The Journal OF THE *House of Representatives*

Number 31 **Thursday, February 29, 2024**

The House was called to order by the Speaker at 10:00 a.m.

Prayer

The following prayer was offered by Pastor Terrance Bulger of Greater Peace Missionary Baptist Church of Fort Walton Beach, upon invitation of Rep. Maney:

Eternal One who is alive, awake, altogether lovely, all sapient, and almighty, thank You for the blessings You have bestowed to us, and strength You've supplied to us to champion setbacks.

As this august assembly sets forth into official proceedings today, we invoke Your divine providence, presence, and power in imparting each division of our state's government with the strategies, sensibilities, sensitivities, synergism, and skills to build a stronger and safer space for our fellow Floridians to thrive.

Our governor, senators, representatives, administrative staff persons, along with every public servant who lends their time and talents for the betterment of our state, we pray that You continue to bless in ways that incentivize impactful work ethic for all.

Raise the awareness within each decision-maker present of the sacred trust each holds. As our leaders cherish and nourish their assignments, we thank You in advance for flourishing those efforts and thoughtfulness to unprecedented levels of achievement.

Direct, protect, and prosper the state of Florida, we pray. In the life-giving, loving, and liberating name of our Lord, Amen.

The following members were recorded present:

Session Vote Sequence: 735

Speaker Renner in the Chair.

Yeas—115

Abbott	Berfield	Cross	Giallombardo
Altman	Black	Daley	Gonzalez Pittman
Alvarez	Borrero	Daniels	Gossett-Seidman
Amesty	Botana	Driskell	Gottlieb
Anderson	Brackett	Duggan	Grant
Andrade	Bracy Davis	Dunkley	Gregory
Antone	Brannan	Edmonds	Griffitts
Arrington	Buchanan	Eskamani	Harris
Baker	Busatta Cabrera	Esposito	Hart
Bankson	Campbell	Fabricio	Hinson
Barnaby	Canady	Fine	Holcomb
Bartleman	Caruso	Franklin	Hunschofsky
Bell	Cassel	Gantt	Jacques
Beltran	Chaney	Garcia	Joseph
Benjamin	Clemons	Garrison	Keen
Killebrew	Nixon	Robinson, W.	Tant
Koster	Overdorf	Rommel	Temple
LaMarca	Payne	Roth	Tomkow
Leek	Perez	Rudman	Trabulsy
López, J.	Persons-Mulicka	Salzman	Tramont
Lopez, V.	Plakon	Shoaf	Truenow
Maggard	Plasencia	Silvers	Tuck
Maney	Porras	Sirois	Valdés
Massullo	Rayner	Skidmore	Waldron
McClain	Redondo	Smith	Williams
McClure	Renner	Snyder	Woodson
McFarland	Rizo	Stark	Yarkosky
Michael	Roach	Steele	Yeager
Mooney	Robinson, F.	Stevenson	

Nays—None

(A list of excused members appears at the end of the *Journal.*)

A quorum was present.

Pledge

The members, led by the following, pledged allegiance to the Flag: William Wyatt Patrick of Tallahassee at the invitation of the Speaker *pro tempore*; E'leese Deloris Shelton of Tallahassee at the invitation of Rep. Franklin; Carlos Trujillo of McLean, Virginia, at the invitation of Rep. Borrero; and Isabella A. Trujillo of McLean, Virginia, at the invitation of Rep. Borrero.

House Physician

The Speaker introduced Dr. Christopher Scuderi of Fernandina Beach, who served in the Clinic today upon invitation of Rep. Black.

Law Enforcement Officer of the Day

The Speaker introduced Deputy Sheriff Miguel Hurtado of the Polk County Sheriff's Office as the Law Enforcement Officer of the Day at the invitation of Rep. Killebrew.

Deputy Hurtado joined the Polk County Sheriff's Office in 2022 and has since exhibited exceptional service in numerous stressful situations, including administering aid to a gunshot victim, where his quick decisive actions saved the victim's life.

Correction of the *Journal*

The *Journal* of February 28, 2024, was corrected and approved as corrected.

Reports of Standing Committees and Subcommittees

Reports of the Rules Committee

The Honorable Paul Renner February 26, 2024
Speaker, House of Representatives

Dear Mr. Speaker:

Your Rules Committee herewith submits the Special Order for Thursday, February 29, 2024. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar. *The published Special Order Letter will reflect these bills as they appear on Second Reading. Any bills that are not available for Special Order at the time the letter is published will not be reflected on the published Special Order Letter.*

A. BILLS ON SPECIAL ORDER:
I. Consideration of the following bills:

CS/HB 309 - Select Committee on Health Innovation, Shoaf, Franklin, Rudman, Tant
Rural Emergency Hospitals

HB 631 - Tramont, Abbott, Arrington, Bartleman, Bracy Davis, Cross, Eskamani, Garcia, Hinson, Hunschofsky, Lopez, V., Roach, Robinson, F., Silvers, Stark, Valdés, Waldron, Woodson
Aftercare Services Under Road-To-Independence Program

CS/CS/HB 885 - Health & Human Services Committee, Select Committee on Health Innovation, Gonzalez Pittman, Anderson, Lopez, V.
Coverage for Biomarker Testing

CS/CS/HB 975 - Health & Human Services Committee, Health Care Appropriations Subcommittee, Trabulsy, Bell, Gantt, Garcia, Tant
Background Screenings and Certifications

CS/CS/CS/HB 1065 - Health & Human Services Committee, Ways & Means Committee, Children, Families & Seniors Subcommittee, Caruso, Lopez, V., Mooney, Plakon
Substance Abuse Treatment

CS/CS/HB 1063 - Health & Human Services Committee, Healthcare Regulation Subcommittee, Hunschofsky, Tant
Practice of Chiropractic Medicine

CS/CS/CS/HB 1083 - Health & Human Services Committee, Appropriations Committee, Children, Families & Seniors Subcommittee, Trabulsy, Abbott, Chaney
Permanency for Children

CS/CS/HB 1365 - Health & Human Services Committee, Judiciary Committee, Garrison, Amesty, Andrade, Barnaby, Jacques, Rudman, Snyder
Unauthorized Public Camping and Public Sleeping

CS/HB 1561 - Health & Human Services Committee, Busatta Cabrera, Salzman
Office Surgeries

CS/CS/HB 449 - Judiciary Committee, Criminal Justice Subcommittee, Michael, Bankson, Redondo
Motor Vehicle Racing Penalties

CS/HB 453 - Criminal Justice Subcommittee, Anderson, Fabricio, Jacques
Forensic Genetic Genealogy Grants

CS/HB 485 - Judiciary Committee, Brackett, Barnaby, Yarkosky
Return of Weapons and Arms Following an Arrest

CS/CS/HB 607 - Judiciary Committee, Criminal Justice Subcommittee, Plakon, Black, Eskamani, Jacques, Smith
Retention of Sexual Offense Evidence

CS/HB 21 - Judiciary Committee, Salzman, Michael, Barnaby, Chambliss, Gottlieb, Waldron
Dozier School for Boys and Okeechobee School Victim Compensation Program

CS/CS/HB 23 - State Affairs Committee, Judiciary Committee, Salzman, Michael, Waldron
Pub. Rec./Dozier School for Boys and Okeechobee School Victim Compensation Program

CS/CS/HB 621 - Judiciary Committee, Civil Justice Subcommittee, Steele, Berfield, Black, Garcia, Rudman, Stark
Property Rights

CS/HB 715 - Criminal Justice Subcommittee, Maney, Hunschofsky
Pub. Rec./Problem-solving Court Participant Records

CS/HB 761 - Civil Justice Subcommittee, Garcia, Daniels, Gottlieb
Interpersonal Violence Injunction Petitions

HB 1223 - Payne, Sirois, Anderson, Andrade, Beltran, Brackett, Brannan, Fine, Jacques, Leek, Plakon, Rudman, Salzman
Minimum Age for Firearm Purchase or Transfer

CS/CS/HB 1241 - Judiciary Committee, Criminal Justice Subcommittee, Snyder
Probation and Community Control Violations

CS/CS/HB 1337 - Judiciary Committee, Criminal Justice Subcommittee, Stark, Jacques
Department of Corrections

HB 1615 - Gregory, Sirois, Andrade, Beltran, Black, Salzman
Restrictions on Firearms and Ammunition During Emergencies

CS/CS/HB 1077 - Appropriations Committee, Justice Appropriations Subcommittee, Botana, Anderson, Bell, Berfield, Chaney, Harris, Killebrew, Stark, Tant
Clerks of Court

CS/CS/HB 1133 - Judiciary Committee, Criminal Justice Subcommittee, Redondo, Smith, Lopez, V.
Violations Against Vulnerable Road Users

CS/HB 1545 - Criminal Justice Subcommittee, Baker, Steele
Child Exploitation Offenses

CS/HB 1653 - Criminal Justice Subcommittee, Giallombardo
Duties and Prohibited Acts Associated with Death

CS/CS/HB 1509 - State Affairs Committee, Judiciary Committee, Trabulsy
Pub. Rec./School Guardians

CS/HB 1291 - Education & Employment Committee, Snyder, Jacques
Educator Preparation Programs

CS/HB 7025 - Education & Employment Committee, Education Quality Subcommittee, Trabulsy, Massullo, Valdés
Education

CS/SB 7004 - Fiscal Policy, Education Pre-K -12, Osgood
Deregulation of Public Schools/Assessment and Accountability, Instruction, and Education Choice

CS/CS/HB 537 - Education & Employment Committee, Education Quality Subcommittee, Valdés, Garcia
Student Achievement

