the Commissioner of Education, and that's a big deal for me. You guys have former governors, lieutenant governors, whatever. This is a big deal for us and I just hope that you'll always answer our call. Again, the greatest compliment I can give you is you're a really good dad.

Senator Bean: Everything changes. Life is full of changes. That is the conversation that Manny Diaz and I had at that rostrum just about an hour and a half ago. Kids grow up, people move, we get new titles, and we move on. Sometimes it's a bummer. But sometimes it is extremely exciting. I think we can all agree we are real excited about the role that you are going to be playing. Of all of the pictures up there, we all watched these slide shows, am I going to be in it? I think the most favorite picture was of your three little girls looking out the window. It is probably your favorite too, looking out the window. It was one of those days they were looking out the window. Four years ago, I sat where Hooper sat and you sat where Pizzo sat and Passidomo was next to me. Everybody wanted to talk to her so somebody sat in my seat to talk to Passidomo. I was looking for a place to sit so I sat in your seat. Let me do this real quick because the beard and the Manny Diaz glasses—we are pretty close. People get us confused all of the time, but it really disturbed one of your little girls that looked down and I was sitting in your desk. It wasn't long afterward when I went upstairs to the family lounge and your little girls were there. One of your little girls told Jennifer, "Mommy it's the imposter. It's him. That's the man, that's the guy." The imposter wants to acknowledge that you, my friend, are the real deal when it comes to caring for those kids—not just your kids, but all of Florida's kids going forward. Godspeed and don't stop believing. Go get 'em.

Senator Hutson: Senator Diaz, you are going to truly be missed by me. Many that do not know, Senator Diaz and I came in 2012 together and we started rooming in a house with three or four other members. He has been my roommate up until the last two years through everything. So when I was first in the Senate, everybody said, "How do you know everything that is going on in the House?" "Why are you still talking to them?" The answer was simple. I lived with him. Clearly we would talk when we would get home. So I would be very privy to House information going on. I will tell you, Manny and his family were on the bottom floor and then we had a floor above that. His children would stay up probably 'til midnight every single night, if not later. I remember when we first met Manny in 2012. José Oliva had some type of gathering for us as freshmen to kind of educate us and put us together to kind of learn stuff. Some of our first conversations were about education because we were both very passionate about that. I told you that I wanted to take what was going on in my area and spread it across the state because we were very well off in our education system. You worked with me as a House member to do that. Even when I came into the Senate, we worked together on so many things that I have done in the education world that I would not have been able to do without your help. We have changed the curriculum to have vocational education—something that I was passionate about. Every time that I came to you, you never said, "No." You always helped me find a way to get it done. When we were in the education committees this year—Senator Albritton you were right, we had some curve balls thrown at us. Senator Gruters would throw some bills up on the agenda that Senator Diaz and I were like, "Oh my goodness. What are we going to do?" We would amend those things right in the first committee to get them out. I cannot thank you enough for

everything you have helped me do in my life as a member in the education world because I would not have been able to do it without you. I am hoping as you go on to DOE that you are one phone call away because if I have any more education stuff, I am definitely going to need your help. Appreciate you so much, my friend. You will be missed.

Senator Gibson: I was sitting here thinking, "What am I going to say about my friend, Manny Diaz?" Manny, you are a great guy. You know I believe that you are a great guy. We don't always agree on the little details but you are a great listener and you try to be reasonable. That is why I think you will make a great commissioner. There are different personalities over there, but also around the state in the schools and the principals and the teachers that may appear in front of you. The personality and the patience that you have, I believe, is very important in that role and the listening ear. I know those beautiful girls are why you are such a tempered tall man. There is no way that you could be any other way to your wife and your beautiful girls, who I am sure touch your heart each and every day, even when they are sleeping. I know you will remember your family as you go about your job and thinking about all of the kids across the State of Florida and their needs—not what everybody else thinks they need, but what you know they need across the state. I told you the other day, I said, "Well, you know I have been up to testify in front of the commission a few times on behalf of our schools in Duval." I am even-keeled. I don't raise a ruckus. I just raise my points but hopefully I won't have to do that. Congratulations on your new role, and I look forward to the things that you are going to do policy wise to help all of our kids across the state.

Senator Rodrigues: Like Travis, I came in with Manny, Travis, and Shev also in 2012. Right off the bat, we bonded. I think it was the love that we have for the movie *O Brother, Where Art Thou*. That started it, but we became friends. What I really respected about you is you take your work seriously. You respect the institution. You respected the House while you were there. You have respected the Senate while you were here. You take your work and the institutions seriously, but you don't take yourself seriously. That is a fine line that many of us have a hard time walking, but you don't. I am going to give an example of that. Those of you that have been in the House will understand what I am going to say, those of you that have not been in the House, will not. When you are a freshman in the House, you have no juice and zero influence. So being a freshman in the Senate is a much better deal than being a freshman in the House. So, you look for ways to do what you need to do and entertain yourself along the path as you go. Manny and I kind of stumbled on one, one day. We were both on conference committee, and when you are a freshman House member, you think that is a big deal. You are on the Conference Committee. We show up early, we get the two seats behind the two presiding officers, the Senate Co-Chair and the House Co-Chair, and it ends. We learn that at every conference committee there is a press gaggle. So everybody clears out and we are just standing there talking and Manny gets a text from his aide, D-Mart. "Hey, you guys are on TV." We thought, "Aha: Here is how you get TV time if you are a freshman in the House of Representatives." So, we started photobombing every conference committee during that freshman session. It was so subtle, no one picked up on it. But friends noticed what we were doing so they dared us to raise our game by using props. And Manny was like, "We are going to do it." The first time we did that we used a ruler. So, we are holding up the budget spreadsheet while the press gaggle is going on. One person is steadying the ruler and we are looking at the numbers on the budget. D-Mart is getting photos, still shots of it off of the Florida Channel, and sending them to Manny. We thought, okay that is cool, that is as far as it will go. Then someone said, "Well you really should bring a magnifying glass"—going back to the 2000 recount where they were looking at the 'hanging chads.' Manny was like, "We are in." So, we bring a magnifying glass and we got some really good shots off of that one. By the way, no one ever said a word to us. No one knew what we were doing. Then the peak of it, as far as the props, was somebody gave us a monocle. You see them laughing over there. You won't use a monocle while you are photobombing the budget conference. So, we did. You know, once you have done that, when you pulled the Mr. Planner, you have gone as far as you can go. So we stopped with the props, and we retired. We thought we were done with the photobombing. Then came special session for reapportionment and there was one conference committee for reapportionment. I think it was 2014 session, I think it was our second session of our freshman year. Neither one of us, by the way, as freshmen were on the Reapportionment Committee, obviously. We saw there was a conference committee so we decided to join. So, we are at the conference committee, and it

ends. Now this is the biggest press gaggle of all of them, and Manny and I are standing up going over the map that they distributed. We thought okay, that is cool. The next morning, the Miami Herald comes out. The photo they used to illustrate the Reapportionment Committee was Manny and I standing up going over the map that they had passed out during the meeting. We framed that photo and it hangs in the house that we have here in Tallahassee, the roommates and I, as a reminder. Then we quit photobombing because once you have been on the front page, you can't really go any higher at that point.

These are funny stories and they were fun times. You look at your legislation, you have passed some of the most serious legislation in the state over the last decade, but you never took yourself too seriously. You found ways to have fun, and you have been a good friend along the way. This is closing a chapter for you. The next chapter, I believe, will be even more successful than this current chapter has been. Good luck, my friend.

Senator Burgess: “The Manny Diazes”—that’s how my kids know him, that’s how my kids refer to him. “We’re going to see The Manny Diazes.” Oh man, you know the old saying, “If you want a friend in politics, get a dog.” I mean, I got the dog, as most of you know by now, right? Senator Passidomo, I got the dog. But you my friend are the proof that that saying is simply not true. There are real relationships in this process that far transcend what we do here in our time together. Our kids, our children, have grown up together. They literally have experienced so much of life together. Our kids long for the two to three months where they get to come up and be with “The Manny Diazes” here in Tallahassee. It’s a part of their life now and certainly their favorite time. I mean heck, you guys taught our kids what Miami is. Like we’re going down to Miami to see “The Manny Diazes” and Addy would look at me and she’d be like, it’s not your “ami” it’s their “ami.” I’m like, “No, no, no, it’s Miami.” So many life lessons have come from our friends from the southeast coast. I spent a good amount of my year living in an RV with three kids, a wife, and a dog. I have you to blame for that, but I also have you to thank for that, because some of the best memories in life have been being in that cramped camper together. It’s you guys who inspired us to live that amazing life. I love you so much because I know how much you love your girls and how much they mean to you. You literally are “dad goals.” You’re a great Senator man, but like, you brought swagger into this chamber, like nobody ever has. I come in and I’m like, “Manny wore blue pants and a gray jacket. I’m going to try that tomorrow, that’s pretty cool.” I didn’t know that was a thing—you could even do brown shoes with it. So I try to pull it off, and they just look at me and shake their heads. They’re like, “Boss, you’re never going to be Senator Diaz. Just go back to suits.” I’m like, “Alright.” So, you know, your confidence, your legislating ability—if you’re ever scared, you don’t show it. You’re just an even-keeled man and no matter what arrows are being thrown at you, you’re just steady. It’s quite incredible to watch your command on issues no matter what it is, even outside of education. So, we’ll miss you here, but you were born to lead the Department of Education. This is your true mission in life, and man, all the kids, all the faculty, teachers, everybody involved in these school systems across our state are going to be much better for it. Addy asked me this morning, just randomly, unprompted—she knew that we were coming to see your farewell, and she goes, “Daddy, is Mr. Manny giving his farewell speech because he didn’t get enough petitions to be on the ballot next year?” I said, “No baby, he’s going to work for the Governor like Daddy did one time, only he’s going to be running all the schools in the State of Florida.” I thought that would be it. She goes, “Okay, I have two things you’re going to tell him on the floor today, Daddy.” I said “Okay what’s that?” Addy goes, “Number one, school shouldn’t start as early as it does, and number two, school days need to be shorter.” So that’s the pulse of your new constituency, sir. Listen and listen good or you’ll be hearing from them, trust me. I know our story doesn’t end here. I can’t wait to hit the road together once you get settled in this new position. The most important thing, Mr. President, that I need to put on the record here before I sit down and shut up—the Tampa Cuban sandwich is the original Cuban sandwich. We love you and we’re going to miss you.

