



Journal of the Senate

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REPORTS OF COMMITTEES

The Committee on Judiciary recommends the following pass: SB 1252

The bill was referred to the Committee on Agriculture under the original reference.

The Committee on Judiciary recommends the following pass: SB 468

The bill was referred to the Appropriations Committee on Criminal and Civil Justice under the original reference.

The Committee on Education Pre-K -12 recommends the following pass: SB 1396; SB 1652

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

The Committee on Ethics and Elections recommends the following pass: SB 1256

The bill was referred to the Appropriations Committee on Transportation, Tourism, and Economic Development under the original reference.

The Committee on Regulated Industries recommends the following pass: SB 704

The bill was referred to the Committee on Commerce and Tourism under the original reference.

The Committee on Judiciary recommends the following pass: SB 526

The bill was referred to the Committee on Community Affairs under the original reference.

The Committee on Ethics and Elections recommends the following pass: SB 562 with 1 amendment

The Committee on Judiciary recommends the following pass: SB 888

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

The Committee on Judiciary recommends the following pass: SB 1790; SB 1794

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

The Committee on Education Pre-K -12 recommends the following pass: SB 530

The bill was referred to the Committee on Judiciary under the original reference.

The Committee on Judiciary recommends the following pass: SB 1618

The bill was referred to the Committee on Rules under the original reference.

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 1224

The Committee on Judiciary recommends a committee substitute for the following: SB 1780

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

The Committee on Children, Families, and Elder Affairs recommends committee substitutes for the following: SB 776; SB 1180

The bills with committee substitute attached were referred to the Appropriations Committee on Health and Human Services under the original reference.

The Committee on Judiciary recommends committee substitutes for the following: SB 484; SB 1316

The bills with committee substitute attached were referred to the Committee on Banking and Insurance under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 720

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

The Committee on Judiciary recommends committee substitutes for the following: SB 10; SB 528

The bills with committee substitute attached were referred to the Committee on Community Affairs under the original reference.

The Committee on Judiciary recommends committee substitutes for the following: SB 476; SB 1788; SB 1792

The bills with committee substitute attached were referred to the Committee on Fiscal Policy under the original reference.

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 274

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

REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Military and Veterans Affairs, Space, and Domestic Security recommends that the Senate confirm the following appointment made by the Governor:

Office and Appointment

Director, Florida State Guard

Appointee: Thieme, Mark A.

*For Term
Ending*

Pleasure of
Governor

The appointment was referred to the Committee on Ethics and Elections under the original reference.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

Senate Bills 7000-7046—Previously introduced.

By the Committee on Education Pre-K -12—

SB 7048—A bill to be entitled An act relating to education; amending s. 212.1832, F.S.; providing definitions; expanding the credit contributions for eligible nonprofit scholarship-funding organizations; providing requirements for such contributions; providing requirements for dealers, designated agents, private tag agents, and such organizations relating to such contributions; providing criminal penalties; requiring persons convicted of a specified offense to make restitutions to certain eligible nonprofit scholarship-funding organizations; requiring the Department of Revenue to notify affected organizations of specified dealer information under certain circumstances; providing penalties for certain dealers, designated agents, private tag agents, and such organizations; amending s. 213.053, F.S.; conforming cross-references to changes made by the act; amending s. 1002.394, F.S.; revising eligibility requirements for the Family Empowerment Scholarship Program; providing that equipment used as instructional materials may only be purchased for specified academic subjects; providing that transition services are a coordinated set of specified activities; authorizing funds to be used for certain prekindergarten programs; prohibiting certain eligible students from enrolling in public schools; providing an exemption to a prohibition against receiving other educational scholarships; providing additional criteria for the closure of scholarship accounts and the reversion of funds to the state; revising the information that such organizations must include in their quarterly reports; authorizing the Department of Education to provide guidance to certain private schools; revising the documentation that private schools must provide to such organizations; revising the process for parents to provide certain notification to such organizations; prohibiting a parent from applying for multiple scholarships under specified programs for a single student at the same time; requiring such organizations to establish certain processes; requiring such organizations to submit specified information to the department; deleting a requirement that certain students be placed on a wait list; requiring such organizations to provide certain notification to parents; revising provisions relating to a specified administrative fee; revising provisions relating to increasing the number of certain scholarships; revising provisions relating to the payment and disbursement of funds; amending s. 1002.395, F.S.; revising eligibility requirements for the Florida Tax Credit Scholarship Program; prohibi-

ting certain eligible students from enrolling in public schools; providing an exemption to a prohibition against receiving other educational scholarships; providing that equipment used as instructional materials may only be purchased for specified academic subjects; revising the process for parents to provide certain notification to such organizations; prohibiting a parent from applying for multiple scholarships under specified programs for a single student at the same time; requiring such organizations to establish certain processes; requiring such organizations to assist the Florida Center for Students with Unique Abilities with the development of specified guidelines and to publish such guidelines on their websites; revising department notification requirements; revising the information that such organizations must include in their quarterly reports; revising provisions relating to the payment and disbursement of funds; authorizing a charitable organization to apply at any time to participate in the program as a scholarship-funding organization; amending s. 1002.40, F.S.; revising requirements for the Hope Scholarship Program; amending s. 1002.421, F.S.; revising requirements for regular and direct contact for certain students; amending s. 1002.45, F.S.; deleting a requirement that virtual instruction program providers be nonsectarian; amending s. 1003.4156, F.S.; providing that certain requirements apply to middle grade students transferring from a personalized education program; amending s. 1003.4282, F.S.; providing that certain requirements apply to high school students transferring from a personalized education program; amending s. 1003.485, F.S.; conforming cross-references to changes made by the act; amending s. 1004.6495, F.S.; requiring the Florida Center for Students with Unique Abilities to develop specified purchasing guidelines by a specified date and annually revise such guidelines; providing requirements for the development and revision of such guidelines; requiring that such guidelines be provided to specified eligible nonprofit scholarship-funding organizations; providing effective dates.