CS/HB 141 - Ways & Means Committee, Abbott, Tant
Economic Development

CS/HB 229 - Commerce Committee, Payne, López, J.
Public Service Commission Rules

SB 364 - Collins
Regulatory Assessment Fees

CS/CS/HB 311 - Commerce Committee, Insurance & Banking Subcommittee, Barnaby
Securities

CS/CS/HB 433 - Commerce Committee, Regulatory Reform & Economic Development Subcommittee, Esposito, Barnaby, Black, Garcia, Roach, Roth
Employment Regulations

CS/CS/HB 473 - Judiciary Committee, Commerce Committee, Giallombardo, Steele, Barnaby
Cybersecurity Incident Liability

CS/HB 497 - Regulatory Reform & Economic Development Subcommittee, Melo, Garcia
Continuing Education Requirements

CS/HB 611 - State Administration & Technology Appropriations Subcommittee, Botana, Redondo
Public Deposits

CS/CS/HB 665 - Commerce Committee, Regulatory Reform & Economic Development Subcommittee, McClain, Maggard
Expedited Approval of Residential Building Permits

CS/CS/CS/HB 989 - Commerce Committee, State Administration & Technology Appropriations Subcommittee, Insurance & Banking Subcommittee, LaMarca
Financial Services

CS/HB 991 - Commerce Committee, LaMarca
Pub. Rec./Cellular Telephone Numbers Held by the Department of Financial Services

CS/CS/CS/HB 613 - Commerce Committee, State Administration & Technology Appropriations Subcommittee, Regulatory Reform & Economic Development Subcommittee, Stark, Berfield, Eskamani
Mobile Home Park Lot Tenancies

CS/CS/HB 1007 - Commerce Committee, Appropriations Committee, Overdorf, Brackett
Nicotine Products and Dispensing Devices

CS/CS/CS/HB 1021 - Commerce Committee, State Administration & Technology Appropriations Subcommittee, Regulatory Reform & Economic Development Subcommittee, Lopez, V., Benjamin, Garcia, Porras, Stevenson, Valdés
Community Associations

CS/CS/CS/HB 1029 - Commerce Committee, State Administration & Technology Appropriations Subcommittee, Insurance & Banking Subcommittee, Lopez, V., Hunschofsky, Basabe, Benjamin, Eskamani, Jacques, López, J., Mooney, Porras, Woodson
My Safe Florida Condominium Pilot Program

CS/CS/HB 1503 - Commerce Committee, Insurance & Banking Subcommittee, Esposito
Citizens Property Insurance Corporation

CS/HB 1541 - Regulatory Reform & Economic Development Subcommittee, Fine
Transparency In Social Media

CS/CS/HB 1645 - Commerce Committee, Energy, Communications & Cybersecurity Subcommittee, Payne, Altman, Barnaby
Energy Resources

CS/CS/HB 1647 - Commerce Committee, Regulatory Reform & Economic Development Subcommittee, Roach
Local Regulation of Nonconforming and Unsafe Structures

CS/CS/HB 1639 - Insurance & Banking Subcommittee, Select Committee on Health Innovation, Bankson, Black, Plakon
Gender and Biological Sex

CS/CS/HB 437 - Infrastructure Strategies Committee, Agriculture, Conservation & Resiliency Subcommittee, Porras, Basabe, Benjamin, Garcia, Gonzalez Pittman, Lopez, V.
Anchoring Limitation Areas

CS/CS/HB 1051 - Infrastructure Strategies Committee, Agriculture, Conservation & Resiliency Subcommittee, Tuck, Alvarez, McClure
Housing for Agricultural Workers

CS/CS/CS/HB 287 - Infrastructure Strategies Committee, Infrastructure & Tourism Appropriations Subcommittee, Transportation & Modals Subcommittee, Esposito
Transportation

CS/CS/HB 1363 - Infrastructure Strategies Committee, Transportation & Modals Subcommittee, Busatta Cabrera
Traffic Enforcement

CS/HB 1517 - Transportation & Modals Subcommittee, Tramont
Damaged or Salvage Motor Vehicles, Mobile Homes, and Vessels

CS/SB 1350 - Transportation, DiCeglie
Salvage

CS/HB 7049 - Infrastructure Strategies Committee, Transportation & Modals Subcommittee, McFarland
Transportation

CS/CS/HB 1195 - State Affairs Committee, Ways & Means Committee, Garrison, Beltran
Millage Rates

CS/HB 7073 - Appropriations Committee, Ways & Means Committee, McClain
Taxation

HJR 7075 - Ways & Means Committee, Alvarez
Tangible Personal Property Tax Exemption

HB 7077 - Ways & Means Committee, Alvarez
Tangible Personal Property Taxation

CS/HB 135 - State Affairs Committee, Gossett-Seidman, Caruso, Bankson, Barnaby, Basabe, Bell, Berfield, Canady, Garcia, Plasencia, Stark, Yarkosky
Voter Registration Applications

HB 7043 - Ethics, Elections & Open Government Subcommittee, Arrington
OGSR/Agency Personnel Information

B. PROCEDURES:
Time allocations apply to all bills listed in Section A and any bill substituted for or taken up in lieu of a listed bill. Amendment sponsors shall have 2 minutes to open and 2 minutes to close, except as outlined below.

Except for the bills listed in Section C, the House shall spend no more than the following times:

- For each bill:
  - Questions and answers - 10 minutes
  - Debate - 5 minutes
- For each amendment:
  - Questions and answers - 5 minutes
  - Debate - 5 minutes

For all bills, along with their associated amendments, the time for questions and answers includes both the question and the answer and shall be no more than the times listed. Neither the question nor the answer shall be protracted in an attempt to use up the time.

Once more than 10 non-bill sponsor amendments are filed, the allocation of time spent on each non-bill sponsor amendment shall be determined as follows:

- 90 minutes divided by the total number of non-sponsor amendments filed.
- The time allocated for each non-bill sponsor amendment shall be divided equally between the open, questions, debate, and close.
- Amendments withdrawn prior to consideration of the bill do not count toward the total.

For the bills listed in Section C, time spent on debate shall be allocated as specified, with the time equally divided. In addition to the allotted time, the sponsor will explain and close the bill, closing not to exceed 10 minutes. After opening, the debate managers shall be alternately recognized until their time runs out. Time not utilized is lost.

- Debate managers may speak in debate and yield time to other Members to debate; no Member may be recognized for debate unless a debate manager yields time to that Member. Recognitions of debate managers must go through the Speaker. A Member may not be recognized more than once in debate on the bill or amendment.

C. TIME ALLOCATIONS FOR SPECIFIED BILLS:

Bill	Time in Questions and Answers	Time in Debate
CS/CS/HB 1365 Unauthorized Public Camping and Public Sleeping	**Bill:** 10 minutes **Amendments:** 5 minutes each	**Bill:** 40 minutes total; 20 minutes per side in 10 minute blocks **Amendments:** 5 minutes each
HB 1223 Minimum Age for Firearm Purchase or Transfer	**Bill:** 20 minutes **Amendments:** 5 minutes each	**Bill:** 40 minutes total; 20 minutes per side in 10 minute blocks **Amendments:** 5 minutes each
HB 1615 Restrictions on Firearms and Ammunition During Emergencies	**Bill:** 10 minutes **Amendments:** 5 minutes each	**Bill:** 30 minutes total; 15 minutes per side in 15 minute blocks **Amendments:** 5 minutes each
CS/HB 1291 Educator Preparation Programs	**Bill:** 15 minutes **Amendments:** 5 minutes each	**Bill:** 40 minutes total; 20 minutes per side in 10 minute blocks **Amendments:** 5 minutes each
CS/CS/HB 433 Employment Regulations	**Bill:** 10 minutes **Amendments:** 5 minutes each	**Bill:** 40 minutes total; 20 minutes per side in 10 minutes blocks **Amendments:** 5 minutes each
CS/CS/HB 665 Expedited Approval of Residential Building Permits	**Bill:** 10 minutes **Amendments:** 5 minutes each	**Bill:** 20 minutes total; 10 minutes per side in 10 minute blocks **Amendments:** 5 minutes each
CS/CS/HB 1007 Nicotine Products and Dispensing Devices	**Bill:** 10 minutes **Amendments:** 5 minutes each	**Bill:** 20 minutes total; 10 minutes per side in 10 minutes blocks **Amendments:** 5 minutes each
CS/CS/HB 1645 Energy Resources	**Bill:** 10 minutes **Amendments:** 5 minutes each	**Bill:** 40 minutes total; 20 minutes per side in 10 minute blocks **Amendments:** 5 minutes each

CS/CS/HB 1639 Gender and Biological Sex	**Bill:** 15 minutes **Amendments:** 5 minutes each	**Bill:** 40 minutes total; 20 minutes per side in 10 minute blocks **Amendments:** 5 minutes each
CS/CS/CS/HB 287 Transportation	**Bill:** 10 minutes **Amendments:** 5 minutes each	**Bill:** 30 minutes total; 15 minutes per side in 15 minute blocks **Amendments:** 5 minutes each
CS/CS/HB 1195 Millage Rates	**Bill:** 10 minutes **Amendments:** 5 minutes each	**Bill:** 20 minutes total; 10 minutes per side in 10 minute blocks **Amendments:** 5 minutes each
CS/HB 7073 Taxation	**Bill:** 20 minutes **Amendments:** 5 minutes each	**Bill:** 40 minutes total; 20 minutes per side in 10 minute blocks **Amendments:** 5 minutes each
HJR 7075 Tangible Personal Property Tax Exemption	**Bill:** 10 minutes **Amendments:** 5 minutes each	**Bill:** 30 minutes total; 15 minutes per side in 15 minute blocks **Amendments:** 5 minutes each
HB 7077 Tangible Personal Property Taxation	**Bill:** 10 minutes **Amendments:** 5 minutes each	**Bill:** 20 minutes total; 10 minutes per side in 10 minute blocks **Amendments:** 5 minutes each

A quorum was present in person, and a majority of those present agreed to the above Report.