Senator Powell: Senator Diaz, as you see, I’m doing it again. You all may have recognized that sometimes, myself and Senator Diaz, when we debate, we have to position ourselves so that it looks like we’re on opposite sides of the room for the camera. I came in 2012 too, and when I got here, you didn’t have the beard or the distinctive, classic man streaks. It just adds to the mystique of the classic man. I’ll tell you, sitting next to Manny, what you all don’t realize and recognize is that

when we’re not positioning ourselves so that we have good TV positioning, Manny is spending most of his time telling me jokes. They’re not in texts, which is good. They’re pretty funny, so if you see me laughing on TV, many times it’s because he’s said something that was hilarious. The best thing is when you say something that’s hilarious to me but you crack yourself up—to the point where you can’t stop laughing. Manny, it’s been enjoyable sitting next to you in this chamber. I’m so glad that I’ve had this opportunity to get to learn from you, to get to chat with you, talk about our families. You’re the classic example of when we deal with heavy issues in this chamber, it’s an issue and not the individual. It’s the policy and not the person. I’ve enjoyed this time and when you talk about your family—the light of my life, has been that now I have a family, and my wife is involved with the Senate spouses and the children. My daughter loves your daughters. My wife is a part of the spouses’ chat. They say that the spouses have a chat and she’s in to it. I’m just excited for you. I’m hopeful that you will still remain a part of the Senate spouses. We’re going to vote to keep you in. I will miss you in this process. I know every two years when we switch, we don’t know where we’re going to sit in the chamber and I’ve enjoyed this portion. So, what I’ll tell you is that, as you get ready to go to the Department of Education, do this for me. Save a seat in your office for me, so that we can come and continue to have the bro-cast in your office—that’s our podcast.

Senator Diaz: This is harder than any five-hour questions on any bill or any debate. I thank you so much for the kind words. I thank each and every one of you because I really have grown and learned from each and every one of you. I need to save that part of the speech because it’s later. First of all, I want to thank God for all the blessings I have in my life. For my incredible wife, my kids, my parents, my son who’s not here, my staff, and just the ability to serve here and represent my constituents, my community. To the residents of Senate District 36: I am humbled and honored by their confidence and the ability to come into this chamber every day, where I’m still in awe today. Every time I walk into this chamber, I’m still in awe that a kid from Hialeah can walk into this chamber and make a difference or hope to make a difference in the lives of Floridians. So I’m thankful and I’m blessed for that. Thank you—I’ve said all of District 36 but especially my native home, the city where I was born and raised in and it runs through my blood, the City of Hialeah. Those residents—where my parents still live, where all my friends and family still live—I’m incredibly blessed to represent them.

I’ll start first by thanking my amazing family. My beautiful wife, Jennifer—really, all of you who embark on this process know that without a supportive spouse, you cannot do this. It’s been a decade for me. Not only is she supportive, half the time she’s pushing me to go further and to do more and yanking on my ears. I love you. You are my rock and I wouldn’t be able to do this without you. I wouldn’t be able to take this other step without you. Again, thank you. To my incredible girls: Madison, my oldest, who is clearly a leader, studious, self-driven; Grayson, my middle one, who is a free spirit, as you can see, and a gymnast of her own making; and of course, my little Lexington. Anybody who’s had the opportunity to encounter or have a conversation with her can clearly see she was named after the place where the first shots were fired of the American Revolutionary War. I love you. Thank you for always being here for me. Thank you for following me everywhere and we’ll continue to do that as long as we can. I hope you do that with your kids. My son, Dominic, who’s a grown man, 24 years old this month—I’m very proud of him. He’s back home, at work. He suffers from that same disease where work is, you know, up front.

I have some friends here who I want to recognize and that is the Mingo family. Frank and Carmen Mingo who drove all the way from Miami Lakes, Florida. Thank you for being here. Thank you for being there, my friends, since 2012 when we got in the first battle and ended up here today. Thank you very much for your support. Thank you for your friendship and your family. We couldn’t do this for a decade without my mother-in-law. She’s been, really, the rock of our household because, without her, my wife wouldn’t be able to do this and without my wife I certainly wouldn’t be able to do this. All I can say is thank you—the debt of gratitude that I owe to you and for all of the things we’ve been able to do. Obviously, she’s very opinionated in her political stances. Anybody who’s gotten a chance to talk to her I’m sure you’ve seen that. Thank you to her husband, my father-in-law, George, who has incredible patience and flexibility to allow us to do this and for us to travel. He’s back home working and I hope he’s watching on TV. We call him Pachi. Thank you, Pachi. We’ll continue to go forward, thanks to him.

I have to thank my parents for the sacrifice they made, not only in fleeing communist Cuba, but the sacrifices they've made my entire life since I was a kid. You don't realize those sacrifices until you are an adult and a parent—the sacrifices that they made, the sacrifices that they still make. Without their support, obviously, I wouldn't be where I am today. A lot of those qualities where I feel like I work hard all the time—that comes from my parents because that's what they do. Ana Maria's shaking her head because she knows. Also, my maternal grandfather who passed away in 2004 was a role model for me growing up. Those values: family, freedom, faith, hard work. I mean, talk about leaving everything behind in your country and starting brand new. He instilled all of that in my mom. I learned a lot of that by just hanging around, tailing him around, and actually going to the races at Hialeah Park and watching the thoroughbreds.

To my staff: the secret weapon who's sitting here today who, as Senator Pizzo pointed out—Judith, you have made all these things possible. You just make me look good. You make our family look good. You make our office look good. You make the Senate look good, as evidenced by the comments that were made. Thank you so much and I am glad that I convinced you to go with me, at least for a little while, over to the building across the street. It's going to help. Danny Martinez, known as D-Mart, started with me in 2012 when I was in the House, and ironically, he went full circle. He went back to the same organization today where he was when I found him. He was fresh off a tour of duty in Wisconsin helping Governor Scott Walker when Representative Rizo and I ran into him and interviewed him. He was not only instrumental in the office with policy, and a lot of you in this building got to work with him, but also on the campaign front. He took off every time. The funny part is, I was telling my wife this, in 2010, I ran for school board against a chair. I lost that one. Tough race, right? In 2012, we get into a huge primary fight. Win that one, but it was a fight. In 2014-2016, I've got to defend my seat. In 2016, they were saying, "Well, you can discount Diaz. He's not coming back. It's a minus 3 seat, you know, with Trump on the ballot." Well, Trump lost that seat by 21 points but I won by 5, and part of that is the work of Danny Martinez along with some of the work from Frank Mingo. So I want to thank you guys. I really appreciate it from the bottom of my heart. The rest of the staff who has gone through our office, Claudia, Chavely, Keanu, Joseph, Ashley, and Monty all did service work for the residents of Senate District 36 and House District 103.

My Doral College staff—you know, the day job where we get to pay the bills because I know this is a lot of money we make here but sometimes you have to have another job to pay the bills—they put up with me. They kept everything going while I was away and did a great job virtually. My campaign team, Brett Doster who was with me since that 2010 school board race, believed in me when nobody believed I could win. Then in 2012, and the rest is history. David Custin and Ashley Ross, who is here, who helped us raise the money to fuel some of these campaigns—thank you very much for your work. The Senate staff as a whole, from the Sergeant's Office—you guys and ladies all know this—you walk in here and just make it like it is paradise for us. They make sure we're as comfortable as we can be. We need something at every turn. Sometimes they're in the background. You don't even see. They're working behind the scenes to make everything happen. I appreciate that—also keeping us safe during the tense moments. Secretary Brown, what can I say? It's been an honor to be able to work with you over these years. But the entire staff, and the President's Office, just so many quality people. Bill Drafting—we forget how many bills we just throw into Bill Drafting, and we think some little mouse turns the wheel. There's actual people down there burning the midnight oil to get these things done by the deadline. Kathy Mears, thank you. The Diaz princesses thank you for all the knock-knock jokes and for allowing them to come into your office and wreck it, like *Wreck-It Ralph*, constantly whenever they're up here. I appreciate that. Really, Mr. President, the rest of the staff—it's just incredible here in the Senate.