—was referred to the Committee on Appropriations.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committee on Judiciary; and Senator Bradley—

CS for SB 10—A bill to be entitled An act for the relief of Julia Perez by the St. Johns County Sheriff's Office; providing for an appropriation to compensate Julia Perez for personal injuries and damages sustained as a result of the negligence of an employee of the St. Johns County Sheriff's Office; providing legislative intent for the waiver of certain lien interests; providing a limitation on compensation and the payment of attorney fees; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Rodriguez—

CS for SB 274—A bill to be entitled An act relating to child water safety requirements; providing a short title; creating s. 514.073, F.S.; defining terms; providing that certain organizations that care for or supervise children must require parents or legal guardians to attest to certain information in writing before taking such children to public bathing places and public swimming pools; providing requirements for such organizations when they conduct certain activities in public bathing places or public swimming pools; providing an exception; providing for disciplinary action for certain violations; providing applicability; authorizing the Department of Health to adopt rules; amending s. 515.31, F.S.; requiring the department to include specified information as part of its publication, or video or other form of appropriate communication, which provides the public information on drowning prevention and the responsibilities of pool ownership; requiring the department to make such information available to health care facilities; providing an effective date.

By the Committee on Judiciary; and Senator Grall—

CS for SB 476—A bill to be entitled An act relating to civil liability for the wrongful death of an unborn child; reordering and amending s. 768.18, F.S.; revising the definition of the term "survivors" to include the parents of an unborn child; amending s. 768.19, F.S.; prohibiting a right of action against the mother for the wrongful death of an unborn

child; amending s. 768.21, F.S.; authorizing parents of an unborn child to recover certain damages; conforming a cross-reference; providing an effective date.

By the Committee on Judiciary; and Senator Bradley—

CS for SB 484—A bill to be entitled An act relating to flood disclosure in the sale of real property; creating s. 689.302, F.S.; requiring a seller of residential real property to provide specified information to a prospective purchaser at or before the sales contract is executed; specifying how such information must be disclosed; providing an effective date.

By the Committee on Judiciary; and Senators Pizzo and Book—

CS for SB 528—A bill to be entitled An act relating to public records; amending s. 696.031, F.S.; providing an exemption from public records requirements for certain information provided to a property appraiser as part of a title fraud prevention pilot program; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Judiciary; and Senator Hutson—

CS for SB 720—A bill to be entitled An act relating to asbestos and silica claims; amending s. 774.205, F.S.; revising the information required to be included in a sworn information form for asbestos or silica claims filed after a specified date; specifying that such a form is inadmissible in evidence, and may not be relied upon by a witness, at trial; requiring courts to dismiss certain claims upon a motion by a defendant; requiring motions to dismiss to include certain certifications; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Powell—

CS for SB 776—A bill to be entitled An act relating to temporary cash assistance eligibility; amending s. 414.095, F.S.; providing that benefits may not be denied to certain victims of human trafficking; making technical changes; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Harrell—

CS for SB 1180—A bill to be entitled An act relating to substance abuse treatment; amending s. 212.02, F.S.; eliminating certain tax liabilities imposed on certified recovery residences; amending s. 397.311, F.S.; providing the levels of care at certified recovery residences and their respective levels of care for residents; defining the term “community housing”; amending s. 397.335, F.S.; revising the membership of the Statewide Council on Opioid Abatement to include additional members; amending s. 397.487, F.S.; extending the deadline for certified recovery residences to retain a replacement for a certified recovery residence administrator who has been removed from his or her position; requiring certified recovery residences to remove certain individuals from their positions if they are arrested and awaiting disposition for, are found guilty of, or enter a plea of guilty or nolo contendere to certain offenses, regardless if adjudication is withheld; requiring the certified recovery residence to retain a certified recovery residence administrator if the previous certified recovery residence administrator has been removed due to any reason; conforming provisions to changes made by the act; prohibiting certified recovery residences, on or after a specified date, from denying an individual access to housing solely for being prescribed federally approved medications from licensed health care professionals; prohibiting local laws, ordinances, or regulations adopted on or after a specified date from regulating the duration or frequency of a resident’s stay in a certified recovery residence in certain zoning districts; providing applicability; amending s. 397.4871, F.S.; conforming provisions to changes made by the act; authorizing certain Level IV certified recovery residences owned or controlled by a licensed service provider and managed by a certified recovery residence administrator

approved for a specified number of residents to manage a specified greater number of residents, provided that certain criteria are met; prohibiting a certified recovery residence administrator who has been removed by a certified recovery residence from taking on certain other management positions without approval from a credentialing entity; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Burton—