Respectfully submitted,
Daniel Perez, Chair
Rules Committee

On motion by Rep. Perez, the above report was adopted.

Bills and Joint Resolutions on Third Reading

Consideration of **CS/HB 405** was temporarily postponed.

Special Orders

Consideration of **CS/HB 309** was temporarily postponed.

Consideration of **HB 631** was temporarily postponed.

CS/CS/HB 885—A bill to be entitled An act relating to coverage for biomarker testing; amending s. 110.12303, F.S.; requiring the Department of Management Services to provide coverage of biomarker testing for specified purposes for state employees' state group health insurance plan policies issued on or after a specified date; specifying circumstances under which such coverage may be provided; providing definitions; requiring a clear, convenient, and readily accessible process for authorization requests for biomarker testing; providing construction; amending s. 409.906, F.S.; authorizing the Agency for Health Care Administration to pay for biomarker testing under the Medicaid program for specified purposes, subject to specific appropriations; specifying circumstances under which such payments may be made; providing definitions; requiring a clear, convenient, and readily accessible process for authorization requests for biomarker testing; providing construction; authorizing the agency to seek federal approval for biomarker testing payments; creating s. 409.9745, F.S.; requiring managed care plans under contract with the agency in the Medicaid program to provide coverage for biomarker testing for Medicaid recipients in a certain manner; requiring a clear, convenient, and readily accessible process for authorization requests for biomarker testing; providing construction; providing effective dates.

—was read the second time by title.

THE SPEAKER PRO TEMPORE IN THE CHAIR

Representative Gonzalez Pittman offered the following:

(Amendment Bar Code: 718117)

Amendment 1 (with title amendment)—Remove lines 93-189 and insert:

Section 2. Subsection (29) is added to section 409.906, Florida Statutes, to read:

409.906 Optional Medicaid services.—Subject to specific appropriations, the agency may make payments for services which are optional to the state under Title XIX of the Social Security Act and are furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any optional service that is provided shall be provided only when medically necessary and in accordance with state and federal law. Optional services rendered by providers in mobile units to Medicaid recipients may be restricted or prohibited by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(29) BIOMARKER TESTING SERVICES.—

(a) The agency may pay for biomarker testing for the purposes of diagnosis, treatment, appropriate management, or ongoing monitoring of a recipient's disease or condition to guide treatment decisions if medical and scientific evidence indicates that the biomarker testing provides clinical utility to the recipient. Such medical and scientific evidence includes, but is not limited to:

1. A labeled indication for a test approved or cleared by the Unites States Food and Drug Administration;

2. An indicated test for a drug approved by the United States Food and Drug Administration;

3. A national coverage determination made by the Centers for Medicare and Medicaid Services or a local coverage determination made by the Medicare Administrative Contractor; or

4. A nationally recognized clinical practice guideline. As used in this subparagraph, the term "nationally recognized clinical practice guideline" means an evidence-based clinical practice guideline developed by independent organizations or medical professional societies using a transparent methodology and reporting structure and with a conflict-of-interest policy. Guidelines developed by such organizations or societies establish standards of care informed by a systematic review of evidence and an assessment of the benefits and costs of alternative care options and include recommendations intended to optimize patient care.

(b) As used in this subsection, the term:

1. "Biomarker" means a defined characteristic that is measured as an indicator of normal biological processes, pathogenic processes, or responses to an exposure or intervention, including therapeutic interventions. The term includes, but is not limited to, molecular, histologic, radiographic, or physiologic characteristics but does not include an assessment of how a patient feels, functions, or survives.

2. "Biomarker testing" means an analysis of a patient's tissue, blood, or other biospecimen for the presence of a biomarker. The term includes, but is not limited to, single analyte tests, multiplex panel tests, protein expression, and whole exome, whole genome, and whole transcriptome sequencing performed at a participating in-network laboratory facility that is certified pursuant to the federal Clinical Laboratory Improvement Amendment (CLIA) or that has obtained a CLIA Certificate of Waiver by the United States Food and Drug Administration for the tests.

3. "Clinical utility" means the test result provides information that is used in the formulation of a treatment or monitoring strategy that informs a patient's outcome and impacts the clinical decision.

(c) A recipient and participating provider shall have access to a clear and convenient process to request authorization for biomarker testing as provided under this subsection. Such process shall be made readily accessible to all recipients and participating providers online.

(d) This subsection does not require coverage of biomarker testing for screening purposes.

(e) The agency may seek federal approval necessary to implement this subsection.

Section 3. Effective October 1, 2024, section 409.9745, Florida Statutes, is created to read:

409.9745 Managed care plan biomarker testing.—

(1) A managed care plan must provide coverage for biomarker testing for recipients, as authorized under s. 409.906, at the same scope, duration, and frequency as the Medicaid program provides for other medically necessary treatments.

(2) A recipient and health care provider shall have access to a clear and convenient process to request authorization for biomarker testing as provided under this section. Such process shall be made readily accessible on the website of the managed care plan.

(3) This section does not require coverage of biomarker testing for screening purposes.

(4) The agency shall include the rate impact of this section in the applicable Medicaid managed medical assistance program and long-term care managed care program rates.

T I T L E A M E N D M E N T

Remove line 28 and insert:
testing; providing construction; requiring the agency to include a certain rate impact in specified Medicaid program rates; providing effective

Rep. Gonzalez Pittman moved the adoption of the amendment, which was adopted.

On motion by Rep. Gonzalez Pittman, the rules were waived and **CS/CS/HB 885** was read the third time by title. On passage, the vote was:

Session Vote Sequence: 736

Representative Clemons in the Chair.

Yeas—114

Abbott	Clemons	Joseph	Robinson, W.
Altman	Cross	Keen	Rommel
Alvarez	Daley	Killebrew	Roth
Amesty	Daniels	Koster	Rudman
Anderson	Driskell	LaMarca	Salzman
Andrade	Duggan	Leek	Shoaf
Antone	Dunkley	Lopez, V.	Silvers
Arrington	Edmonds	Maggard	Sirois
Baker	Eskamani	Maney	Skidmore
Bankson	Esposito	Massullo	Smith
Barnaby	Fabricio	McClain	Snyder
Bartleman	Fine	McClure	Stark
Bell	Franklin	McFarland	Steele
Beltran	Gantt	Michael	Stevenson
Benjamin	Garcia	Mooney	Tant
Berfield	Garrison	Nixon	Temple
Black	Giallombardo	Overdorf	Tomkow
Borrero	Gonzalez Pittman	Payne	Trabulsy
Botana	Gossett-Seidman	Perez	Tramont
Brackett	Gottlieb	Persons-Mulicka	Truenow
Bracy Davis	Grant	Plakon	Tuck
Brannan	Gregory	Plasencia	Valdés
Buchanan	Griffitts	Porras	Waldron
Busatta Cabrera	Harris	Rayner	Williams
Campbell	Hart	Redondo	Woodson
Canady	Hinson	Renner	Yarkosky
Caruso	Holcomb	Rizo	Yeager
Cassel	Hunschofsky	Roach	
Chaney	Jacques	Robinson, F.	

Nays—None

Votes after roll call:
Yeas—Basabe, López, J., Melo

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/CS/HB 975—A bill to be entitled An act relating background screenings and certifications; amending s. 420.621, F.S.; defining the term "person with lived experience"; creating s. 420.6241, F.S.; providing legislative intent; providing qualifications for a person seeking certification as a person with lived experience; requiring continuum of care lead agencies to submit certain information to the Department of Children and Families for purposes of background screening; providing duties of the department; prescribing screening requirements; specifying disqualifying offenses for a person applying for certification; authorizing a person who does not meet background screening requirements to apply to the department for an exemption from disqualification; requiring the department to accept or reject such application within a specified time; amending s. 456.0135, F.S.; expanding certain background screening requirements to apply to all health care practitioners, rather than specified practitioners; requiring health care practitioners licensed before a specified date to comply with certain background screening requirements upon licensure renewal that takes place after a specified date; prohibiting the Department of Health from renewing health care practitioner licenses in certain circumstances beginning on a specified date; amending ss. 457.105, 463.006, 465.007, 465.0075, 465.013, 465.014, 466.006, 466.0067, 466.007, 467.011, 468.1185, 468.1215, 468.1695, 468.209, 468.213, 468.355, 468.358, 468.509, 468.513, 468.803, 478.45, 483.815, 483.901, 483.914, 484.007, 484.045, 486.031, 486.102, 490.005, 490.0051, 490.006, 491.0045, 491.0046, 491.005, and 491.006, F.S.; revising licensure, registration, or certification requirements, as applicable, for acupuncturists; optometrists; pharmacists; pharmacist licenses by endorsement; registered pharmacy interns; pharmacy technicians; dentists; health access dental licenses; dental hygienists; midwives; speech-language pathologists and audiologists; speech-language pathology assistants and audiology assistants; nursing home administrators; occupational therapists and occupational therapy assistants; occupational therapist and occupational

therapy assistant licenses by endorsement; respiratory therapists; respiratory therapist licenses by endorsement; dietitian/nutritionists; dietitian/nutritionist licenses by endorsement; practitioners of orthotics, prosthetics, or pedorthics; electrologists; clinical laboratory personnel; medical physicists; genetic counselors; opticians; hearing aid specialists; physical therapists; physical therapist assistants; psychologists and school psychologists; provisional licenses for psychologists; psychologist and school psychologist licenses by endorsement; intern registrations for clinical social work, marriage and family therapy, and mental health counseling; provisional licenses for clinical social workers, marriage and family therapists, and mental health counselors; clinical social workers, marriage and family therapists, and mental health counselors; and clinical social worker, marriage and family therapist, and mental health counselor licenses by endorsement, respectively, to include background screening requirements; making conforming and technical changes; amending ss. 468.505, 486.025, 486.0715, 486.1065, and 491.003, F.S.; conforming cross-references; providing an appropriation; providing an effective date.