To my House family—Sergeant Hosford, thank you for coming over. I really appreciate it. I am really fond of the time. Thank you for my time in the House. To José Oliva, Speaker Oliva, who I embarked on that journey with the 2012 class along with Travis and Ray Rodrigues, has been just an incredible brother, a friend, and just wise counsel. I mean level-headed. Someone you can call whenever you're tussling with an issue or idea and just gives you a different perspective from a calm place. Eddy Gonzales, who was there when I first got to the House. You know, when you get to the House you have no idea what you're doing. Well, I had the advantage of having a couple of people who had been

there for a very long time. That led to really the gelling of the Miami-Dade delegation. I mean, we went from not even a decade before that having a couple of people having fistfights on the floor to having the entire House shut down in panic because we went into the bubble altogether. That just shows you that it came a long way. You know, we stand on the shoulders of giants. I just want to say that Rene Garcia, who had Senate District 36 before me, his life in public service and his friendship to me, not only when it came to political matters but just everyday, we talk all the time. Rene is just an incredible friend and incredible public servant. I would be remiss if I didn't mention Senator Roberto Casas who was, really, the first in a line of Cuban American Senators to represent this district. He's the late Senator Roberto Casas. He passed a few months ago, but I stand on the shoulders of those giants who paved the way for that to occur. Speaker-D Paul Renner and Speaker Double-D Danny Perez, I know you're going to do great things—just incredible friendships over there. There's one guy sitting in the back who wants to sit in this chair and I just hope you're paying attention because this isn't the House, my friend. Bryan Avila has been literally a soldier. He joined the National Guard. I thought he was crazy. I mean, he joined the National Guard because the time limit was coming up. He was turning 32 and I think that was the end of the line. You had to fish or cut bait, right? I'm still marveling at the fact his wife hasn't killed him because of all the time he spends away. My friend, I'm entrusting you to become part of this Senate family and pick up where I left off. As you can see it's a special place. We've been in some wars together. Senator Hooper, if you thought the MDX issue was going away, the guy who originated it is coming now. That's true, this guy is persistent. Godspeed. My brother, Representative Alex Rizo, we've been in battles on education policy going back to the early 2000s, before we ever thought of trying to get elected. Very proud of you. I look forward to your work in the House. I'm probably going to be calling you from the department about some of the bills. To Representatives Tom Fabricio and David Borrero, you now make up the Hialeah delegation, and you guys better live up. Lieutenant Avila, there's a lot of pressure on you now.

Again, I want to thank a couple of the guys who started the process of having me be able speak Panhandle, right? That's Representative Jayer Williamson and Chairman Jay Trumbull, right? I thought I was learning to speak Panhandle until I came to the Senate and I met Senator Gainer. That's a master's degree in speaking Panhandle. Thank you, Senator Gainer, and shout out to Representatives Jayer Williamson and Jay Trumbull. Of the class of 2012, as I mentioned, there's three of us here in the chamber now. Shev is, obviously, not here physically but we came up together. I have some other versions of the story that Travis has about being roommates. They had that upper floor and yes, my kids were loud, but every night we'd hear a thump around the same time. That was because Senator Hutson would fall asleep on the couch watching TV and somehow would roll over and always fall on the floor. I called the landlord. I said, "I'm concerned he's going to come through the roof one night." The girls would scream, "Travis!" In fact, after he moved out, we were there, I think, for one more session. They were still screaming, "Travis," thinking he was up there. "Travis, fix the internet!" Shev Jones is not here. We disagree on a lot of issues, but I can tell you, Senator Shev Jones is a good man. We have worked together on a ton of issues that people haven't even realized that we worked together on. We've gotten to yes on a lot of issues. I expect that he's going to continue that work. I have that picture when I was sworn into the House, and you know they take you up by fours, and he was one of the four that was there. I've really been honored to work with you, Shev. I look forward to working with you, and I'm hoping you're going to help us with some of these bills that we're going to try to do, right?

Senator Ray Rodrigues, what can I say? You've got some good stories. What you didn't tell them—I think you didn't tell them because you were the Chair of Redistricting now, but the statute of limitations on that part is gone—is that when they took that photo, we were on the second row behind the double dais in the Knott Building. We were behind the second one and the chairs were up, and it was José Oliva and Bill Galvano, and the picture got taken. What we were actually doing with the magnifying glass is that Ray pointed at the map and said, "I live right here." And the Herald took that picture—went right past the two chairs of the committee and took a picture of us. The next day José Oliva's like, "You guys not only are not on the committee, you weren't even dressed! You guys got dressed and headed to the Capitol just for that, and you end up on the cover of the Herald." That's a true story. Ray has been an incredible friend, and as you all know, he is metho-

dical. He is straightforward. You can always count on him. You understand this because we get together at his house and have a cigar, and he brings out his Bluetooth and puts on his music. I always say it's the sweet sounds of Radio Ray Rod because just like his personality, it's just smooth. That's the same way he does his bills. I've heard it from some of the members in the Democratic Party—they're trying to get him disheveled, trying get him off target, and they're like, "I can't get this guy to move. I mean, that's a good answer. I don't know what to tell him anymore." Ray Rod, I appreciate your friendship. You're a brother. The one thing I will say is the other little joke that we had running is we ran out of Class of 2012 members. We were in the House, smoking cigars, and we had members of the House go on and term out. It became that everybody that was living there started becoming Senators. So, Ray Rod and I, at that point, were sitting, and we'd have the conversation about what was going on in the day. If you looked at the picture of us in 2012 and then look at us now, we didn't look like this. There wasn't this cool beard, Senator Powell. There's a lot of gray. So what I tell them is we're the two old guys from *The Muppet Show* that are sitting up in the balcony just making fun of everything that goes on in the legislature. Thank you, Senator Rodrigues. The lucky thing is I'll still be up here when you're here for committee weeks and session, and we'll be able to share time.

I've already mentioned Senator Garcia and the late Roberto Casas. Mr. President, I'd like to thank you. I'd like to thank you for your leadership, and I'd like to thank you for the opportunity. There wasn't a time when I walked up to you with some crazy idea, most of the time in Education, where you'd just look at me and say, "Let's do it." I appreciate that because having spent time in the House and having evolved, I appreciate the confidence that you had in me. The curveball of putting me in Healthcare—that was quite an experience. Confirmation hearings, contentious bills, making sure we got in the clock. I do, seriously, thank you for your leadership and I thank you for the confidence that you placed in me. I'd also like to thank President Galvano, my first two years, for immediately entrusting me with being the Chair of the Education Committee. Obviously, we were able to accomplish the Family Empowerment Scholarship that first session. To President Designate Passidomo, Godspeed. I mean, that story was kind of accurate. In your defense, you took over midstream. The first session, I was working with Senator David Simmons and then there was a change, and she comes and takes over and I knew her from the House but we really hadn't worked a lot together. She's, "What's this education stuff? All these numbers and these things?" She really just wanted to close the budget out, and I'm trying to talk—this is like \$24 billion—there's a lot of acronyms in here. But I did appreciate working with you during that time and all the time that we've worked together. Even the vacation rentals bill. Godspeed to you in your time in leadership. I'm looking forward to working with you. You're right, I'm just a text, a phone call away. I'll walk down the street, and I'm here to help. I'm looking forward to the great things you're going to do with the Senate. It is bittersweet because I walk in here every day and I'm in still in awe. So, you know, until you lose that feeling, you know you're in the right place. I just think this is an opportunity that only comes once in a blue moon and you have to take it. I am going to miss the Senate. I am going to be watching your leadership very closely. Senator Albritton, I'll say the same to you. Godspeed to you. Thank you for your kind words. Thank you for your friendship. I look forward to your leadership. Hopefully they'll still have me across the street when it's your time. There's some things that we've talked about we're going to work on and originally we talked about working them here. We're going to work together. If Avila's going to come to the Senate, he's already guaranteed education bill slots to me so we can do some work on that. Leader Book, I'll just tell you this—just when you thought you got out, they pull you back in. You have been a great friend—incredible to work with, even on the many things we've not agreed on. We've just figured out how to do it in a manner which is dignified and to do it in a manner that is respectful of the constituents that sent us here. For that and for your friendship, I thank you. Godspeed to you and your continued leadership in the Florida Senate. To the rest of the Senate family, like I said before—every single one of you that are here, I've learned something from—whether it's from the part of the state you represent or from your personal perspectives. It's just been incredible. Obviously, Senator Burgess, you and your family have become very close. The kids have grown up together. Mr. President, I have to confess something to you. The Burgess family will continue from now on to be on "Cuban time." Courtney Burgess has become an honorary Cuban. People talk about lobbyists all the time but I've had the great opportunity to work with

some very professional people who have really, cared about the issues they work on. There's too many to name but you're out there, and I have appreciated all of the work you've done, all of the cooperation, and advice on certain things. Like I said, the Senate is a special place and to me education is the great equalizer. It is what America is. It's about opportunity. It's not about opportunity of outcome. It's about opportunity to get somewhere no matter where you came from, no matter what your parents did for a living, no matter what. Education is that opportunity here in the State of Florida, as I believe, and in these United States of America. My background, you know, is team sports. I played college baseball. I have a competitive nature. We're going to continue to improve and my challenge is that we're going to improve. I'm going to be coming to look for some Senators to help us sponsor some bills and sponsor some appropriations. To the DOE team that's up there: Get ready! June 1st is coming. I'm going to leave you with a quote. I usually don't do quotes but this one, to me, I think personifies every single member of this body. "It is not the critic who counts, not the man who points out how the strong man stumbles or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood, who strives valiantly, who errs and comes up short again and again, because there is no effort without error or shortcoming, but who knows great enthusiasms, the great devotions, who spends himself in a worthy cause; who, at best knows, in the end, the triumph of high achievement, and who, at the worst, if he fails while daring greatly, so that his place shall never be with those cold and timid souls who knew neither victory or defeat." That's Theodore Roosevelt. Florida Senate, don't stop believing. Thank you.