CS for SB 1224—A bill to be entitled An act relating to dependent children; amending s. 39.001, F.S.; revising the purposes of chapter 39; requiring the Statewide Guardian ad Litem Office and circuit guardian ad litem offices to participate in the development of a certain state plan; conforming a provision to changes made by the act; amending s. 39.00145, F.S.; authorizing a child’s attorney ad litem to inspect certain records; amending s. 39.00146, F.S.; conforming provisions to changes made by the act; amending s. 39.0016, F.S.; requiring a child’s guardian ad litem be included in the coordination of certain educational services; amending s. 39.01, F.S.; providing and revising definitions; amending s. 39.013, F.S.; requiring the court to appoint a guardian ad litem for a child at the earliest possible time; authorizing a guardian ad litem to represent a child in other proceedings to secure certain services and benefits; amending s. 39.01305, F.S.; conforming a provision to changes made by the act; amending s. 39.0132, F.S.; authorizing a child’s attorney ad litem to inspect certain records; amending s. 39.0136, F.S.; revising the parties who may request a continuance in a proceeding; amending s. 39.01375, F.S.; conforming provisions to changes made by the act; amending s. 39.0139, F.S.; conforming provisions to changes made by the act; amending s. 39.202, F.S.; requiring that certain confidential records be released to the guardian ad litem and attorney ad litem; conforming a cross-reference; amending s. 39.402, F.S.; requiring parents to consent to provide certain information to the guardian ad litem and attorney ad litem; conforming provisions to changes made by the act; amending s. 39.4022, F.S.; revising the participants who must be invited to a multidisciplinary team staffing; amending s. 39.4023, F.S.; requiring that notice of a multidisciplinary team staffing be provided to a child’s guardian ad litem and attorney ad litem; conforming provisions to changes made by the act; amending s. 39.407, F.S.; conforming provisions to changes made by the act; amending s. 39.4085, F.S.; providing a goal of permanency; conforming provisions to changes made by the act; amending ss. 39.502 and 39.522, F.S.; conforming provisions to changes made by the act; amending s. 39.6012, F.S.; requiring a case plan to include written descriptions of certain activities; conforming a cross-reference; creating s. 39.6036, F.S.; providing legislative findings and intent; requiring the Statewide Guardian ad Litem Office to work with certain children to identify a supportive adult to enter into a specified agreement; requiring such agreement be documented in the child’s court file; requiring the office to coordinate with the Office of Continuing Care for a specified purpose; amending s. 39.621, F.S.; conforming provisions to changes made by the act; amending s. 39.6241, F.S.; requiring a guardian ad litem to advise the court regarding certain information and to ensure a certain agreement has been documented in the child’s court file; amending s. 39.701, F.S.; requiring certain notice be given to an attorney ad litem; requiring a court to give a guardian ad litem an opportunity to address the court in certain proceedings; requiring the court to inquire and determine if a child has a certain agreement documented in his or her court file at a specified hearing; conforming provisions to changes made by the act; amending s. 39.801, F.S.; conforming provisions to changes made by the act; amending s. 39.807, F.S.; requiring a court to appoint a guardian ad litem to represent a child in certain proceedings; revising a guardian ad litem’s responsibilities and authorities; deleting provisions relating to bonds and service of pleadings or papers; amending s. 39.808, F.S.; conforming provisions to changes made by the act; amending s. 39.815, F.S.; conforming provisions to changes made by the act; repealing s. 39.820, F.S., relating to definitions of the terms “guardian ad litem” and “guardian advocate”; amending s. 39.821, F.S.; conforming provisions to changes made by the act; amending s. 39.822, F.S.; declaring that a guardian ad litem is a fiduciary and must provide independent representation of a child; revising responsibilities of a guardian ad litem; requiring that guardians ad litem have certain access to the children

they represent; providing actions that a guardian ad litem does and does not have to fulfill; making technical changes; amending s. 39.827, F.S.; authorizing a child's guardian ad litem and attorney ad litem to inspect certain records; amending s. 39.8296, F.S.; revising the duties and appointment of the executive director of the Statewide Guardian ad Litem Office; requiring the training program for guardians ad litem to be maintained and updated regularly; deleting provisions regarding the training curriculum and the establishment of a curriculum committee; requiring the office to provide oversight and technical assistance to attorneys ad litem; specifying certain requirements of the office; amending s. 39.8297, F.S.; conforming provisions to changes made by the act; creating s. 1009.898, F.S.; authorizing the Pathway to Prosperity program to provide certain grants to youth and young adults who are aging out of foster care; requiring grants to extend for a certain period of time after a recipient is reunited with his or her parents; amending ss. 29.008, 39.6011, 40.24, 43.16, 61.402, 110.205, 320.08058, 943.053, 985.43, 985.441, 985.455, 985.461, and 985.48, F.S.; conforming provisions to changes made by the act; amending ss. 39.302, 39.521, 61.13, 119.071, 322.09, 394.495, 627.746, 934.255, and 960.065, F.S.; conforming cross-references; providing a directive to the Division of Law Revision; providing an effective date;

By the Committee on Judiciary; and Senator Berman—

CS for SB 1316—A bill to be entitled An act relating to the Florida Uniform Fiduciary Income and Principal Act; amending s. 738.101, F.S.; revising a short title; amending s. 738.102, F.S.; revising and providing definitions governing ch. 738, F.S.; amending s. 738.103, F.S.; specifying the scope of ch. 738, F.S.; amending s. 738.104, F.S.; specifying circumstances under which ch. 738, F.S., applies to a trust; repealing s. 738.1041, F.S., relating to total return unitrusts; repealing s. 738.105, F.S., relating to judicial control of discretionary powers; amending s. 738.201, F.S.; specifying the duties of a fiduciary; providing that a fiduciary's allocation, determination, or exercise of discretion is presumed to be fair and reasonable to all beneficiaries; requiring a fiduciary to take specified actions; authorizing a fiduciary to exercise discretionary power of administration under specified circumstances; requiring the fiduciary to consider specified factors before exercising such discretionary power; providing for applicability; amending s. 738.202, F.S.; defining the term "fiduciary decision"; prohibiting a court from ordering a fiduciary to change his or her decision unless the decision was an abuse of discretionary power; prohibiting a court from determining that a fiduciary abused its discretion under specified conditions; authorizing a court to order a specified remedy; authorizing a court to determine whether a proposed fiduciary decision will result in an abuse of discretion; providing that a beneficiary who opposes a proposed decision has the burden to establish that such decision is an abuse of discretion; requiring that any attorney fees incurred in defending an action related to the abuse of a fiduciary's discretion be paid from trust assets; creating s. 738.203, F.S.; authorizing a fiduciary to adjust between income and principal if such adjustment assists in administering the trust or estate impartially; providing construction; providing that a fiduciary is not liable to another for an adjustment, or failure to adjust, between income and principal made in good faith; requiring a fiduciary to consider certain relevant factors when considering such adjustment; prohibiting a fiduciary from exercising or considering such adjustment if certain conditions exist; revising applicability; authorizing a fiduciary to release or delegate to a cofiduciary specified powers to adjust under specified conditions; providing requirements and powers for any such releases and delegations; providing applicability; requiring that the description of an exercise of the power to adjust between income and principal contain specified information; amending s. 738.301, F.S.; defining terms; amending s. 738.302, F.S.; specifying applicability of specified provisions; authorizing the conversion of an income trust to a unitrust; restricting provisions to trusts that are beneficiaries of an estate; providing construction; providing that a fiduciary acting in good faith is not liable to a person affected by a certain action or inaction; amending s. 738.303, F.S.; specifying the authority of a fiduciary with respect to the administration of certain trusts; providing the circumstances under which a fiduciary may perform such actions; authorizing a beneficiary or a fiduciary to request the court to allow the beneficiary or fiduciary to take a specified action; requiring a fiduciary to inform specified persons of a decision to take action; authorizing a beneficiary to request a court to direct the fiduciary to take the requested action under specified circumstances;