—was read the second time by title.

Representative Trabulsy offered the following:

(Amendment Bar Code: 583751)

Amendment 1—Remove line 289 and insert:
that takes place after July 1, 2025. Beginning July 1,

Rep. Trabulsy moved the adoption of the amendment, which was adopted.

On motion by Rep. Trabulsy, the rules were waived and **CS/CS/HB 975** was read the third time by title. On passage, the vote was:

Session Vote Sequence: 737

Representative Clemons in the Chair.

Yeas—116

Abbott	Clemons	Joseph	Roach
Altman	Cross	Keen	Robinson, F.
Alvarez	Daley	Killebrew	Robinson, W.
Amesty	Daniels	Koster	Rommel
Anderson	Driskell	LaMarca	Roth
Andrade	Duggan	Leek	Rudman
Antone	Dunkley	López, J.	Salzman
Arrington	Edmonds	Lopez, V.	Shoaf
Baker	Eskamani	Maggard	Silvers
Bankson	Esposito	Maney	Sirois
Barnaby	Fabricio	Massullo	Skidmore
Bartleman	Fine	McClain	Smith
Bell	Franklin	McClure	Snyder
Beltran	Gantt	McFarland	Stark
Benjamin	Garcia	Melo	Steele
Berfield	Garrison	Michael	Stevenson
Black	Giallombardo	Mooney	Tant
Borrero	Gonzalez Pittman	Nixon	Temple
Botana	Gossett-Seidman	Overdorf	Tomkow
Brackett	Gottlieb	Payne	Trabulsy
Bracy Davis	Grant	Perez	Tramont
Brannan	Gregory	Persons-Mulicka	Truenow
Buchanan	Griffitts	Plakon	Tuck
Busatta Cabrera	Harris	Plasencia	Valdés
Campbell	Hart	Porras	Waldron
Canady	Hinson	Rayner	Williams
Caruso	Holcomb	Redondo	Woodson
Cassel	Hunschofsky	Renner	Yarkosky
Chaney	Jacques	Rizo	Yeager

Nays—None

Votes after roll call:
Yeas—Basabe

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/CS/CS/HB 1065—A bill to be entitled An act relating to substance abuse treatment; 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. 397.407, F.S.; authorizing, rather than requiring, the Department of Children and Families to issue a license for certain service components operated by a service provider; removing the timeframe in which a licensed service provider must apply for additional services; requiring the service provider to obtain approval before relocating to a different service site; removing a requirement that a separate license is required for each service component maintained by a service provider; 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 under certain circumstances; requiring the certified recovery residence to retain a certified recovery residence administrator if the previous certified recovery residence administrator has been removed for any reason; prohibiting certified recovery residences, on or after a specified date, from denying an individual access to housing under specified circumstances; prohibiting local ordinances or regulations from further regulating after a specified date the duration or frequency of a resident's stay in a certified recovery residence located within a certain zoning districts; providing applicability; amending s. 397.4871, F.S.; authorizing certain Level IV certified recovery residences owned or controlled by certain licensed service providers and managed by a certified recovery residence administrator to manage a specified greater number of residents under certain circumstances; 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; amending ss. 119.071, 381.0038, 394.4573, 394.9085, 397.4012, 397.407, 397.410, 397.416, and 893.13, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title. On motion by Rep. Caruso, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 738

Representative Clemons in the Chair.

Yeas—116

Abbott	Clemons	Joseph	Roach
Altman	Cross	Keen	Robinson, F.
Alvarez	Daley	Killebrew	Robinson, W.
Amesty	Daniels	Koster	Rommel
Anderson	Driskell	LaMarca	Roth
Andrade	Duggan	Leek	Rudman
Antone	Dunkley	López, J.	Salzman
Arrington	Edmonds	Lopez, V.	Shoaf
Baker	Eskamani	Maggard	Silvers
Bankson	Esposito	Maney	Sirois
Barnaby	Fabricio	Massullo	Skidmore
Bartleman	Fine	McClain	Smith
Bell	Franklin	McClure	Snyder
Beltran	Gantt	McFarland	Stark
Benjamin	Garcia	Melo	Steele
Berfield	Garrison	Michael	Stevenson
Black	Giallombardo	Mooney	Tant
Borrero	Gonzalez Pittman	Nixon	Temple
Botana	Gossett-Seidman	Overdorf	Tomkow
Brackett	Gottlieb	Payne	Trabulsy
Bracy Davis	Grant	Perez	Tramont
Brannan	Gregory	Persons-Mulicka	Truenow
Buchanan	Griffitts	Plakon	Tuck
Busatta Cabrera	Harris	Plasencia	Valdés
Campbell	Hart	Porras	Waldron
Canady	Hinson	Rayner	Williams
Caruso	Holcomb	Redondo	Woodson
Cassel	Hunschofsky	Renner	Yarkosky
Chaney	Jacques	Rizo	Yeager

Nays—None

Votes after roll call:
Yeas—Basabe

So the bill passed and was immediately certified to the Senate.

CS/CS/HB 1063—A bill to be entitled An act relating to the practice of chiropractic medicine; amending s. 460.403, F.S.; authorizing chiropractic physicians to use dry needling treatments for specified purposes; requiring certain training and certification; amending s. 460.406, F.S.; requiring the Board of Chiropractic Medicine to certify certain applicants who provide a specified credentials evaluation report; providing an effective date.

—was read the second time by title.

Representative Hunschofsky offered the following:

(Amendment Bar Code: 584941)

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

Section 1. Subsection (9) of section 460.403, Florida Statutes, is amended to read:

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

(9)(a) "Practice of chiropractic medicine" means a noncombative principle and practice consisting of the science, philosophy, and art of the adjustment, manipulation, and treatment of the human body in which vertebral subluxations and other malpositioned articulations and structures that are interfering with the normal generation, transmission, and expression of nerve impulse between the brain, organs, and tissue cells of the body, thereby causing disease, are adjusted, manipulated, or treated, thus restoring the normal flow of nerve impulse which produces normal function and consequent health by chiropractic physicians using specific chiropractic adjustment or manipulation techniques taught in chiropractic colleges accredited by the Council on Chiropractic Education. No person other than a licensed chiropractic physician may render chiropractic services, chiropractic adjustments, or chiropractic manipulations.

(b) Any chiropractic physician who has complied with the provisions of this chapter may examine, analyze, and diagnose the human living body and its diseases by the use of any physical, chemical, electrical, or thermal method; use the X ray for diagnosing; phlebotomize; and use any other general method of examination for diagnosis and analysis taught in any school of chiropractic.

(c)1. Chiropractic physicians may adjust, manipulate, or treat the human body by manual, mechanical, electrical, or natural methods; by the use of physical means or physiotherapy, including light, heat, water, or exercise; by the use of acupuncture; by the use of monofilament intramuscular stimulation treatment, also known as dry needling, for trigger points or myofascial pain; or by the administration of foods, food concentrates, food extracts, and items for which a prescription is not required and may apply first aid and hygiene, but chiropractic physicians are expressly prohibited from prescribing or administering to any person any legend drug except as authorized under subparagraph 2., from performing any surgery except as stated herein, or from practicing obstetrics.

2. Notwithstanding the prohibition against prescribing and administering legend drugs under subparagraph 1. or s. 499.83(2)(c), pursuant to board rule chiropractic physicians may order, store, and administer, for emergency purposes only at the chiropractic physician's office or place of business, prescription medical oxygen and may also order, store, and administer the following topical anesthetics in aerosol form:

a. Any solution consisting of 25 percent ethylchloride and 75 percent dichlorodifluoromethane.

b. Any solution consisting of 15 percent dichlorodifluoromethane and 85 percent trichloromonofluoromethane.

However, this paragraph does not authorize a chiropractic physician to prescribe medical oxygen as defined in s. 499.82(10) ~~chapter 499~~.

(d) Chiropractic physicians shall have the privileges of services from the department's laboratories.

(e) The term "chiropractic medicine," "chiropractic," "doctor of chiropractic," or "chiropractor" shall be synonymous with "chiropractic physician," and each term shall be construed to mean a practitioner of chiropractic medicine as the same has been defined herein. Chiropractic physicians may analyze and diagnose the physical conditions of the human body to determine the abnormal functions of the human organism and to determine such functions as are abnormally expressed and the cause of such abnormal expression.

(f) Any chiropractic physician who has complied with the provisions of this chapter is authorized to analyze and diagnose abnormal bodily functions and to adjust the physical representative of the primary cause of disease as is herein defined and provided. As an incident to the care of the sick, chiropractic physicians may advise and instruct patients in all matters pertaining to hygiene and sanitary measures as taught and approved by recognized chiropractic schools and colleges. A chiropractic physician may not use acupuncture until certified by the board. Certification shall be granted to chiropractic physicians who have satisfactorily completed the required coursework in acupuncture and after successful passage of an appropriate examination as administered by the department. The required coursework shall have been provided by a college or university which is recognized by an accrediting agency approved by the United States Department of Education.