President Simpson: Well Senator Diaz, now it's my turn, and I really wish you'd been able to get all those petitions signed as Addy suggested. You will also have another constituent in the Trilby area—that's also Addy. She's eight years old. She would like a later starting time and a shorter day if that's possible. The Tampa Cuban sandwich is actually the best and probably the original so you have to live with that. All those things being true, we're going to honor you today with a gift. A piece of legislation that you've done. We could've done many pieces of legislation since you've been here. Last year we had the largest expansion of school choice as you know, in the history of the country. You spearheaded those bills. Every time you came to me with crazy ideas, when I said, "Yes" and I thought it was a crazy idea, you didn't. It's been a real honor to serve with you. You've changed many people's lives. I know how much you love your family but you've changed lives all over the State of Florida. The Department of Education is lucky to have you. So, Godspeed my friend. We are honored here today to give you a special gift. This is Chapter Law 2022-16, CS for SB 1048 Student Assessments. Thank you to the family and friends of Senator Diaz for joining us today. I don't think anyone in this chamber is surprised by the stories we learned today of the shenanigans played in the House.

MOTIONS

On motion by Senator Passidomo, the rules were waived and time of adjournment was extended until 7:15 p.m.

SPECIAL PRESENTATION

On behalf of the Senate, the President presented Senator Diaz with a framed ceremonial copy of CS for SB 1048 (2022) Student Assessments, ch. 2022-16, Laws of Florida, which was sponsored by Senator Diaz and became law during his legislative career.

SPECIAL ORDER CALENDAR, continued

SB 4-D—A bill to be entitled An act relating to roof repair, replacement, and recovering requirements; amending s. 553.844, F.S.; providing that the entire roofing system or roof section of certain existing buildings or structures does not have to be repaired, replaced, or recovered in accordance with the Florida Building Code under certain circumstances; requiring the Florida Building Commission to adopt rules and incorporate the rules into the building code; prohibiting local governments from adopting certain administrative or technical amendments to the building code; providing an effective date.

—was read the second time by title.

On previous motion by Senator Passidomo, pursuant to Article III, Section 3 of the Constitution, by the required constitutional two-thirds vote of the membership, amendment barcode 798298 was introduced.

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

Senators Bradley and Pizzo moved the following amendment which was adopted:

Amendment 1 (798298) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (5) is added to section 553.844, Florida Statutes, to read:

553.844 Windstorm loss mitigation; requirements for roofs and opening protection.—

(5) *Notwithstanding any provision in the Florida Building Code to the contrary, if an existing roofing system or roof section was built, repaired, or replaced in compliance with the requirements of the 2007 Florida Building Code, or any subsequent editions of the Florida Building Code, and 25 percent or more of such roofing system or roof section is being repaired, replaced, or recovered, only the repaired, replaced, or recovered portion is required to be constructed in accordance with the Florida Building Code in effect, as applicable. The Florida Building Commission shall adopt this exception by rule and incorporate it in the Florida Building Code. Notwithstanding s. 553.73(4), a local government may not adopt by ordinance an administrative or technical amendment to this exception.*

Section 2. Subsection (1) of section 468.4334, Florida Statutes, is amended to read:

468.4334 Professional practice standards; liability.—

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

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

Section 3. Section 553.899, Florida Statutes, is created to read:

553.899 *Mandatory structural inspections for condominium and cooperative buildings.*—

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

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

(a) *“Milestone inspection” means a structural inspection of a building, including an inspection of load-bearing walls and the primary structural members and primary structural systems as those terms are defined in s. 627.706, by a licensed architect or engineer authorized to practice in this state for the purposes of attesting to the life safety and adequacy of the structural components of the building and, to the extent reasonably possible, determining the general structural condition of the building as it affects the safety of such building, including a determi-*

nation of any necessary maintenance, repair, or replacement of any structural component of the building. The purpose of such inspection is not to determine if the condition of an existing building is in compliance with the Florida Building Code or the firesafety code.

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

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

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

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

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

(7) *A milestone inspection consists of two phases:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 4. Subsections (25) through (30) of section 718.103, Florida Statutes, are renumbered as subsections (26) through (31), respectively, and a new subsection (25) is added to that section, to read:

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

(25) "Structural integrity reserve study" means a study of the reserve funds required for future major repairs and replacement of the common areas based on a visual inspection of the common areas. A structural

integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed by an engineer licensed under chapter 471 or an architect licensed under chapter 481. At a minimum, a structural integrity reserve study must identify the common areas being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of the common areas being visually inspected, and provide a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each common area being visually inspected by the end of the estimated remaining useful life of each common area.

Section 5. Paragraph (b) of subsection (7) and paragraphs (a), (c), and (g) of subsection (12) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(7) TITLE TO PROPERTY.—

(b) Subject to s. 718.112(2)(o) ~~the provisions of s. 718.112(2)(m)~~, the association, through its board, has the limited power to convey a portion of the common elements to a condemning authority for the purposes of providing utility easements, right-of-way expansion, or other public purposes, whether negotiated or as a result of eminent domain proceedings.

(12) OFFICIAL RECORDS.—

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

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

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

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

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

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

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

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

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

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

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

11. Accounting records for the association and separate accounting records for each condominium that the association operates. Any person who knowingly or intentionally defaces or destroys such records, or who knowingly or intentionally fails to create or maintain such records, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s.

718.501(1)(d). The accounting records must include, but are not limited to:

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

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

c. All audits, reviews, accounting statements, *structural integrity reserve studies*, and financial reports of the association or condominium. *Structural integrity reserve studies must be maintained for at least 15 years after the study is completed.*

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

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

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

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

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

16. Bids for materials, equipment, or services.

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

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

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

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

3. The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all

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

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

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

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

d. Medical records of unit owners.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

d. The rules of the association.

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

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

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

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

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

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

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

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

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

n. *The association's most recent structural integrity reserve study, if applicable.*

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

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

Section 6. Paragraphs (g) through (o) of subsection (2) of section 718.112, Florida Statutes, are redesignated as paragraphs (i) through (q), respectively, paragraphs (d) and (f) of that subsection are amended, and new paragraphs (g) and (h) are added to that subsection, to read:

718.112 Bylaws.—

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

(d) *Unit owner meetings.*—

1. An annual meeting of the unit owners must be held at the location provided in the association bylaws and, if the bylaws are silent as to the location, the meeting must be held within 45 miles of the condominium property. However, such distance requirement does not apply to an association governing a timeshare condominium.

2. Unless the bylaws provide otherwise, a vacancy on the board caused by the expiration of a director's term must be filled by electing a new board member, and the election must be by secret ballot. An election is not required if the number of vacancies equals or exceeds the number of candidates. For purposes of this paragraph, the term "candidate" means an eligible person who has timely submitted the written notice, as described in sub-subparagraph 4.a., of his or her intention to become a candidate. Except in a timeshare or nonresidential condominium, or if the staggered term of a board member does not expire until a later annual meeting, or if all members' terms would otherwise expire but there are no candidates, the terms of all board members expire at the annual meeting, and such members may stand for reelection unless prohibited by the bylaws. Board members may serve terms longer than 1 year if permitted by the bylaws or articles of incorporation. A board member may not serve more than 8 consecutive years unless approved by an affirmative vote of unit owners representing two-thirds of all votes cast in the election or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. Only board service that occurs on or after July 1, 2018, may be used when calculating a board member's term limit. If the number of board members whose terms expire at the annual meeting equals or exceeds the number of candidates, the candidates become members of the board effective upon the adjournment of the annual meeting. Unless the bylaws provide otherwise, any remaining vacancies shall be filled by the affirmative vote of the majority of the directors making up the newly constituted board even if the directors constitute less than a quorum or there is only one director. In a residential condominium association of more than 10 units or in a residential condominium association that does not include timeshare units or timeshare interests, co-owners of a unit may not serve as members of the board of directors at the same time unless they own more than one unit or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. A unit owner in a residential condominium desiring to be a candidate for board membership must comply with sub-subparagraph 4.a. and must be eligible to be a candidate to serve on the board of directors at the time of the deadline for submitting a notice of intent to run in order to have his or her name listed as a proper candidate on the ballot or to serve on the board. A person who has been suspended or removed by the division under this chapter, or who is delinquent in the payment of any assessment due to the asso-

ciation, is not eligible to be a candidate for board membership and may not be listed on the ballot. For purposes of this paragraph, a person is delinquent if a payment is not made by the due date as specifically identified in the declaration of condominium, bylaws, or articles of incorporation. If a due date is not specifically identified in the declaration of condominium, bylaws, or articles of incorporation, the due date is the first day of the assessment period. A person who has been convicted of any felony in this state or in a United States District or Territorial Court, or who has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, is not eligible for board membership unless such felon's civil rights have been restored for at least 5 years as of the date such person seeks election to the board. The validity of an action by the board is not affected if it is later determined that a board member is ineligible for board membership due to having been convicted of a felony. This subparagraph does not limit the term of a member of the board of a nonresidential or timeshare condominium.