requiring fiduciaries to consider specified factors before taking a certain action; authorizing a fiduciary to release or delegate the power to take certain actions; creating s. 738.304, F.S.; requiring a certain notice to be sent to specified parties; providing applicability; authorizing a person to consent to a specified action in a record; providing that such person does not need to be sent notice of such action; providing requirements for such notices; creating s. 738.305, F.S.; requiring a fiduciary of a unitrust to follow a certain policy; providing rules for a unitrust policy; providing additional actions a unitrust policy may contain; creating s. 738.306, F.S.; requiring a unitrust rate to be within a specified range; authorizing a unitrust policy to provide for specified limits within such range; requiring a fiduciary who is a non-independent person to use a specified unitrust rate; creating s. 738.307, F.S.; requiring a unitrust policy to provide a specified method for determining fair market value of an asset in determining a unitrust amount; authorizing specified unitrust policies to provide methods for determining a certain net fair market value; prohibiting certain property from being included in the determination of the value of a trust; creating s. 738.308, F.S.; requiring a unitrust policy to provide a specified period; specifying that such period must be a calendar year; authorizing a unitrust policy to provide certain standards for periods; creating s. 738.309, F.S.; providing applicability; authorizing a trustee of an express unitrust to determine the unitrust amount by reference to the net fair market value of the unitrust's assets in a specified timeframe; providing that distribution of a unitrust amount is considered a distribution of all the net income of an express unitrust and is considered an income interest; specifying that the unitrust amount is considered a reasonable apportionment of the total return of the express unitrust; providing that an express unitrust that allows a distribution in excess of a specified unitrust rate is considered a distribution of all of the income of the unitrust; authorizing an express unitrust to provide a mechanism for changing the unitrust rate and for conversion from a unitrust to an income trust or from an income trust to a unitrust; specifying that unless an express unitrust prohibits the power to change the rate or convert the trust, the trustee has such power; authorizing the governing instrument of an express unitrust to grant the trustee discretion to adopt a certain practice; specifying that unless an express unitrust provides otherwise, the distribution of an amount is considered a distribution from specified sources in a specified order of priority; authorizing a governing instrument of an express unitrust to allow exclusion of specified assets; providing that the use of such assets may be considered equivalent to income or to the unitrust amount; creating s. 738.310, F.S.; requiring a trustee, after the conversion of an income trust to a unitrust, to consider the unitrust amount paid from certain sources in a specified order of priority; amending s. 738.401, F.S.; defining and revising terms; specifying that an attribute or action of an entity includes an attribute or action from any other entity in which the initial entity has an ownership interest or holds another interest; requiring a fiduciary to allocate certain money and tangible personal property to income; requiring a fiduciary to allocate specified property and money to principal; providing that certain money received in an entity distribution is a capital distribution in specified circumstances; specifying that in cases of capital distribution, the amount received in an entity distribution must be reduced to the extent that cumulative distributions from the entity to the fiduciary are within certain ranges; authorizing a fiduciary to consider additional information before deciding to make or change a decision to make a payment to a beneficiary; providing that if a fiduciary receives specified additional information after a distribution to a beneficiary, the fiduciary is not required to change or recover the payment; authorizing a fiduciary in such a situation to exercise other specified powers; revising definitions; requiring a fiduciary to allocate certain money and property to principal; providing the mechanism for such allocation; defining the term "public entity"; conforming provisions to changes made by the act; amending s. 738.402, F.S.; conforming provisions to changes made by the act; amending s. 738.403, F.S.; providing applicability; authorizing a fiduciary to make certain determinations separately and differently from the decisions concerning distributions of income or principal; conforming provisions to changes made by the act; making technical changes; creating s. 738.404, F.S.; specifying receipts that a fiduciary must allocate to principal; creating s. 738.405, F.S.; providing for the allocation of income from rental property; creating s. 738.406, F.S.; specifying applicability; requiring a fiduciary to allocate to income certain amounts received as interest; requiring a fiduciary to allocate to income increments in value of certain bonds or other obligations; creating s. 738.407, F.S.; specifying applicability; requiring a fiduciary to allocate proceeds from insurance policies or contracts to principal in a specified manner; creating s. 738.408, F.S.; specifying circumstances