Section 2. Paragraph (d) of subsection (1) of section 460.406, Florida Statutes, is amended to read:

460.406 Licensure by examination.—

(1) Any person desiring to be licensed as a chiropractic physician must apply to the department to take the licensure examination. There shall be an application fee set by the board not to exceed $100 which shall be nonrefundable. There shall also be an examination fee not to exceed $500 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Board of Chiropractic Examiners or a similar national organization, which may be refundable if the applicant is found ineligible to take the examination. The department shall examine each applicant whom the board certifies has met all of the following criteria:

(d)1. For an applicant who has matriculated in a chiropractic college before July 2, 1990, completed at least 2 years of residence college work, consisting of a minimum of one-half the work acceptable for a bachelor's degree granted on the basis of a 4-year period of study, in a college or university accredited by an institutional accrediting agency recognized and approved by the United States Department of Education. However, before being certified by the board to sit for the examination, each applicant who has matriculated in a chiropractic college after July 1, 1990, must have been granted a bachelor's degree, based upon 4 academic years of study, by a college or university accredited by an institutional accrediting agency that is a member of the Commission on Recognition of Postsecondary Accreditation or have produced a credentials evaluation report from a board-approved organization that deems the applicant's education equivalent to a bachelor's degree.

2. Effective July 1, 2000, completed, before matriculation in a chiropractic college, at least 3 years of residence college work, consisting of a minimum of 90 semester hours leading to a bachelor's degree in a liberal arts college or university accredited by an institutional accrediting agency recognized and approved by the United States Department of Education or produced a credentials evaluation report from a board-approved organization that deems the applicant's education equivalent to a bachelor's degree. However, before being certified by the board to sit for the examination, each applicant who has matriculated in a chiropractic college after July 1, 2000, must have been granted a bachelor's degree from an institution holding accreditation for that degree from an institutional accrediting agency that is recognized by the United States Department of Education or have produced a credentials evaluation report from a board-approved organization that deems the applicant's education equivalent to a bachelor's degree. The applicant's chiropractic degree must consist of credits earned in the chiropractic program and may not include academic credit for courses from the bachelor's degree.

The board may require an applicant who graduated from an institution accredited by the Council on Chiropractic Education more than 10 years before the date of application to the board to take the National Board of

Chiropractic Examiners Special Purposes Examination for Chiropractic, or its equivalent, as determined by the board. The board shall establish by rule a passing score.

Section 3. Section 460.4085, Florida Statutes, is created to read:

460.4085 Performance of dry needling by chiropractic physicians.—

(1) The board shall establish minimum standards of practice for the performance of dry needling by chiropractic physicians, including, at a minimum, all of the following:

(a) Completion of 40 hours of in-person continuing education on the topic of dry needling for chiropractic physicians not certified in chiropractic acupuncture and 24 hours of such in-person continuing education for chiropractic physicians certified in chiropractic acupuncture, and passage of a written and practical examination. Online or distance-based courses do not qualify as approved hours to meet the dry needling certification requirements.

1. Course content must be approved by one or more of the following entities before a chiropractic physician may take such course for purposes of meeting the continuing education requirements of this paragraph:

a. An entity accredited in accordance with s. 460.408.

b. The board.

c. The American Chiropractic Association.

d. The International Chiropractic Association.

e. Providers of Approved Continuing Education.

f. The American Medical Association.

g. The American Osteopathic Association.

2. The course instructor must be a licensed chiropractic physician, allopathic or osteopathic physician, or physical therapist holding a Doctor of Physical Therapy degree who has practiced dry needling for at least 5 years, either by instructing dry needling coursework at an accredited institution of higher education or treating patients using dry needling treatment in a professional office setting.

3. The continuing education must include instruction in all of the following areas:

a. Theory of dry needling.

b. Selection and safe handling of needles and other apparatus or equipment used in dry needling, including instruction on the proper handling of biohazardous waste.

c. Indications and contraindications for dry needling.

d. Psychomotor skills needed to perform dry needling.

e. Postintervention care, including adverse responses, adverse event recordkeeping, and any reporting obligations.

(b) Completion of at least 10 patient sessions of dry needling performed under the supervision of a licensed chiropractic physician, allopathic or osteopathic physician, or physical therapist holding a Doctor of Physical Therapy degree who has actively performed dry needling for at least 1 year. A chiropractic physician must provide satisfactory documentation to the board demonstrating that he or she has met the supervision and competency requirements of this paragraph and does not need additional supervised sessions to perform dry needling.

(c) A requirement that dry needling may not be performed without patient consent and education on the risks and adverse events that could occur. Such patient consent and education must be included as part of the patient's documented plan of care.

(d) A requirement that dry needling may not be delegated to any person other than a chiropractic physician who is authorized to engage in dry needling under this chapter.

(2) At the request of a licensee, the board may do any of the following:

(a) Review coursework completed before July 1, 2024, to be approved to satisfy the coursework requirements of this section.

(b) Waive some or all of the hours or requirements of subsection (1) if the licensee presents satisfactory proof of completing coursework that constitutes adequate training of dry needling or of the components of education and training required for dry needling.

(c) Determine whether the licensee has received adequate training to be eligible to perform dry needling.

(3) When a chiropractic physician submits documentation to the board verifying completion of the required hours of education and training under this section, the board must issue the chiropractic physician a letter certifying that the he or she is authorized to practice dry needling under this chapter.

Section 4. This act shall take effect upon becoming a law.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to chiropractic medicine; amending s. 460.403, F.S.; revising the definition of the term "practice of chiropractic medicine" to include a specified treatment; amending s. 460.406, F.S.; revising education requirements for licensure as a chiropractic physician; creating s. 460.4085, F.S.; requiring the Board of Chiropractic Medicine to establish minimum standards of practice for the performance of dry needling by chiropractic physicians, including specified education and training requirements and restrictions on such practice; authorizing the board to take specified actions at the request of a chiropractic physician; requiring the board to issue a chiropractic physician a letter certifying that he or she is authorized to perform dry needling if the chiropractic physician submits certain documentation to the board; providing an effective date.

Rep. Hunschofsky moved the adoption of the amendment, which was adopted.

On motion by Rep. Hunschofsky, the rules were waived and **CS/CS/HB 1063** was read the third time by title. On passage, the vote was:

Session Vote Sequence: 739

Representative Clemons in the Chair.

Yeas—114

Abbott	Cross	Keen	Robinson, W.
Altman	Daley	Killebrew	Rommel
Alvarez	Daniels	Koster	Roth
Amesty	Driskell	LaMarca	Rudman
Anderson	Duggan	Leek	Salzman
Andrade	Dunkley	López, J.	Shoaf
Antone	Edmonds	Lopez, V.	Silvers
Arrington	Eskamani	Maggard	Sirois
Baker	Esposito	Maney	Skidmore
Bankson	Fabricio	Massullo	Smith
Barnaby	Fine	McClain	Snyder
Bartleman	Franklin	McClure	Stark
Bell	Gantt	McFarland	Steele
Beltran	Garcia	Melo	Stevenson
Berfield	Garrison	Michael	Tant
Black	Giallombardo	Mooney	Temple
Borrero	Gonzalez Pittman	Nixon	Tomkow
Botana	Gossett-Seidman	Payne	Trabulsy
Brackett	Gottlieb	Perez	Tramont
Bracy Davis	Grant	Persons-Mulicka	Truenow
Brannan	Gregory	Plakon	Tuck
Buchanan	Griffitts	Plasencia	Valdés
Busatta Cabrera	Harris	Porras	Waldron
Campbell	Hart	Rayner	Williams
Canady	Hinson	Redondo	Woodson
Caruso	Holcomb	Renner	Yarkosky
Cassel	Hunschofsky	Rizo	Yeager
Chaney	Jacques	Roach	
Clemons	Joseph	Robinson, F.	

Nays—1

Overdorf

Votes after roll call:

Yeas—Basabe

Yeas to Nays—Snyder

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/CS/CS/HB 1083—A bill to be entitled An act relating to permanency for children; amending s. 39.01, F.S.; defining the term "visitor"; amending s.