3. The bylaws must provide the method of calling meetings of unit owners, including annual meetings. Written notice of an annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner at least 14 days before the annual meeting; and be posted in a conspicuous place on the condominium property or association property at least 14 continuous days before the annual meeting. Written notice of a meeting other than an annual meeting must include an agenda; be mailed, hand delivered, or electronically transmitted to each unit owner; and be posted in a conspicuous place on the condominium property or association property within the timeframe specified in the bylaws. If the bylaws do not specify a timeframe for written notice of a meeting other than an annual meeting, notice must be provided at least 14 continuous days before the meeting. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property or association property where all notices of unit owner meetings must be posted. This requirement does not apply if there is no condominium property for posting notices. In lieu of, or in addition to, the physical posting of meeting notices, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. However, if broadcast notice is used in lieu of a notice posted physically on the condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the condominium property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as a notice for a meeting of the members, which must include a hyperlink to the website where the notice is posted, to unit owners whose e-mail addresses are included in the association's official records. Unless a unit owner waives in writing the right to receive notice of the annual meeting, such notice must be hand delivered, mailed, or electronically transmitted to each unit owner. Notice for meetings and notice for all other purposes must be mailed to each unit owner at the address last furnished to the association by the unit owner, or hand delivered to each unit owner. However, if a unit is owned by more than one person, the association must provide notice to the address that the developer identifies for that purpose and thereafter as one or more of the owners of the unit advise the association in writing, or if no address is given or the owners of the unit do not agree, to the address provided on the deed of record. An officer of the association, or the manager or other person providing notice of the association meeting, must provide an affidavit or United States Postal Service certificate of mailing, to be included in the official records of the association affirming that the notice was mailed or hand delivered in accordance with this provision.

4. The members of the board of a residential condominium shall be elected by written ballot or voting machine. Proxies may not be used in electing the board in general elections or elections to fill vacancies

caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. This subparagraph does not apply to an association governing a timeshare condominium.

a. At least 60 days before a scheduled election, the association shall mail, deliver, or electronically transmit, by separate association mailing or included in another association mailing, delivery, or transmission, including regularly published newsletters, to each unit owner entitled to a vote, a first notice of the date of the election. A unit owner or other eligible person desiring to be a candidate for the board must give written notice of his or her intent to be a candidate to the association at least 40 days before a scheduled election. Together with the written notice and agenda as set forth in subparagraph 3., the association shall mail, deliver, or electronically transmit a second notice of the election to all unit owners entitled to vote, together with a ballot that lists all candidates not less than 14 days or more than 34 days before the date of the election. Upon request of a candidate, an information sheet, no larger than 8 1/2 inches by 11 inches, which must be furnished by the candidate at least 35 days before the election, must be included with the mailing, delivery, or transmission of the ballot, with the costs of mailing, delivery, or electronic transmission and copying to be borne by the association. The association is not liable for the contents of the information sheets prepared by the candidates. In order to reduce costs, the association may print or duplicate the information sheets on both sides of the paper. The division shall by rule establish voting procedures consistent with this sub-subparagraph, including rules establishing procedures for giving notice by electronic transmission and rules providing for the secrecy of ballots. Elections shall be decided by a plurality of ballots cast. There is no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election. A unit owner may not authorize any other person to vote his or her ballot, and any ballots improperly cast are invalid. A unit owner who violates this provision may be fined by the association in accordance with s. 718.303. A unit owner who needs assistance in casting the ballot for the reasons stated in s. 101.051 may obtain such assistance. The regular election must occur on the date of the annual meeting. Notwithstanding this sub-subparagraph, an election is not required unless more candidates file notices of intent to run or are nominated than board vacancies exist.

b. Within 90 days after being elected or appointed to the board of an association of a residential condominium, each newly elected or appointed director shall certify in writing to the secretary of the association that he or she has read the association's declaration of condominium, articles of incorporation, bylaws, and current written policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association's members. In lieu of this written certification, within 90 days after being elected or appointed to the board, the newly elected or appointed director may submit a certificate of having satisfactorily completed the educational curriculum administered by a division-approved condominium education provider within 1 year before or 90 days after the date of election or appointment. The written certification or educational certificate is valid and does not have to be resubmitted as long as the director serves on the board without interruption. A director of an association of a residential condominium who fails to timely file the written certification or educational certificate is suspended from service on the board until he or she complies with this sub-subparagraph. The board may temporarily fill the vacancy during the period of suspension. The secretary shall cause the association to retain a director's written certification or educational certificate for inspection by the members for 5 years after a director's election or the duration of the director's uninterrupted tenure, whichever is longer. Failure to have such written certification or educational certificate on file does not affect the validity of any board action.

c. Any challenge to the election process must be commenced within 60 days after the election results are announced.

5. Any approval by unit owners called for by this chapter or the applicable declaration or bylaws, including, but not limited to, the approval requirement in s. 718.111(8), must be made at a duly noticed meeting of unit owners and is subject to all requirements of this chapter or the applicable condominium documents relating to unit owner decisionmaking, except that unit owners may take action by written agreement, without meetings, on matters for which action by written agreement without meetings is expressly allowed by the applicable bylaws or declaration or any law that provides for such action.

6. Unit owners may waive notice of specific meetings if allowed by the applicable bylaws or declaration or any law. Notice of meetings of the board of administration, unit owner meetings, except unit owner meetings called to recall board members under paragraph (l) (j), and committee meetings may be given by electronic transmission to unit owners who consent to receive notice by electronic transmission. A unit owner who consents to receiving notices by electronic transmission is solely responsible for removing or bypassing filters that block receipt of mass e-mails sent to members on behalf of the association in the course of giving electronic notices.

7. Unit owners have the right to participate in meetings of unit owners with reference to all designated agenda items. However, the association may adopt reasonable rules governing the frequency, duration, and manner of unit owner participation.

8. A unit owner may tape record or videotape a meeting of the unit owners subject to reasonable rules adopted by the division.

9. Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by the affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may hold an election to fill the vacancy, in which case the election procedures must conform to subparagraph 4.a. unless the association governs 10 units or fewer and has opted out of the statutory election process, in which case the bylaws of the association control. Unless otherwise provided in the bylaws, a board member appointed or elected under this section shall fill the vacancy for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by paragraph (l) (j) and rules adopted by the division.

10. This chapter does not limit the use of general or limited proxies, require the use of general or limited proxies, or require the use of a written ballot or voting machine for any agenda item or election at any meeting of a timeshare condominium association or nonresidential condominium association.

Notwithstanding subparagraph (b)2. and sub-subparagraph 4.a., an association of 10 or fewer units may, by affirmative vote of a majority of the total voting interests, provide for different voting and election procedures in its bylaws, which may be by a proxy specifically delineating the different voting and election procedures. The different voting and election procedures may provide for elections to be conducted by limited or general proxy.

(f) *Annual budget.*—

1. The proposed annual budget of estimated revenues and expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, at a minimum, any applicable expenses listed in s. 718.504(21). The board shall adopt the annual budget at least 14 days before prior to the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it shall be deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted. A multi-condominium association must shall adopt a separate budget of common expenses for each condominium the association operates and must shall adopt a separate budget of common expenses for the association. In addition, if the association maintains limited common elements with the cost to be shared only by those entitled to use the limited common elements as provided for in s. 718.113(1), the budget or a schedule attached to it must show the amount budgeted for this maintenance. If, after turnover of control of the association to the unit owners, any of the expenses listed in s. 718.504(21) are not applicable, they do need not need to be listed.

2.a. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but are not limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000. The amount to be reserved for an item is determined by the association's most recent structural integrity reserve study that must be completed by December 31, 2024. If the amount to be reserved for an item is not in the association's initial or most recent

structural integrity reserve study or the association has not completed a structural integrity reserve study, the amount must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the each reserve item. The association may adjust replacement reserve assessments annually to take into account any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance. This subsection does not apply to an adopted budget in which The members of a unit-owner controlled an association may determine have determined, by a majority vote at a duly called meeting of the association, to provide no reserves or less reserves than required by this subsection. Effective December 31, 2024, the members of a unit-owner controlled association may not determine to provide no reserves or less reserves than required by this subsection for items listed in paragraph (g).

b. Before turnover of control of an association by a developer to unit owners other than a developer under pursuant to s. 718.301, the developer-controlled association developer may not vote the voting interests allocated to its units to waive the reserves or reduce the funding of the reserves through the period expiring at the end of the second fiscal year after the fiscal year in which the certificate of a surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit is recorded, whichever occurs first, after which time reserves may be waived or reduced only upon the vote of a majority of all non-developer voting interests voting in person or by limited proxy at a duly called meeting of the association. If a meeting of the unit owners has been called to determine whether to waive or reduce the funding of reserves and no such result is achieved or a quorum is not attained, the reserves included in the budget shall go into effect. After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and may be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a majority vote at a duly called meeting of the association. Before turnover of control of an association by a developer to unit owners other than the developer pursuant to s. 718.301, the developer-controlled association may not vote to use reserves for purposes other than those for which they were intended. *Effective December 31, 2024, members of a unit-owner controlled association may not vote to use reserve funds, or any interest accruing thereon, that are reserved for items listed in paragraph (g) for any other purpose other than their intended purpose without the approval of a majority of all nondeveloper voting interests, voting in person or by limited proxy at a duly called meeting of the association.*

4. The only voting interests that are eligible to vote on questions that involve waiving or reducing the funding of reserves, or using existing reserve funds for purposes other than purposes for which the reserves were intended, are the voting interests of the units subject to assessment to fund the reserves in question. Proxy questions relating to waiving or reducing the funding of reserves or using existing reserve funds for purposes other than purposes for which the reserves were intended must contain the following statement in capitalized, bold letters in a font size larger than any other used on the face of the proxy ballot: **WAIVING OF RESERVES, IN WHOLE OR IN PART, OR ALLOWING ALTERNATIVE USES OF EXISTING RESERVES MAY RESULT IN UNIT OWNER LIABILITY FOR PAYMENT OF UNANTICIPATED SPECIAL ASSESSMENTS REGARDING THOSE ITEMS.**