under which a fiduciary may allocate an insubstantial allocation to principal, subject to certain conditions and limitations; creating s. 738.409, F.S.; defining terms; specifying the manner in which a fiduciary may determine incomes of separate funds; providing duties of a fiduciary of a marital trust and other trusts; requiring a fiduciary of a nonseparate fund to calculate internal income in a specified manner; providing construction; transferring, renumbering, and amending s. 738.603, F.S.; revising the definition of the term “liquidating asset”; providing applicability; requiring a fiduciary to allocate to income and principal the receipts produced by liquidating assets in a certain manner; transferring, renumbering, and amending s. 738.604, F.S.; requiring a fiduciary to allocate the receipts from interests in minerals, water, or other natural resources to income, principal, or between income and principal under specified conditions; revising applicability; providing that an allocation between income and principal from a receipt from a natural resource is presumed equitable under a specified condition; providing construction; transferring, renumbering, and amending s. 738.605, F.S.; requiring a fiduciary to allocate receipts from timber to income, principal, or between income and principal under specified conditions; revising applicability; transferring, renumbering, and amending s. 738.606, F.S.; authorizing a settlor’s spouse to require the trustee of a trust that receives certain property to make such property produce income under specified conditions; authorizing the trustee to take specified actions if directed by such spouse; providing that the trustee decides whether to take one or a combination of such actions; revising applicability; providing construction; transferring, renumbering, and amending s. 738.607, F.S.; revising the definition of the term “derivative”; requiring a fiduciary to allocate specified percentages of certain receipts and disbursements to income and allocate the balance to principal; providing construction; requiring certain fiduciaries to allocate a specified percentage to income and allocate the balance to principal of certain amounts; transferring, renumbering, and amending s. 738.608, F.S.; requiring a fiduciary to allocate to income a receipt from or related to asset-backed securities under a specified condition; requiring a fiduciary to allocate to income a specified percentage of receipts from the transaction and the disbursement of a payment received as a result of an interest in an asset-backed security; conforming provisions to changes made by the act; creating s. 738.416, F.S.; requiring a fiduciary to make specified allocations from receipts from other financial instruments or arrangements; providing construction; amending s. 738.501, F.S.; specifying the manner by which a fiduciary must make disbursements from income; amending s. 738.502, F.S.; specifying the manner by which a fiduciary must make disbursements from principal; amending s. 738.503, F.S.; defining the term “depreciation”; specifying the manner by which a fiduciary may make transfers from income to principal to account for depreciation; amending s. 738.504, F.S.; specifying the manner by which a fiduciary may make transfers from principal to income for reimbursements; transferring, renumbering, and amending s. 738.704, F.S.; providing that a fiduciary that makes or expects to make a certain principal disbursement may transfer an appropriate amount from income to principal in one or more accounting periods; providing applicability; making technical changes; deleting a provision relating to payments necessary to avoid defaulting on a mortgage or security interest on certain property; transferring, renumbering, and amending s. 738.705, F.S.; revising the sources from which a fiduciary must pay a tax required by a share of an entity’s taxable income; requiring a fiduciary to adjust income or principal receipts if the taxes paid are reduced due to a deduction for a payment made to a beneficiary; providing construction; making technical changes; transferring, renumbering, and amending s. 738.706, F.S.; revising the circumstances under which a fiduciary may make adjustments between income and principal to offset shifts in the economic interests or tax benefits of specified beneficiaries; requiring a fiduciary to charge a beneficiary to reimburse the principal if the beneficiary benefits from an applicable tax deduction; requiring the share of reimbursement for each fiduciary or beneficiary to be the same as its share of the decrease in income tax; authorizing such fiduciary to charge a beneficiary to offset the estate tax by obtaining payment from the beneficiary, withholding an amount from future distributions, or adopting another method or combination of methods; creating s. 738.508, F.S.; defining terms; specifying the manner by which property expenses are apportioned between a tenant and remainderman; providing applicability and construction; amending s. 738.601, F.S.; providing applicability; specifying the manner by which a fiduciary determines and distributes net income; providing circumstances under which a fiduciary may not reduce certain principal or income receipts; amending s. 738.602, F.S.; providing that certain beneficiaries of non-unitrusts are entitled to receive a

specified share of net income; providing that certain requirements apply in determining a beneficiary’s share of net income; providing construction; amending s. 738.701, F.S.; providing that an income beneficiary is entitled to net income when an asset is subject to a certain trust or successive interest; providing that an asset becomes subject to a specified trust on certain dates; amending s. 738.702, F.S.; specifying the manner by which a fiduciary allocates certain receipts and makes disbursements when a decedent dies or income interest begins; providing construction; amending s. 738.703, F.S.; defining the term “undistributed income”; specifying the manner by which a fiduciary makes allocations of undistributed income when income interest ends; amending s. 738.801, F.S.; providing for uniform application and construction of the act; amending s. 738.802, F.S.; providing construction in relation to federal law; amending s. 738.803, F.S.; making a technical change; amending s. 738.804, F.S.; revising application of ch. 738, F.S., to conform to changes made by the act; providing an effective date.

By the Committee on Judiciary; and Senator Brodeur—

CS for SB 1780—A bill to be entitled An act relating to defamation, false light, and unauthorized publication of name or likenesses; amending s. 770.02, F.S.; requiring that certain articles or broadcasts be removed from the Internet within a specified period to limit damages for defamation; amending s. 770.04, F.S.; providing persons in certain positions relating to newspapers with immunity for defamation if such persons exercise due care to prevent publication or utterance of such a statement; requiring removal of defamatory statements from the Internet in certain circumstances; amending s. 770.05, F.S.; defining the term “defamation or privacy tort”; providing venue for damages for a defamation or privacy tort based on material broadcast over radio or television; providing venue for damages for a defamation or privacy tort based on material published, exhibited, or uttered on the Internet; creating s. 770.107, F.S.; requiring the court to conduct an evidentiary hearing upon motion by any party to a cause of action; specifying determinations to be made on such a motion; providing the timeframe for a hearing on such motions; limiting the court’s review of such a motion; specifying that a certain finding may not be made in ruling on such a motion; requiring the court to assess against the nonprevailing party reasonable attorney fees and costs for such hearing; providing applicability; creating s. 770.11, F.S.; providing a rebuttable presumption that a publisher of a false statement acted with actual malice in certain circumstances; creating s. 770.15, F.S.; defining the term “artificial intelligence”; providing that a person who uses artificial intelligence to create or edit any form of media in a certain manner is subject to liability in certain circumstances; incorporating certain standards; reenacting ss. 770.06, 770.07, and 770.08, F.S., relating to adverse judgment in any jurisdiction as a bar to additional action, cause of action and time of accrual, and limitation on recovery of damages, respectively, to incorporate the amendment made to s. 770.05, F.S., in references thereto; providing for severability; providing an effective date.