39.0138, F.S.; renaming the "State Automated Child Welfare Information System" as the "Comprehensive Child Welfare Information System"; requiring the Department of Children and Families to conduct a criminal history records check of certain visitors to a home in which a child is placed; defining the term "emergency placement"; requiring the department to conduct a name-based check of criminal history records of certain persons in specified circumstances; requiring certain persons to submit their fingerprints to the department or other specified entities; requiring the department or such entities to submit such fingerprints to the Department of Law Enforcement for state processing within a specified timeframe; requiring the Department of Law Enforcement to forward such fingerprints to the Federal Bureau of Investigation within a specified timeframe; requiring a child to be immediately removed from a home if certain persons fail to provide their fingerprints and are not exempt from a criminal history records check; creating s. 39.5035, F.S.; providing procedures and requirements relating to deceased parents of a dependent child; amending s. 39.522, F.S.; authorizing certain persons to remove a child from a court-ordered placement under certain circumstances; requiring the Department of Children and Families to file a specified motion, and the court to set a hearing, within specified timeframes under certain circumstances; requiring a certain determination by the court to support immediate removal of a child; authorizing the court to base its determination on certain evidence; requiring the court to enter certain orders and conduct certain hearings under certain circumstances; amending s. 39.6221, F.S.; revising a requisite condition for placing a child in a permanent guardianship; amending s. 39.6225, F.S.; revising eligibility for payments under the Guardianship Assistance Program; amending s. 39.801, F.S.; providing that service of process is not necessary under certain circumstances; amending s. 39.812, F.S.; authorizing the court to review the Department of Children and Families' denial of an application to adopt a child; requiring the department to file written notification of its denial with the court and provide copies to certain persons within a specified timeframe; authorizing a denied applicant to file a motion to review such denial within a specified timeframe; requiring the court to hold a hearing within a specified timeframe; providing standing to certain persons; authorizing certain persons to participate in the hearing under certain circumstances; requiring the court to enter an order within a specified timeframe; providing an exception to authorize the department to remove a child from his or her foster home or custodian; amending s. 63.062, F.S.; conforming provisions to changes made by the act; amending s. 63.093, F.S.; requiring an adoptive home study to be updated every 12 months after the date on which the first study was approved; requiring the department to adopt certain rules; amending s. 63.097, F.S.; requiring the court to issue a specified order under certain circumstances; prohibiting certain fees; requiring an adoption entity, beginning on a specified date, to quarterly report certain information to the department; requiring certain information to be itemized by certain categories; providing that confidentiality provisions do not apply to certain information; requiring an adoption entity to redact certain confidential identifying information; requiring the department to quarterly report certain information on its website; requiring the department to adopt rules; amending s. 63.132, F.S.; requiring certain orders to contain a written determination of reasonableness; conforming a provision to changes made by the act; amending s. 63.212, F.S.; providing applicability; requiring a specified statement to be included in certain advertisements; amending s. 409.1451, F.S.; revising the age requirements for receiving postsecondary education services and support; revising the requirements for receiving aftercare services; amending s. 409.166, F.S.; revising the age requirements for receiving adoption assistance; amending s. 409.1664, F.S.; providing definitions; providing certain adoption benefits to health care practitioners and tax collector employees; specifying methods for such persons to apply for such benefits; increasing the amount of monetary adoption benefits certain persons are eligible to receive; amending s. 409.167, F.S.; providing requirements for the statewide adoption exchange and its photo listing component and description of children placed on such exchange; authorizing only certain persons to access the statewide adoption exchange; authorizing certain children to make certain requests and requiring them to be consulted on certain decisions; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Representative Trabulsy offered the following:

(Amendment Bar Code: 256807)

Amendment 1 (with directory and title amendments)—Remove lines 712-730

D I R E C T O R Y A M E N D M E N T

Remove lines 675-676 and insert:

Section 14. Paragraph (a) of subsection (2) of section 409.1451, Florida Statutes, is

---

T I T L E A M E N D M E N T

Remove lines 83-84 and insert:

education services and support;

Rep. Trabulsy moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/CS/HB 1365—A bill to be entitled An act relating to unauthorized public camping and public sleeping; creating s. 125.0231, F.S.; providing definitions; prohibiting counties and municipalities from authorizing or otherwise allowing public camping or sleeping on public property without certification of designated public property by the Department of Children and Families; authorizing counties to designate certain public property for such uses for a specified time period; requiring the department to certify such designation; requiring counties to establish specified standards and procedures relating to such property; authorizing the department to inspect such property; authorizing the Secretary of Children and Families to provide certain notice to counties; providing applicability; providing an exception to applicability during specified emergencies; providing a declaration of important state interest; providing an effective date.

—was read the second time by title.

Representative Eskamani offered the following:

(Amendment Bar Code: 127573)

Amendment 1 (with title amendment)—Remove lines 42-137 and insert:

(2) A county may, by majority vote of the county's governing body, designate property owned by the county or a municipality within the boundaries of the county to be used for a continuous period of no longer than 1 year for the purposes of public camping or sleeping. If the designated property is within the boundaries of a municipality, the designation is contingent upon the concurrence of the municipality by majority vote of the municipality's governing body.

(a) A county designation is not effective until the department certifies the designation. To obtain department certification, the county shall submit a request to the Secretary of Children and Families which shall include certification of, and documentation proving, the following:

1. There are not sufficient open beds in homeless shelters in the county for the homeless population of the county.

2. The designated property is not contiguous to property designated for residential use by the county or municipality in the local government comprehensive plan and future land use map.

3. The designated property would not adversely and materially affect the property value or safety and security of other existing residential or commercial property in the county or municipality and would not negatively affect the safety of children.

4. The county has developed a plan to satisfy the requirements of paragraph (b).

Upon receipt of a county request to certify a designation, the department shall notify the county of the date of receiving the request, and of any omission or error, within 10 days after receipt by the department. The department shall certify the designation within 45 days after receipt of a complete submission from the county, and the designation shall be deemed certified on the 45th day if the department takes no action.

(b) Except as provided in paragraph (e), if a county designates county or municipal property to be used for public camping or sleeping, it must establish and maintain minimum standards and procedures related to the designated property for the purposes of:

1. Ensuring the safety and security of the designated property and the persons lodging or residing on such property.

2. Maintaining sanitation, which must include, at a minimum, providing access to clean and operable restrooms and running water.

3. Coordinating with the regional managing entity to provide access to behavioral health services, which must include substance abuse and mental health treatment resources.

4. Prohibiting illegal substance use and alcohol use on the designated property and enforcing such prohibition.

(c) Within 30 days after certification of a designation by the department, the county must publish the minimum standards and procedures required under paragraph (b) on the county's and, if applicable, the municipality's publicly accessible websites. The county and municipality must continue to make such policies and procedures publicly available for as long as any county or municipal property remains designated under paragraph (a).

(d) The department may inspect any designated property at any time, and the secretary may provide notice to the county recommending closure of the designated property if the requirements of this section are no longer satisfied. A county and, if applicable, a municipality must publish any such notice issued by the department on the county's and, if applicable, the municipality's publicly accessible websites within 5 business days after receipt of the notice.

(e) A fiscally constrained county is exempt from the requirement to establish and maintain minimum standards and procedures under subparagraphs (b)1.-3. if the governing board of the county makes a finding that compliance with such requirements would result in a financial hardship.

(3)(a) A resident of the county, an owner of a business located in the county, or the Attorney General may bring a civil action in any court of competent jurisdiction against the county or applicable municipality to enjoin a violation of subsection (2). If the resident or business owner prevails in a civil action, the court may award reasonable expenses incurred in bringing the civil action, including court costs, reasonable attorney fees, investigative costs, witness fees, and deposition costs.

(b) An application for injunction filed pursuant to this subsection must be accompanied by an affidavit attesting that:

1. The applicant has provided written notice of the alleged violation of subsection (2) to the governing board of the county or applicable municipality.

2. The applicant has provided the county or applicable municipality with 5 business days to cure the alleged violation.

3. The county or applicable municipality has failed to take all reasonable actions within the limits of its governmental authority to cure the alleged violation within 5 business days after receiving written notice of the alleged violation.

(4) This section does not apply to a county during any

T I T L E A M E N D M E N T

Remove lines 4-9 and insert:
definitions; authorizing counties to designate certain public property for public camping or sleeping on public property for a

Rep. Eskamani moved the adoption of the amendment, which failed of adoption.

Representative Nixon offered the following:

(Amendment Bar Code: 961175)

Amendment 2 (with title amendment)—Remove line 43 and insert:
municipality may not authorize or otherwise allow any person, unless the person is a minor accompanied by a family member or guardian, to

---

T I T L E A M E N D M E N T

Remove line 6 and insert:
or sleeping on public property by certain persons without certification

Rep. Nixon moved the adoption of the amendment, which failed of adoption.

Representative Rayner offered the following:

(Amendment Bar Code: 632725)

Amendment 3—Remove line 47 and insert:
of the county or municipality, as applicable. This subsection does not apply to a person who has committed an act of domestic violence, dating violence, sexual violence, or stalking, in which his or her minor child was the victim.

Rep. Rayner moved the adoption of the amendment.

Representative Rayner offered the following:

(Amendment Bar Code: 913847)

Substitute Amendment 3 for Amendment 3 (632725)—Remove line 47 and insert:
of the county or municipality, as applicable. Any person who is involved with actual or threatened domestic violence, dating violence, sexual violence, or stalking, in which the person or person's minor child is a victim and not the perpetrator, is exempt from this subsection.

Rep. Rayner moved the adoption of the substitute amendment, which failed of adoption.

THE SPEAKER IN THE CHAIR

The question recurred on the adoption of **Amendment 3**, which failed of adoption.

Messages from the Senate

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 187, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

HB 187—A bill to be entitled An act relating to antisemitism; creating s. 1.015, F.S.; providing legislative intent; defining the term "antisemitism"; providing contemporary examples of antisemitism; providing an effective date.

(Amendment Bar Code: 114680)

Senate Amendment 1 (with title amendment)—
Delete lines 53 - 87
and insert:

(a) Calling for, aiding, or justifying the killing or harming of Jewish individuals.

(b) Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jewish individuals as such or the power of Jewish people as a collective, such as the myth of a worldwide Jewish conspiracy or of Jewish individuals controlling the media, economy, government, or other societal institutions.

(c) Accusing Jewish people as a collective of being responsible for real or imagined wrongdoing committed by a single Jewish person or group or for acts committed by non-Jewish individuals.

(d) Denying the fact, scope, and mechanisms, such as gas chambers, or the intentionality of the genocide of the Jewish people at the hands of Nazi Germany and its supporters and accomplices during the Holocaust.

(e) Accusing Jewish people as a collective, or Israel as a state, of inventing or exaggerating the Holocaust.

(f) Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jewish individuals worldwide, than to the interests of their respective nations.

(g) Denying Jewish people their right to self-determination, such as claiming that the existence of the State of Israel is a racist endeavor.