(g) *Structural integrity reserve study.*—

1. *An association must have a structural integrity reserve study completed at least every 10 years after the condominium's creation for each building on the condominium property that is three stories or higher in height which includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:*

- a. *Roof.*
- b. *Load-bearing walls or other primary structural members.*
- c. *Floor.*

- d. *Foundation.*
- e. *Fireproofing and fire protection systems.*
- f. *Plumbing.*
- g. *Electrical systems.*
- h. *Waterproofing and exterior painting.*
- i. *Windows.*
- j. *Any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000 and the failure to replace or maintain such item negatively affects the items listed in subparagraphs a.-i., as determined by the licensed engineer or architect performing the visual inspection portion of the structural integrity reserve study.*

2. *Before a developer turns over control of an association to unit owners other than the developer, the developer must have a structural integrity reserve study completed for each building on the condominium property that is three stories or higher in height.*

3. *Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2024, for each building on the condominium property that is three stories or higher in height.*

4. *If an association fails to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners under s. 718.111(1).*

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

Section 7. Paragraph (f) of subsection (8) of section 718.116, Florida Statutes, is amended to read:

718.116 Assessments; liability; lien and priority; interest; collection.—

(8) Within 10 business days after receiving a written or electronic request therefor from a unit owner or the unit owner's designee, or a unit mortgagee or the unit mortgagee's designee, the association shall issue the estoppel certificate. Each association shall designate on its website a person or entity with a street or e-mail address for receipt of a request for an estoppel certificate issued pursuant to this section. The estoppel certificate must be provided by hand delivery, regular mail, or e-mail to the requestor on the date of issuance of the estoppel certificate.

(f) Notwithstanding any limitation on transfer fees contained in s. 718.112(2)(k) ~~s. 718.112(2)(i)~~, an association or its authorized agent may charge a reasonable fee for the preparation and delivery of an estoppel certificate, which may not exceed \$250, if, on the date the certificate is issued, no delinquent amounts are owed to the association for the applicable unit. If an estoppel certificate is requested on an expedited basis and delivered within 3 business days after the request, the association may charge an additional fee of \$100. If a delinquent amount is

owed to the association for the applicable unit, an additional fee for the estoppel certificate may not exceed \$150.

Section 8. Paragraph (b) of subsection (8) of section 718.117, Florida Statutes, is amended to read:

718.117 Termination of condominium.—

(8) REPORTS AND REPLACEMENT OF RECEIVER.—

(b) The unit owners of an association in termination may recall or remove members of the board of administration with or without cause at any time as provided in s. 718.112(2)(l) ~~s. 718.112(2)(j)~~.

Section 9. Paragraph (p) of subsection (4) of section 718.301, Florida Statutes, is amended, and paragraph (r) is added to that subsection, to read:

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

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

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

1. Roof.
2. Structure, including load-bearing walls and primary structural members and primary structural systems as those terms are defined in s. 627.706.
3. Fireproofing and fire protection systems.
4. Elevators.
5. Heating and cooling systems.
6. Plumbing.
7. Electrical systems.
8. Swimming pool or spa and equipment.
9. Seawalls.
10. Pavement and parking areas.
11. Drainage systems.
12. Painting.
13. Irrigation systems.
14. *Waterproofing.*

(r) *A copy of the association's most recent structural integrity reserve study.*

Section 10. Subsection (1) of section 718.501, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

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

(1) The division may enforce and ensure compliance with this chapter and rules relating to the development, construction, sale, lease,

ownership, operation, and management of residential condominium units and complaints related to the procedural completion of milestone inspections under s. 553.899. In performing its duties, the division has complete jurisdiction to investigate complaints and enforce compliance with respect to associations that are still under developer control or the control of a bulk assignee or bulk buyer pursuant to part VII of this chapter and complaints against developers, bulk assignees, or bulk buyers involving improper turnover or failure to turnover, pursuant to s. 718.301. However, after turnover has occurred, the division has jurisdiction to investigate complaints related only to financial issues, elections, and the maintenance of and unit owner access to association records under s. 718.111(12), and the procedural completion of structural integrity reserve studies under s. 718.112(2)(g).

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

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

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

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

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

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

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

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

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

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

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

the civil penalty or the cease and desist order is not effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

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

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

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

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

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

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

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

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

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

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

(m) If a complaint is made, the division must conduct its inquiry with due regard for the interests of the affected parties. Within 30 days

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

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

(o) The division may:

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

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

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

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

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

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

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

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

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

3. *The addresses of all such buildings.*

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

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

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

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

3. *The addresses of all such buildings.*

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

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

Section 11. Present paragraphs (b) and (c) of subsection (2) of section 718.503, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, a new paragraph (b) is added to that subsection, and paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of that section are amended, to read:

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

(1) DEVELOPER DISCLOSURE.—

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

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

2. The documents creating the association.

3. The bylaws.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19. *A copy of the association's most recent structural integrity reserve study or a statement that the association has not completed a structural integrity reserve study.*

(2) NONDEVELOPER DISCLOSURE.—

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

1. The declaration of condominium.;

2. Articles of incorporation of the association.;

3. Bylaws and rules of the association.;

4. Financial information required by s. 718.111.;

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

6. *The association's most recent structural integrity reserve study or a statement that the association has not completed a structural integrity reserve study.*

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

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

1. The role of the board in conducting the day-to-day affairs of the association on behalf of, and in the best interests of, the owners.
2. The board's responsibility to provide advance notice of board and membership meetings.
3. The rights of owners to attend and speak at board and membership meetings.
4. The responsibility of the board and of owners with respect to maintenance of the condominium property.
5. The responsibility of the board and owners to abide by the condominium documents, this chapter, rules adopted by the division, and reasonable rules adopted by the board.
6. Owners' rights to inspect and copy association records and the limitations on such rights.
7. Remedies available to owners with respect to actions by the board which may be abusive or beyond the board's power and authority.
8. The right of the board to hire a property management firm, subject to its own primary responsibility for such management.
9. The responsibility of owners with regard to payment of regular or special assessments necessary for the operation of the property and the potential consequences of failure to pay such assessments.
10. The voting rights of owners.
11. Rights and obligations of the board in enforcement of rules in the condominium documents and rules adopted by the board.

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

Section 12. Paragraph (f) of subsection (24) of section 718.504, Florida Statutes, is amended, and paragraph (q) is added to that subsection, to read:

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

of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

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

(f) The estimated operating budget for the condominium, ~~and~~ the required schedule of unit owners' expenses, *and the association's most recent structural integrity reserve study or a statement that the association has not completed a structural integrity reserve study.*

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

Section 13. Subsections (24) through (28) of section 719.103, Florida Statutes, are renumbered as subsections (25) through (29), respectively, and a new subsection (24) is added to that section, to read:

719.103 Definitions.—As used in this chapter:

(24) *"Structural integrity reserve study" means a study of the reserve funds required for future major repairs and replacement of the common areas based on a visual inspection of the common areas. A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed by an engineer licensed under chapter 471 or an architect licensed under chapter 481. At a minimum, a structural integrity reserve study must identify the common areas being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of the common areas being visually inspected, and provide a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each common area being visually inspected by the end of the estimated remaining useful life of each common area.*

Section 14. Paragraphs (a) and (c) of subsection (2) of section 719.104, Florida Statutes, are amended to read:

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

(2) OFFICIAL RECORDS.—

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

1. The plans, permits, warranties, and other items provided by the developer pursuant to s. 719.301(4).
2. A photocopy of the cooperative documents.
3. A copy of the current rules of the association.
4. A book or books containing the minutes of all meetings of the association, of the board of directors, and of the unit owners.
5. A current roster of all unit owners and their mailing addresses, unit identifications, voting certifications, and, if known, telephone numbers. The association shall also maintain the e-mail addresses and the numbers designated by unit owners for receiving notice sent by electronic transmission of those unit owners consenting to receive notice by electronic transmission. The e-mail addresses and numbers provided by unit owners to receive notice by electronic transmission shall be removed from association records when consent to receive notice by electronic transmission is revoked. However, the association is not liable for an erroneous disclosure of the e-mail address or the number for receiving electronic transmission of notices.
6. All current insurance policies of the association.
7. A current copy of any management agreement, lease, or other contract to which the association is a party or under which the association or the unit owners have an obligation or responsibility.
8. Bills of sale or transfer for all property owned by the association.

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

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

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

c. All audits, reviews, accounting statements, *structural integrity reserve studies*, and financial reports of the association. *Structural integrity reserve studies must be maintained for at least 15 years after the study is completed.*

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

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

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

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

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

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

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

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

spective purchasers, and may charge its actual costs for preparing and furnishing these documents to those requesting the same. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association providing the member or his or her authorized representative with a copy of such records. The association may not charge a member or his or her authorized representative for the use of a portable device. Notwithstanding this paragraph, the following records shall not be accessible to members:

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

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

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

4. Medical records of unit owners.

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

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

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

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

Section 15. Paragraphs (k) through (m) of subsection (1) of section 719.106, Florida Statutes, are redesignated as paragraphs (m) through (o), respectively, paragraph (j) of subsection (1) is amended, and new paragraphs (k) and (l) are added to subsection (1) of that section, to read:

719.106 Bylaws; cooperative ownership.—

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

(j) *Annual budget.*—

1. The proposed annual budget of common expenses ~~must shall~~ be detailed and ~~must shall~~ show the amounts budgeted by accounts and expense classifications, including, if applicable, but not limited to, those expenses listed in s. 719.504(20). The board of administration shall adopt the annual budget at least 14 days ~~before prior~~ to the start of the association’s fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it ~~is shall be~~ deemed a minor violation and the prior year’s budget shall continue in effect until a new budget is adopted.