By the Committee on Judiciary; and Senators Grall and Garcia—

CS for SB 1788—A bill to be entitled An act relating to social media use for minors; creating s. 501.1736, F.S.; providing definitions; requiring social media platforms to prohibit certain minors from creating new accounts, to terminate certain accounts and provide additional options for termination of such accounts, and to use reasonable age verification methods to verify the ages of account holders; authorizing the Department of Legal Affairs to bring actions for violations under the Florida Deceptive and Unfair Trade Practices Act; providing penalties; providing for private causes of actions; providing that certain social media platforms are subject to the jurisdiction of state courts; providing that if a social media platform allows an account holder to use such platform, the parties have entered into a contract; providing construction; authorizing the department to adopt rules; providing an effective date.

By the Committee on Judiciary; and Senators Grall and Garcia—

CS for SB 1792—A bill to be entitled An act relating to online access to materials harmful to minors; creating s. 501.1737, F.S.; providing

definitions; requiring a commercial entity that publishes or distributes material harmful to minors on a website or application that contains a substantial portion of such material to perform reasonable age verification methods, prevent access to such material by minors, and provide methods for reporting unauthorized or unlawful access; prohibiting the retention of certain personal identifying information; providing applicability and construction; authorizing the Department of Legal Affairs to bring an action for violations under the Florida Deceptive and Unfair Trade Practices Act; providing civil penalties; providing for private causes of action; providing that certain commercial entities are subject to the jurisdiction of state courts; providing construction; authorizing the department to adopt rules; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By Senators Rouson and Davis—

SB 562—A bill to be entitled An act relating to harassment of election workers; creating s. 104.47, F.S.; defining the term “election worker”; prohibiting a person from intimidating, threatening, coercing, harassing, or attempting to intimidate, threaten, coerce, or harass an election worker with specified intent; providing criminal penalties; providing an effective date.

—was referred to the Committee on Rules.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 49 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Local Administration, Federal Affairs & Special Districts Subcommittee, Regulatory Reform & Economic Development Subcommittee and Representative(s) Chaney, Giallombardo, Roach—

CS for CS for HB 49—A bill to be entitled An act relating to employment and curfew of minors; amending s. 450.081, F.S.; revising certain employment restrictions for minors 16 and 17 years of age; revising the age at which certain employment restrictions apply; amending s. 877.25, F.S.; requiring a curfew adopted by county or municipal ordinance to include certain exceptions; providing an effective date.

—was referred to the Committee on Rules.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 303 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Regulatory Reform & Economic Development Subcommittee and Representative(s) Killebrew—

CS for HB 303—A bill to be entitled An act relating to rabies vaccinations; amending s. 828.30, F.S.; authorizing certain persons to administer rabies vaccinations to certain animals under indirect supervision of a veterinarian; defining the term “indirect supervision”; conforming provisions; amending ss. 474.203, 767.16, and 828.29, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committee on Rules.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed HB 523 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Representative(s) Canady, Black, Amesty, Arrington, Baker, Bankson, Basabe, Daniels, Esposito, Garcia, Gossett-Seidman, Harris, Plakon, Plasencia, Smith, Woodson—

HB 523—A bill to be entitled An act relating to the Florida Seal of Fine Arts Program; creating s. 1003.4321, F.S.; establishing the Florida Seal of Fine Arts Program within the Department of Education; providing the purpose of the program; specifying eligibility requirements for the seal; defining the term “work of art”; authorizing the State Board of Education to adopt additional criteria for the award of a seal; requiring the Commissioner of Education and school districts to perform specified duties to administer the program; prohibiting a school district or the Department of Education from charging a fee for the seal; requiring the state board to adopt rules; providing an effective date.

—was referred to the Committee on Fiscal Policy.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed HB 849 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Representative(s) Killebrew, Buchanan, Arrington, Casello, Cross, LaMarca, Plasencia—

HB 849—A bill to be entitled An act relating to veterinary practices; creating s. 474.2021, F.S.; providing a short title; authorizing licensed veterinarians to practice veterinary telehealth in accordance with specified criteria; specifying the powers of the Board of Veterinary Medicine related to the practice of telehealth; specifying the conditions under which a veterinarian may practice veterinary telehealth; specifying the drugs a veterinarian practicing telehealth may not provide under specified circumstances; providing specific authorizations for cases where a patient is a food-producing species; amending s. 474.2165, F.S.; conforming provisions to changes made by the act; amending s. 828.30, F.S.; authorizing certain persons to administer rabies vaccinations to certain animals under indirect supervision of a veterinarian; providing supervising veterinarian assumes responsibility for specified people who provide vaccinations; defining the term “indirect supervision”; amending ss. 474.203, 767.16, and 828.29, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committee on Rules.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 1361 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Education & Employment Committee and Representative(s) Temple, Daniels, Massullo—