(h) Applying double standards by requiring of the Jewish state of Israel a standard of behavior not expected or demanded of any other democratic nation.

(i) Using the symbols and images associated with classic antisemitism, such as blood libel, to characterize Israel or Israelis.

(j) Drawing comparisons of contemporary Israeli policy to that of the Nazis.

(k) Holding Jewish individuals collectively responsible for actions of the State of Israel.

(4) The term "antisemitism" does not include criticism of Israel that is similar to criticism of any other country.

(5) This section may not be construed to diminish or infringe upon any right protected under the First Amendment to the United States Constitution or to conflict with federal or state antidiscrimination laws.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete line 5

and insert:

antisemitism; providing construction; providing an effective date.

On motion by Rep. Gottlieb, the House concurred in **Senate Amendment 1 (114680)**.

The question recurred on passage of **HB 187**, as amended. The vote was:

Session Vote Sequence: 740

Speaker Renner in the Chair.

Yeas—115

Abbott	Clemons	Joseph	Roach
Altman	Cross	Keen	Robinson, F.
Alvarez	Daley	Killebrew	Robinson, W.
Amesty	Daniels	Koster	Rommel
Andrade	Driskell	LaMarca	Roth
Antone	Duggan	Leek	Rudman
Arrington	Dunkley	López, J.	Salzman
Baker	Edmonds	Lopez, V.	Silvers
Bankson	Eskamani	Maggard	Sirois
Barnaby	Esposito	Maney	Skidmore
Bartleman	Fabricio	Massullo	Smith
Basabe	Fine	McClain	Snyder
Bell	Franklin	McClure	Stark
Beltran	Gantt	McFarland	Steele
Benjamin	Garcia	Melo	Stevenson
Berfield	Garrison	Michael	Tant
Black	Giallombardo	Mooney	Temple
Borrero	Gonzalez Pittman	Nixon	Tomkow
Botana	Gossett-Seidman	Overdorf	Trabulsy
Brackett	Gottlieb	Payne	Tramont
Bracy Davis	Grant	Perez	Truenow
Brannan	Gregory	Persons-Mulicka	Tuck
Buchanan	Griffitts	Plakon	Valdés
Busatta Cabrera	Harris	Plasencia	Waldron
Campbell	Hart	Porras	Williams
Canady	Hinson	Rayner	Woodson
Caruso	Holcomb	Redondo	Yarkosky
Cassel	Hunschofsky	Renner	Yeager
Chaney	Jacques	Rizo	

Nays—None

Votes after roll call:

Yeas—Anderson

Explanation of Vote for Sequence Number 740

I want to thank both sponsors for working with myself and community stakeholders in adopting an amendment to this bill that clarifies two essential points: 1. Criticism of the State of Israel similar to that expressed towards any other country is not antisemitic; and 2. No part of this bill will infringe on First Amendment rights. I am hopeful that this bill will assist in tracking instances of antisemitism but encourage the legislature to review and implement parts of the U.S. National Strategy to Counter Antisemitism if we hope to combat antisemitism long-term, alongside other forms of bigotry and hate.

Rep. Anna V. Eskamani
District 42

So the bill passed, as amended. The action was immediately certified to the Senate and the bill was ordered enrolled after engrossment.

Special Orders

Consideration of **CS/CS/HB 1365** was continued.

Representative Gantt offered the following:

(Amendment Bar Code: 495667)

Amendment 4—Remove lines 116-137 and insert:

(4) This section does not apply to a county during any

Rep. Gantt moved the adoption of the amendment.

SPEAKER PRO TEMPORE IN THE CHAIR

The question recurred on the adoption of **Amendment 4,** which failed of adoption.

Representative Hinson offered the following:

(Amendment Bar Code: 776855)

Amendment 5 (with title amendment)—Between lines 144 and 145, insert:

(6) The department, in conjunction with the local continuum of care lead agencies or other relevant agencies, shall conduct a public awareness and educational campaign to educate the unhoused population on this section, including its various components and the possibility of punishment for violations.

T I T L E A M E N D M E N T

Remove line 18 and insert:

emergencies; requiring the department to conduct a public awareness and educational campaign; providing requirements for such campaign; providing a declaration of important

Rep. Hinson moved the adoption of the amendment, which failed of adoption.

Representative Valdés offered the following:

(Amendment Bar Code: 178341)

Amendment 6—Remove line 150 and insert:

Section 3. This act shall take effect October 1, 2026.

Rep. Valdés moved the adoption of the amendment, which failed of adoption.

Representative Garrison offered the following:

(Amendment Bar Code: 055905)

Amendment 7 (with title amendment)—Remove line 150 and insert:

Section 3. Section 125.0231(4), Florida Statutes, as created by this act, shall take effect January 1, 2025, and applies to causes of action accruing on or after that date.

Section 4. Except as otherwise expressly provided in this act, this act shall take effect October 1, 2024.

T I T L E A M E N D M E N T

Remove line 19 and insert:
state interest; providing applicability; providing effective dates.

Rep. Garrison moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HB 1561—A bill to be entitled An act relating to office surgeries; amending ss. 458.320 and 459.0085, F.S.; establishing financial responsibility requirements for physicians performing gluteal fat grafting procedures in office surgery settings; amending ss. 458.328 and 459.0138, F.S.; revising standards of practice for office surgeries and procedures; deleting obsolete language; making technical and clarifying revisions; amending s. 458.3145, F.S.; conforming a cross-reference to changes made by the act; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/CS/HB 449—A bill to be entitled An act relating to motor vehicle racing penalties; amending s. 316.191, F.S.; increasing the fine for offenses of drag race, street takeover, stunt driving, competition, contest, test, or exhibition; increasing the criminal penalty and revising applicability of the criminal penalty for second offenses of drag race, street takeover, stunt driving, competition, contest, test, or exhibition occurring within a specified time period; increasing the fine for such violations; increasing the penalty for third or subsequent offenses of drag race, street takeover, stunt driving, competition, contest, test, or exhibition occurring within a specified time period; increasing the fine for such violations; increasing the fine for acting as a spectator at a drag race, street takeover, stunt driving, competition, contest, test, or exhibition; providing penalties for impeding, obstructing, or interfering with an emergency vehicle while participating in a drag race, street takeover, stunt driving, competition, contest, test, or exhibition; providing an effective date.

—was read the second time by title.

REPRESENTATIVE LEEK IN THE CHAIR

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Consideration of **CS/HB 453** was temporarily postponed.

Consideration of **CS/HB 485** was temporarily postponed.

Consideration of **CS/CS/HB 607** was temporarily postponed.

CS/HB 21—A bill to be entitled An act relating to the Dozier School for Boys and Okeechobee School Victim Compensation Program; creating s. 16.63, F.S.; establishing the Dozier School for Boys and Okeechobee School Victim Compensation Program within the Department of Legal Affairs; specifying the purpose of the program; requiring the department to provide specified notice of the program; requiring the department to accept and process applications for the payment of compensation claims under the program; specifying application procedures and requirements; requiring the department to issue application approvals or denials under specified conditions; requiring notice of application approval or denial; requiring the department to pay a specified compensation amount to approved applicants; limiting the compensation an applicant may receive related to the claim; providing for rulemaking; authorizing the Commissioner of Education to award a standard high school diploma to specified persons; providing an effective date.

—was read the second time by title.

Representative Salzman offered the following:

(Amendment Bar Code: 049243)

Amendment 1 (with title amendment)—Between lines 107 and 108, insert:

Section 3. For the 2024-2025 fiscal year, the sum of $20 million in nonrecurring funds from the General Revenue Fund is appropriated to the Department of Legal Affairs for the Dozier School for Boys and Okeechobee School Victim Compensation Program.

T I T L E A M E N D M E N T

Between lines 20 and 21, insert:
providing an appropriation;

Rep. Salzman moved the adoption of the amendment, which was adopted.

On motion by Rep. Salzman, the rules were waived and **CS/HB 21** was read the third time by title.

THE SPEAKER IN THE CHAIR

The question recurred on passage of **CS/HB 21**. The vote was:

Session Vote Sequence: 741

Speaker Renner in the Chair.

Yeas—116

Abbott	Clemons	Joseph	Roach
Altman	Cross	Keen	Robinson, F.
Alvarez	Daley	Killebrew	Robinson, W.
Amesty	Daniels	Koster	Rommel
Anderson	Driskell	LaMarca	Roth
Andrade	Duggan	Leek	Rudman
Antone	Dunkley	López, J.	Salzman
Arrington	Edmonds	Lopez, V.	Shoaf
Baker	Eskamani	Maggard	Silvers
Bankson	Esposito	Maney	Sirois
Barnaby	Fabricio	Massullo	Skidmore
Basabe	Fine	McClain	Smith
Bell	Franklin	McClure	Snyder
Beltran	Gantt	McFarland	Stark
Benjamin	Garcia	Melo	Steele
Berfield	Garrison	Michael	Stevenson
Black	Giallombardo	Mooney	Tant
Borrero	Gonzalez Pittman	Nixon	Temple
Botana	Gossett-Seidman	Overdorf	Tomkow
Brackett	Gottlieb	Payne	Trabulsy
Bracy Davis	Grant	Perez	Tramont
Brannan	Gregory	Persons-Mulicka	Truenow
Buchanan	Griffitts	Plakon	Tuck
Busatta Cabrera	Harris	Plasencia	Valdés
Campbell	Hart	Porras	Waldron
Canady	Hinson	Rayner	Williams
Caruso	Holcomb	Redondo	Woodson
Cassel	Hunschofsky	Renner	Yarkosky
Chaney	Jacques	Rizo	Yeager

Nays—None

Votes after roll call:
Yeas—Bartleman

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

CS/CS/HB 23—A bill to be entitled An act relating to public records; creating s. 16.64, F.S.; providing an exemption from public records requirements for the personal identifying information in an application submitted to the Department of Legal Affairs by a person seeking compensation through the Dozier School for Boys and Okeechobee School Victim Compensation Program; providing exceptions; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

REPRESENTATIVE LEEK IN THE CHAIR

On motion by Rep. Salzman, the rules were waived and **CS/CS/HB 23** was read the third time by title. On passage, the vote was:

Session Vote Sequence: 742

Representative Leek in the Chair.