2. In addition to annual operating expenses, the budget ~~must shall~~ include reserve accounts for capital expenditures and deferred maintenance. These accounts ~~must shall~~ include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and for any other items for which the deferred maintenance expense or replacement cost exceeds \$10,000. The amount to be reserved for an item is determined by the association’s most recent structural integrity reserve study that must be completed by December 31, 2024. If the amount to be reserved for an item is not in the association’s initial or most recent structural integrity reserve study or the association has not completed a structural integrity reserve study, the amount ~~must shall~~ be computed by means of a formula which is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the ~~each~~ reserve item. The association may adjust replacement reserve assessments annually to take into account any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance. ~~This paragraph shall not apply to any budget in which~~ The members of a unit-owner controlled ~~an~~ association may determine ~~have~~, at a duly called meeting of the association, determined for a fiscal year to provide no reserves or reserves less adequate than required by this subsection. *Before turnover of control of an association by a developer to unit owners other than a developer under s. 719.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves. Effective December 31, 2024, a unit-owner controlled association may not determine to provide no reserves or reserves less adequate than required by this paragraph for items listed in paragraph (k)* However, prior to turnover of control of an association by a developer to unit owners other than a developer pursuant to s. 719.301, the developer may vote to waive the reserves or reduce the funding of reserves for the first 2 years of the operation of the association after which time reserves may only be waived or reduced upon the vote of a majority of all nondeveloper voting interests voting in person or by limited proxy at a duly called meeting of the association. If a meeting of the unit owners has been called to determine to provide no reserves, or reserves less adequate than required, and such result is not attained or a quorum is not attained, the reserves as included in the budget shall go into effect.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and shall be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a vote of the majority of the voting interests, voting in person or by limited proxy at a duly called meeting of the association. ~~Before~~ ~~Prior to~~ turnover of control of an association by a developer to unit owners other than the developer under s. 719.301, the developer may not vote to use reserves for purposes other than that for which they were intended ~~without the approval of a majority of all nondeveloper voting interests, voting in person or by limited proxy at a duly called meeting of the association.~~ *Effective December 31, 2024, members of a unit-owner controlled association may not vote to use reserve funds, or any interest accruing thereon, that are reserved for items listed in paragraph (k) for purposes other than their intended purpose.*

(k) *Structural integrity reserve study.*—

1. An association must have a structural integrity reserve study completed at least every 10 years for each building on the cooperative property that is three stories or higher in height that includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

- a. Roof.
- b. Load-bearing walls or other primary structural members.

- c. Floor.
- d. Foundation.
- e. Fireproofing and fire protection systems.
- f. Plumbing.
- g. Electrical systems.
- h. Waterproofing and exterior painting.
- i. Windows.

j. Any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000 and the failure to replace or maintain such item negatively affects the items listed in subparagraphs a.-i., as determined by the licensed engineer or architect performing the visual inspection portion of the structural integrity reserve study.

2. Before a developer turns over control of an association to unit owners other than the developer, the developer must have a structural integrity reserve study completed for each building on the cooperative property that is three stories or higher in height.

3. Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2024, for each building on the cooperative property that is three stories or higher in height.

4. If an association fails to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer’s and director’s fiduciary relationship to the unit owners under s. 719.104(8).

(l) *Mandatory milestone inspections.*—If an association is required to have a milestone inspection performed pursuant to s. 553.899, the association must arrange for the milestone inspection to be performed and is responsible for ensuring compliance with the requirements of s. 553.899. The association is responsible for all costs associated with the inspection. If the officers or directors of an association willfully and knowingly fail to have a milestone inspection performed pursuant to s. 553.899, such failure is a breach of the officers’ and directors’ fiduciary relationship to the unit owners under s. 719.104(8)(a). Upon completion of a phase one or phase two milestone inspection and receipt of the inspector-prepared summary of the inspection report from the architect or engineer who performed the inspection, the association must distribute a copy of the inspector-prepared summary of the inspection report to each unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery and by electronic transmission to unit owners who previously consented to receive notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the cooperative property; and must publish the full report and inspector-prepared summary on the association’s website, if the association is required to have a website.

Section 16. Paragraphs (p) and (q) are added to subsection (4) of section 719.301, Florida Statutes, to read:

719.301 Transfer of association control.—

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

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

1. *Roof.*
2. *Structure, including load-bearing walls and primary structural members and primary structural systems as those terms are defined in s. 627.706.*
3. *Fireproofing and fire protection systems.*
4. *Elevators.*
5. *Heating and cooling systems.*
6. *Plumbing.*
7. *Electrical systems.*
8. *Swimming pool or spa and equipment.*
9. *Seawalls.*
10. *Pavement and parking areas.*
11. *Drainage systems.*
12. *Painting.*
13. *Irrigation systems.*
14. *Waterproofing.*

(q) *A copy of the association's most recent structural integrity reserve study.*

Section 17. Subsection (1) of section 719.501, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

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

(1) The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation, referred to as the “division” in this part, in addition to other powers and duties prescribed by chapter 718, has the power to enforce and ensure compliance with this chapter and adopted rules relating to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units, *complaints related to the procedural completion of the structural integrity reserve studies under s. 719.106(1)(k), and complaints related to the procedural completion of milestone inspections under s. 553.899.* In performing its duties, the division shall have the following powers and duties:

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

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

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

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

a developer, association, officer, or member of the board, or its assignees or agents, as follows:

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

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

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

4. The division may impose a civil penalty against a developer or association, or its assignees or agents, for any violation of this chapter or related rule. The division may impose a civil penalty individually against any officer or board member who willfully and knowingly violates a provision of this chapter, a rule adopted pursuant to this chapter, or a final order of the division. The term “willfully and knowingly” means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a final order of the division, and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, prior to initiating formal agency action under chapter 120, shall afford the officer or board member an opportunity to voluntarily comply with this chapter, a rule adopted under this chapter, or a final order of the division. An officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but in no event shall the penalty for any offense exceed \$5,000. By January 1, 1998, the division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the cooperative residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. If a developer fails to pay the civil penalty, the division shall thereupon issue an order directing that such developer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall thereupon pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order shall not become effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

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

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

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

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

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

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

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

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

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

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

(3)(a) *On or before January 1, 2023, cooperative associations existing on or before July 1, 2022, must provide the following information to the division in writing, by e-mail, United States Postal Service, commercial*

delivery service, or hand delivery, at a physical address or e-mail address provided by the division and on a form posted on the division's website:

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

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

3. *The addresses of all such buildings.*

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

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

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

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

3. *The addresses of all such buildings.*

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

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

Section 18. Paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of section 719.503, Florida Statutes, are amended to read:

719.503 Disclosure prior to sale.—

(1) DEVELOPER DISCLOSURE.—

(b) *Copies of documents to be furnished to prospective buyer or lessee.—Until such time as the developer has furnished the documents listed below to a person who has entered into a contract to purchase a unit or lease it for more than 5 years, the contract may be voided by that person, entitling the person to a refund of any deposit together with interest thereon as provided in s. 719.202. The contract may be terminated by written notice from the proposed buyer or lessee delivered to the developer within 15 days after the buyer or lessee receives all of the documents required by this section. The developer may ~~shall~~ not close for 15 days ~~after following~~ the execution of the agreement and delivery of the documents to the buyer as evidenced by a receipt for documents signed by the buyer unless the buyer is informed in the 15-day voidability period and agrees to close ~~before prior to~~ the expiration of the 15 days. The developer shall retain in his or her records a separate signed agreement as proof of the buyer's agreement to close ~~before prior to~~ the expiration of ~~the said~~ voidability period. ~~The developer must retain such Said proof shall be retained~~ for a period of 5 years after the date of the closing transaction. The documents to be delivered to the prospective buyer are the prospectus or disclosure statement with all exhibits, if the development is subject to ~~the provisions of~~ s. 719.504, or, if not, then copies of the following which are applicable:*

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

2. *The documents creating the association.*

3. *The bylaws.*

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

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

6. *The estimated operating budget for the cooperative and a schedule of expenses for each type of unit, including fees assessed to a*

shareholder who has exclusive use of limited common areas, where such costs are shared only by those entitled to use such limited common areas.

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

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

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

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

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

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

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

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

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

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

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

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

19. *A copy of the association's most recent structural integrity reserve study or a statement that the association has not completed a structural integrity reserve study.*

(2) NONDEVELOPER DISCLOSURE.—

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

1. The articles of incorporation of the association.;

2. The bylaws; and rules of the association.

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

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

5. *A copy of the association's most recent structural integrity reserve study or a statement that the association has not completed a structural integrity reserve study.*

Section 19. Paragraphs (q) and (r) are added to subsection (23) of section 719.504, Florida Statutes, to read:

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

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

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

(r) *The association's most recent structural integrity reserve study or a statement that the association has not completed a structural integrity reserve study.*

Section 20. Paragraphs (d) and (k) of subsection (10) of section 720.303, Florida Statutes, are amended to read:

720.303 Association powers and duties; meetings of board; official records; budgets; financial reporting; association funds; recalls.—

(10) RECALL OF DIRECTORS.—

(d) If the board determines not to certify the written agreement or written ballots to recall a director or directors of the board or does not certify the recall by a vote at a meeting, the board shall, within 5 full business days after the meeting, file an action with a court of competent jurisdiction or file with the department a petition for binding arbitration under the applicable procedures in ~~ss. 718.112(2)(l) ss. 718.112(2)(j)~~ and 718.1255 and the rules adopted thereunder. For the purposes of this section, the members who voted at the meeting or who executed the agreement in writing shall constitute one party under the petition for arbitration or in a court action. If the arbitrator or court certifies the recall as to any director or directors of the board, the recall will be effective upon the final order of the court or the mailing of the final order of arbitration to the association. The director or directors so recalled shall deliver to the board any and all records of the association in their possession within 5 full business days after the effective date of the recall.