CS for HB 1361—A bill to be entitled An act relating to education; amending s. 1002.321, F.S.; providing for the award of grants to school districts to implement artificial intelligence in support of students and teachers; providing requirements for the use of such artificial intelligence; amending s. 1002.411, F.S.; expanding eligibility for New Worlds Scholarship Accounts to certain students enrolled in the Voluntary Prekindergarten Education Program; revising program eligibility criteria; revising eligible expenses for students who have an account; requiring parents to use a specified system to make direct purchases if such system is available; providing that certain organizations are administrators for purposes of establishing scholarship accounts; revising school district and private prekindergarten provider

notification requirements; revising requirements for the Department of Education to release scholarship funds; authorizing certain organizations to develop a system for the direct purchase of qualifying expenditures; deleting provisions relating to fund transfers and certain payment methods; deleting a requirement for quarterly payments of scholarships; amending s. 1003.01, F.S.; conforming a cross-reference; amending s. 1003.485, F.S.; providing that the University of Florida Lastinger Center for Learning is the administrator for the New Worlds Reading Initiative; revising definitions; deleting a requirement that the department designate an administrator for the initiative; requiring the department to provide specified data to the administrator within specified timeframe; requiring the administrator to include certain information in a specified annual report; revising eligibility criteria for the initiative; deleting obsolete language; amending s. 1003.499, F.S.; conforming a cross-reference; creating s. 1004.646, F.S.; creating the Lastinger Center for Learning at the University of Florida; providing duties and responsibilities of the center; amending s. 1008.25, F.S.; making technical changes; requiring progress monitoring results to be provided to prekindergarten instructors within a specified timeframe; creating s. 1008.366, F.S.; requiring an eligible nonprofit scholarship-funding organization to administer a tutoring program to provide specified academic support for students; providing duties and responsibilities of the organization; requiring the organization to annually provide a report to the Legislature and the Commissioner of Education by a specified date; providing an effective date.

—was referred to the Committee on Appropriations.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 1403 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Education & Employment Committee, Choice & Innovation Subcommittee and Representative(s) Tomkow—

CS for CS for HB 1403—A bill to be entitled An act relating to school choice; amending s. 212.1832, F.S.; providing definitions; expanding the credit contributions for eligible nonprofit scholarship-funding organizations; providing requirements for such contributions; providing requirements for dealers, designated agents, private tag agents, and such organizations relating to such contributions; providing criminal penalties; requiring persons convicted of specified offenses to make restitution to certain eligible nonprofit scholarship-funding organizations; requiring the Department of Revenue to notify such organizations of specified dealer information under certain circumstances; providing penalties for certain dealers, designated agents, private tag agents, and such organizations; amending s. 213.053, F.S.; conforming cross-references to changes made by the act; amending s. 1002.394, F.S.; revising eligibility requirements for the Family Empowerment Scholarship Program; providing that equipment used as instructional materials may only be purchased for specified academic subjects; providing that transition services are a coordinated set of specified activities; authorizing funds to be used for certain prekindergarten programs; prohibiting certain eligible students from enrolling in public schools; providing an exemption to a prohibition against receiving other educational scholarships; providing additional criteria for the closure of scholarship accounts and the reversion of funds to the state; revising the information that such organizations must include in their quarterly reports; authorizing the Department of Education to provide guidance to certain private schools; revising the documentation that private schools must provide to such organizations; revising the process for parents to provide certain notification to such organizations; prohibiting a parent from applying for multiple scholarships under specified programs for a single student at the same time; requiring such organizations to establish certain processes; requiring such organizations to submit specified information to the department; deleting a requirement that certain students be placed on a wait list; requiring such organizations to provide certain notification to parents; revising provisions relating to a specified administrative fee; revising provisions relating to increasing the number of certain scholarships; revising provisions relating to the

payment and disbursement of funds; amending s. 1002.395, F.S.; revising eligibility requirements for the Florida Tax Credit Scholarship Program; prohibiting certain eligible students from enrolling in public schools; providing an exemption to a prohibition against receiving other educational scholarships; providing that equipment used as instructional materials may only be purchased for specified academic subjects; revising the process for parents to provide certain notification to such organizations; prohibiting a parent from applying for multiple scholarships under specified programs for a single student at the same time; requiring such organizations to establish certain processes; requiring such organizations to assist the Florida Center for Students with Unique Abilities with the development of specified guidelines and to publish such guidelines on their websites; revising department notification requirements; revising the information that such organizations must include in their quarterly reports; revising provisions relating to the payment and disbursement of funds; authorizing a charitable organization to apply at any time to participate in the program as a scholarship-funding organization; amending s. 1002.40, F.S.; revising requirements for the Hope Scholarship Program; amending s. 1002.421, F.S.; revising requirements for regular and direct contact for certain students; amending s. 1002.45, F.S.; deleting a requirement that virtual instruction program providers be nonsectarian; amending s. 1003.4156, F.S.; providing that certain requirements apply to middle grade students transferring from a personalized education program; amending s. 1003.4282, F.S.; providing that certain requirements apply to high school students transferring from a personalized education program; amending s. 1003.485, F.S.; conforming cross-references to changes made by the act; amending s. 1004.6495, F.S.; requiring the Florida Center for Students with Unique Abilities to develop specified purchasing guidelines by a specified date and annually revise such guidelines; providing requirements for the development and revision of such guidelines; requiring such guidelines to be provided to specified eligible nonprofit scholarship-funding organizations; providing effective dates.

—was referred to the Committee on Appropriations.

The Honorable Kathleen Passidomo, President

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

Jeff Takacs, Clerk

By Ethics, Elections & Open Government Subcommittee and Representative(s) Tramont—

HB 7001—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 39.202, F.S., which provides an exemption from public record requirements for other identifying information with respect to any person reporting child abuse, abandonment, or neglect, except under certain circumstances; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committee on Rules.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed HB 7007 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Ethics, Elections & Open Government Subcommittee and Representative(s) Griffiths—

HB 7007—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 1004.0962, F.S., which provides an exemption from public record and public meeting requirements for those portions of a campus emergency response which address the response of a public postsecondary educational institution to an act of terrorism or other public safety crisis or emergency; removing a provision allowing disclosure of certain information to certain

entities; removing the scheduled repeal of the exemption; providing an effective date.

—was referred to the Committee on Rules.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed HB 7009 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By Ethics, Elections & Open Government Subcommittee and Representative(s) Griffiths—

HB 7009—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 394.464, F.S.; removing the scheduled repeal of an exemption from public records requirements for petitions for voluntary and involuntary admission for mental health treatment, court orders, related records, and personal identifying information regarding persons seeking mental health treatment and services; providing an effective date.

—was referred to the Committee on Rules.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 7011 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By State Affairs Committee, Local Administration, Federal Affairs & Special Districts Subcommittee and Representative(s) Persons-Mulicka—

CS for HB 7011—A bill to be entitled An act relating to inactive special districts; dissolving special districts that have been declared inactive and repealing their enabling laws; providing an exception to general law; dissolving the Sunny Isles Reclamation and Water Control Board and repealing the judicial order establishing the district; providing an effective date.

—was referred to the Committee on Rules.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 7013 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By State Affairs Committee, Ways & Means Committee, Local Administration, Federal Affairs & Special Districts Subcommittee and Representative(s) Persons-Mulicka—

CS for CS for HB 7013—A bill to be entitled An act relating to special districts; repealing s. 163.3756, F.S., relating to inactive community redevelopment agencies; amending s. 163.504, F.S.; prohibiting the creation of new neighborhood improvement districts after a date certain; repealing s. 165.0615 F.S., relating to municipal conversion of independent special districts upon elector-initiated and approved referendum; creating s. 189.0312, F.S.; providing term limits for elected members of governing bodies of independent special districts; providing an exception; providing construction; creating s. 189.0313, F.S.; providing the method for changing boundaries of an independent special district; providing an exception; amending s. 189.062, F.S.; providing additional criteria for declaring a special district inactive; requiring certain special districts to provide notice of a proposed declaration of inactive status in the county or municipality under certain circumstances; revising the time period for filing an objection to a proposed declaration; authorizing a specific objection; providing that a district declared inactive may only expend funds as necessary to service outstanding debt and to comply with existing bond covenants and con-

tractual obligations; creating s. 189.0694, F.S.; requiring special districts to establish performance measures to assess performance; requiring special districts to publish an annual report concerning performance measures; amending s. 189.0695, F.S.; requiring the Office of Program Policy Analysis and Governmental Accountability to conduct performance reviews; amending s. 190.005, F.S.; requiring the petition for creation of a community development district to contain specified information; repealing s. 190.047, F.S., relating to incorporation or annexation of a district; amending s. 191.013, F.S.; requiring independent special fire control districts to annually report training information to the Division of State Fire Marshal; amending s. 388.211, F.S.; providing the boundaries of a mosquito control district may only be changed by special act; amending s. 388.221, F.S.; reducing the maximum millage rate for mosquito control districts; amending s. 388.271, F.S.; requiring, instead of authorizing, special districts to file tentative work plans and work plan budgets at specified intervals; requiring the Department of Agriculture and Consumer Services to report to the Department of Commerce if certain special districts fail to submit specified information; amending s. 388.46, F.S.; requiring the Florida Coordinating Council on Mosquito Control to establish model measures to assist districts in conducting performance monitoring; providing an effective date.

—was referred to the Committee on Rules.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/HJR 7017 by the required constitutional three-fifths vote of the membership and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By State Affairs Committee, Ways & Means Committee and Representative(s) Buchanan—

CS for HJR 7017—A joint resolution proposing an amendment to Section 6 of Article VII of the State Constitution and the creation of a new section in Article XII of the State Constitution to require an annual adjustment to the value of certain homestead exemptions and provide an effective date.

—was referred to the Committee on Appropriations.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 7019 and requests the concurrence of the Senate.

Jeff Takacs, Clerk

By State Affairs Committee, Ways & Means Committee and Representative(s) Buchanan—

CS for HB 7019—A bill to be entitled An act relating to exemption of homesteads; amending s. 196.031, F.S.; requiring the value of a certain homestead exemption be adjusted annually; creating s. 218.136, F.S.; requiring the Legislature to appropriate funds for a specified purpose; requiring such funds be distributed in a specified manner; requiring specified counties to apply for such distribution; providing requirements for application; providing a specified calculation to be used to determine funding; providing for a reversion of funds in specified circumstances; authorizing the Department of Revenue to adopt emergency rules; providing applicability; providing a contingent effective date.

—was referred to the Committee on Appropriations.

CO-INTRODUCERS

Senators Avila—SB 1004, SB 1632; Book—SB 528; Bradley—SB 1134; Davis—SB 1522; Hooper—SB 288; Osgood—SB 1004; Powell—SB 1004; Rouson—CS for SB 472, SB 1522; Yarborough—SB 894, SB 1396

SENATE PAGES

February 5-9, 2024

Berkley Barnes, Fort Pierce; Emma Brown, Cape Coral; Pete Buckner, Lake Nona; Jane Christian, Seminole; Olivia Colby, Ocala; Ana Del

Rosario, Miami; Ava Duffey, Tallahassee; Connor Graham, Pembroke Pines; Danielle Guadagna, Boynton Beach; Anwita Iyengar, St. Johns; Jordyn Jacobs, Cooper City; Nihal Kondabrolu, St. Johns; Adarsh Nagda, Lecanto; Abigail Pickens, Tallahassee; Jackson Rimes, Clearwater; Dehlice Ruggio, East Flatbush, NY; Sophie Scherer, Naples; Luke Shaeffer, Jacksonville; Olivia Trefelner, Fort Pierce