(k) A board member who has been recalled may file an action with a court of competent jurisdiction or a petition under ~~ss. 718.112(2)(l) ss. 718.112(2)(j)~~ and 718.1255 and the rules adopted challenging the validity of the recall. The petition or action must be filed within 60 days after the recall is deemed certified. The association and the parcel owner representative shall be named as respondents.

Section 21. Subsection (1) of section 720.311, Florida Statutes, is amended to read:

720.311 Dispute resolution.—

(1) The Legislature finds that alternative dispute resolution has made progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to litigation. The filing of any petition for arbitration or the serving of a demand for presuit mediation as provided for in this section shall toll the applicable statute of limitations. Any recall dispute filed with the department under s. 720.303(10) shall be conducted by the department in accordance with the provisions of ~~ss. 718.112(2)(l) and 718.112(2)(j)~~ and 718.1255 and the rules adopted by the division. In addition, the department shall conduct binding arbitration of election disputes between a member and an association in accordance with s. 718.1255 and rules adopted by the division. Election disputes and recall disputes are not eligible for presuit mediation; these disputes must be arbitrated by the department or filed in a court of competent jurisdiction. At the conclusion of an arbitration proceeding, the department shall charge the parties a fee in an amount adequate to cover all costs and expenses incurred by the department in conducting the proceeding. Initially, the petitioner shall remit a filing fee of at least \$200 to the department. The fees paid to the department shall become a recoverable cost in the arbitration proceeding, and the prevailing party in an arbitration proceeding shall recover its reasonable costs and attorney fees in an amount found reasonable by the arbitrator. The department shall adopt rules to effectuate the purposes of this section.

Section 22. Subsection (6) of section 721.15, Florida Statutes, is amended to read:

721.15 Assessments for common expenses.—

(6) Notwithstanding any contrary requirements of ~~s. 718.112(2)(i) or 718.112(2)(g)~~ or s. 719.106(1)(g), for timeshare plans subject to this chapter, assessments against purchasers need not be made more frequently than annually.

Section 23. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to building safety; amending s. 553.844, F.S.; providing that the entire roofing system or roof section of certain existing buildings or structures does not have to be repaired, replaced, or recovered in accordance with the Florida Building Code under certain circumstances; requiring the Florida Building Commission to adopt rules and incorporate the rules into the building code; prohibiting local governments from adopting certain administrative or technical amendments to the building code; amending s. 468.4334, F.S.; requiring community association managers and community association management firms to comply with a specified provision under certain circumstances; creating s. 553.899, F.S.; providing legislative findings; defining the terms “milestone inspection” and “substantial structural deterioration”; specifying that the purpose of a milestone inspection is not to determine compliance with the Florida Building Code or the firesafety code; requiring condominium associations and cooperative associations to have milestone inspections performed on certain buildings at specified times; specifying that such associations are responsible for costs relating to milestone inspections; providing applicability; requiring that initial milestone inspections for certain buildings be performed before a specified date; requiring local enforcement agencies to provide certain written notice to condominium associations and cooperative associations; requiring condominium associations and cooperative associations to complete phase one of a milestone inspection within a specified timeframe; specifying that milestone inspections consist of two phases; providing requirements for each phase of a milestone inspection; requiring architects and engineers performing a milestone inspection to submit a sealed copy of the inspection report and a summary that includes specified findings and recommendations to certain entities; providing requirements for such inspection reports; requiring condominium associations and cooperative associations to distribute and post a copy of each inspection report and summary in a specified manner; authorizing local enforcement agencies to prescribe timelines and penalties relating to milestone inspections; authorizing boards of county commissioners to adopt certain ordinances relating to repairs for substantial structural deterioration; requiring local enforcement agencies to review and determine if a building is unsafe for human occupancy under certain circumstances; requiring the Florida Building Commission to review milestone inspection requirements and make any recommendations to the Governor and the Legislature by a

specified date; requiring the commission to consult with the State Fire Marshal to provide certain recommendations to the Governor and the Legislature by a specified date; amending s. 718.103, F.S.; providing a definition; amending s. 718.111, F.S.; revising the types of records that constitute the official records of a condominium association; requiring associations to maintain specified records for a certain timeframe; specifying that renters of a unit have the right to inspect and copy certain reports; requiring associations to post a copy of certain reports and reserve studies on the association’s website; amending s. 718.112, F.S.; specifying the method for determining reserve amounts; prohibiting certain members and associations from waiving or reducing reserves for certain items after a specified date; requiring certain associations to receive approval before waiving or reducing reserves for certain items; prohibiting certain associations from using reserve funds, or any interest accruing thereon, for certain purposes after a specified date; requiring certain associations to have a structural integrity reserve study completed at specified intervals and for certain buildings by a specified date; providing requirements for such study; conforming provisions to changes made by the act; restating requirements for associations relating to milestone inspections; specifying that if the officers or directors of a condominium association fail to have a milestone inspection performed, such failure is a breach of their fiduciary relationship to the unit owners; amending ss. 718.116 and 718.117, F.S.; conforming cross-references; amending s. 718.301, F.S.; revising reporting requirements relating to the transfer of association control; amending s. 718.501, F.S.; revising the Division of Florida Condominiums, Timeshares, and Mobile Homes’ authority relating to enforcement and compliance; requiring certain associations to provide certain information and updates to the division by a specified date and within a specified timeframe; requiring the division to compile a list with certain information and post such list on its website; amending s. 718.503, F.S.; revising the documents that must be delivered to a prospective buyer or lessee of a residential unit; revising requirements for nondeveloper disclosures; amending s. 718.504, F.S.; revising requirements for prospectuses and offering circulars; amending s. 719.103, F.S.; providing a definition; amending s. 719.104, F.S.; revising the types of records that constitute the official records of a cooperative association; requiring associations to maintain specified records for a certain timeframe; specifying that renters of a unit have the right to inspect and copy certain reports; amending s. 719.106, F.S.; specifying the method for determining reserve amounts; prohibiting certain members and associations from waiving or reducing reserves for certain items after a specified date; requiring certain associations to receive approval before waiving or reducing reserves for certain items; prohibiting certain associations from using reserve funds, or any interest accruing thereon, for certain purposes after a specified date; requiring certain associations to have a structural integrity reserve study completed at specified intervals and for certain buildings by a specified date; providing requirements for such study; conforming provisions to changes made by the act; restating requirements for associations relating to milestone inspections; specifying that if the officers or directors of a cooperative association fail to have a milestone inspection performed, such failure is a breach of their fiduciary relationship to the unit owners; amending s. 719.301, F.S.; requiring developers to deliver a turnover inspection report relating to cooperative property under certain circumstances; amending s. 719.501, F.S.; revising the division’s authority relating to enforcement and compliance; requiring certain associations to provide certain information and updates to the division by a specified date and within a specified time; requiring the division to compile a list with certain information and post such list on its website; amending s. 719.503, F.S.; revising the documents that must be delivered to a prospective buyer or lessee of a residential unit; revising nondeveloper disclosure requirements; amending s. 719.504, F.S.; revising requirements for prospectuses and offering circulars; amending ss. 720.303, 720.311, and 721.15, F.S.; conforming cross-references; providing an effective date.

On motion by Senator Boyd, by two-thirds vote, **SB 4-D**, 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
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	Mayfield	Torres
Broxson	Osgood	Wright
Burgess	Passidomo	

Nays—None

Vote preference:

May 25, 2022: Yea—Jones

June 9, 2022: Yea—Ausley

COMMUNICATION

The Honorable Debbie Brown
Secretary, Florida Senate
404 S. Monroe St.
Tallahassee, FL 32399-0001

May 25, 2022

Dear Secretary Brown,

Thank you for excusing my absence from yesterday’s floor proceedings. For the record, had I been present to vote, I would have voted in the following manner:

- CS/SB 2-D by AP, Boyd; *Property Insurance* YES
- SB 4-D by AP, Boyd; *Roof Repair, Replacement, and Recovering Requirements* YES

Thank you for your attention to this important matter. If you have questions comments or concerns, please do not hesitate to contact me or my office.

Sincerely,
Shevrin Jones
Senator, District 35

Debbie Brown, Secretary
Florida Senate
405 The Capitol
Tallahassee, FL 32399-1100

June 9, 2022

Dear Secretary Brown,

The vote on SB 4D relating to Building Safety on May 24, 2022 occurred after my departure from the Chamber for my son’s high school graduation. Had I been present, I would have cast a vote in favor of the bill. I would respectfully request and appreciate that my vote preference be noted in the Journal.

Thank you for your consideration.

Sincerely,
Loranne Ausley
Senator, District 3

MOMENT OF SILENCE

At the request of Senator Berman, the Senate observed a moment of silence in memory of the 14 students and one teacher whose lives were lost due to gun violence at Robb Elementary School in Uvalde, Texas, on this day.

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 Tuesday, May 24, 2022: CS for SB 2-D and SB 4-D.

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

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 23 was corrected and approved.

ADJOURNMENT

On motion by Senator Passidomo, the Senate adjourned at 6:40 p.m. to reconvene upon call of the President.