Yeas—117

Abbott	Clemons	Keen	Robinson, W.
Altman	Cross	Killebrew	Rommel
Alvarez	Daley	Koster	Roth
Amesty	Daniels	LaMarca	Rudman
Anderson	Driskell	Leek	Salzman
Andrade	Duggan	López, J.	Shoaf
Antone	Dunkley	Lopez, V.	Silvers
Arrington	Edmonds	Maggard	Sirois
Baker	Eskamani	Maney	Skidmore
Bankson	Esposito	Massullo	Smith
Barnaby	Fabricio	McClain	Snyder
Bartleman	Fine	McClure	Stark
Basabe	Franklin	McFarland	Steele
Bell	Gantt	Melo	Stevenson
Beltran	Garcia	Michael	Tant
Benjamin	Garrison	Mooney	Temple
Berfield	Giallombardo	Nixon	Tomkow
Black	Gonzalez Pittman	Overdorf	Trabulsy
Borrero	Gossett-Seidman	Payne	Tramont
Botana	Gottlieb	Perez	Truenow
Brackett	Grant	Persons-Mulicka	Tuck
Bracy Davis	Gregory	Plakon	Valdés
Brannan	Griffitts	Plasencia	Waldron
Buchanan	Harris	Porras	Williams
Busatta Cabrera	Hart	Rayner	Woodson
Campbell	Hinson	Redondo	Yarkosky
Canady	Holcomb	Renner	Yeager
Caruso	Hunschofsky	Rizo	
Cassel	Jacques	Roach	
Chaney	Joseph	Robinson, F.	

Nays—None

So the bill passed by the required constitutional two-thirds vote of the members voting and was immediately certified to the Senate.

CS/CS/HB 621—A bill to be entitled An act relating to property rights; creating s. 82.036, F.S.; providing legislative findings; authorizing property owners or their authorized agents to request assistance from the sheriff from where the property is located for the immediate removal of unauthorized occupants from a residential dwelling under certain conditions; requiring such owners or agents to submit a specified completed and verified complaint; specifying requirements for the complaint; providing requirements for the sheriff; authorizing a sheriff to arrest an unauthorized occupant for legal cause; providing that sheriffs are entitled to a specified fee for service of such notice; authorizing the owner or agent to request that the sheriff stand by while the owner or agent takes possession of the property; authorizing the sheriff to charge a reasonable hourly rate; providing that the sheriff is not liable to any party for loss, destruction, or damage; providing that the property owner or agent is not liable to any party for the loss or destruction of, or damage to, personal property unless it was wrongfully removed; providing civil remedies; providing construction; amending s. 806.13, F.S.; prohibiting unlawfully detaining, or occupying or trespassing upon, a residential dwelling intentionally and causing a specified amount of damage; providing criminal penalties; amending s. 817.03, F.S.; providing criminal penalties for any person who knowingly and willfully presents a false document purporting to be a valid lease agreement, deed, or other instrument conveying real property rights; creating s. 817.0311, F.S.; prohibiting listing or advertising for sale, or renting or leasing, residential real property under certain circumstances; providing criminal penalties; providing an effective date.

—was read the second time by title.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HB 715—A bill to be entitled An act relating to public records; amending ss. 394.47891 and 394.47892, F.S.; providing public records exemptions for specified veterans treatment court program records and mental health court program records, respectively; providing exceptions; providing a statement of public necessity; providing an effective date.

—was read the second time by title. On motion by Rep. Maney, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 743

Representative Leek in the Chair.

Yeas—117

Abbott	Clemons	Keen	Robinson, W.
Altman	Cross	Killebrew	Rommel
Alvarez	Daley	Koster	Roth
Amesty	Daniels	LaMarca	Rudman
Anderson	Driskell	Leek	Salzman
Andrade	Duggan	López, J.	Shoaf
Antone	Dunkley	Lopez, V.	Silvers
Arrington	Edmonds	Maggard	Sirois
Baker	Eskamani	Maney	Skidmore
Bankson	Esposito	Massullo	Smith
Barnaby	Fabricio	McClain	Snyder
Bartleman	Fine	McClure	Stark
Basabe	Franklin	McFarland	Steele
Bell	Gantt	Melo	Stevenson
Beltran	Garcia	Michael	Tant
Benjamin	Garrison	Mooney	Temple
Berfield	Giallombardo	Nixon	Tomkow
Black	Gonzalez Pittman	Overdorf	Trabulsy
Borrero	Gossett-Seidman	Payne	Tramont
Botana	Gottlieb	Perez	Truenow
Brackett	Grant	Persons-Mulicka	Tuck
Bracy Davis	Gregory	Plakon	Valdés
Brannan	Griffitts	Plasencia	Waldron
Buchanan	Harris	Porras	Williams
Busatta Cabrera	Hart	Rayner	Woodson
Campbell	Hinson	Redondo	Yarkosky
Canady	Holcomb	Renner	Yeager
Caruso	Hunschofsky	Rizo	
Cassel	Jacques	Roach	
Chaney	Joseph	Robinson, F.	

Nays—None

So the bill passed by the required constitutional two-thirds vote of the members voting and was immediately certified to the Senate.

CS/HB 761—A bill to be entitled An act relating to interpersonal violence injunction petitions; amending ss. 741.30, 784.046, and 784.0485, F.S.;

revising verification requirements for specified interpersonal violence injunction petitions; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

HB 1223—A bill to be entitled An act relating to minimum age for firearm purchase or transfer; amending s. 790.065, F.S.; reducing the minimum age at which a person may purchase a firearm and the age of purchasers to which specified licensees are prohibited from selling or transferring a firearm; repealing an exception; providing an effective date.

—was read the second time by title.

Representative Bartleman offered the following:

(Amendment Bar Code: 875043)

Amendment 1 (with title amendment)—Remove lines 14-16 and insert:
(13) A person younger than 21 years of age may not purchase a firearm. The sale or transfer of a firearm to a person younger than 21 years of age may not be made or

---

T I T L E A M E N D M E N T

Remove lines 3-7 and insert:
transfer; amending s. 790.065, F.S.; repealing an exception to minimum age for the purchase or transfer of a firearm; providing an effective date.

Rep. Bartleman moved the adoption of the amendment, which failed of adoption.

Representative Bartleman offered the following:

(Amendment Bar Code: 046825)

Amendment 2 (with title amendment)—Remove everything after the enacting clause and insert:
Section 1. Subsection (13) of section 790.065, Florida Statutes, is amended to read:
790.065 Sale and delivery of firearms.—
(13) A person younger than 21 years of age may not purchase a firearm. The sale or transfer of a firearm to a person younger than 21 years of age may not be made or facilitated by <u>any person</u> ~~a licensed importer, licensed manufacturer, or licensed dealer~~. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The prohibitions of this subsection do not apply to the purchase of a rifle or shotgun by a law enforcement officer or correctional officer, as those terms are defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), or a servicemember as defined in s. 250.01.
Section 2. This act shall take effect July 1, 2024.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
A bill to be entitled
An act relating to firearm purchases by or transfers to persons under 21 years of age; amending s. 790.065, F.S.; prohibiting additional persons from selling, transferring, or facilitating the sale or transfer of a firearm to a person under 21 years of age; providing an effective date.

Rep. Bartleman moved the adoption of the amendment, which failed of adoption.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/CS/HB 1241—A bill to be entitled An act relating to probation and community control violations; amending s. 921.0024, F.S.; revising the sentencing score sheet to reflect the absence of community sanction points assessed in certain circumstances; amending s. 948.06, F.S.; revising sanctions for probation violations; providing for hearings within a specified time period for low-risk probation or community control violations; providing for the release of probationers in certain circumstances if a hearing is not held; providing for nonmonetary conditions of release; making technical changes; providing an effective date.

—was read the second time by title. On motion by Rep. Snyder, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 744

Representative Leek in the Chair.

Yeas—111

Abbott	Chaney	Keen	Robinson, F.
Alvarez	Clemons	Killebrew	Robinson, W.
Amesty	Cross	Koster	Rommel
Anderson	Daley	LaMarca	Roth
Andrade	Daniels	Leek	Rudman
Antone	Driskell	Lopez, V.	Salzman
Arrington	Duggan	Maggard	Shoaf
Baker	Dunkley	Maney	Silvers
Bankson	Eskamani	Massullo	Sirois
Barnaby	Esposito	McClain	Skidmore
Bartleman	Fabricio	McClure	Smith
Basabe	Fine	McFarland	Snyder
Bell	Franklin	Melo	Stark
Beltran	Gantt	Michael	Steele
Benjamin	Garrison	Mooney	Tant
Berfield	Giallombardo	Nixon	Temple
Black	Gonzalez Pittman	Overdorf	Tomkow
Borrero	Gossett-Seidman	Payne	Trabulsy
Botana	Gottlieb	Perez	Tramont
Brackett	Grant	Persons-Mulicka	Truenow
Bracy Davis	Gregory	Plakon	Tuck
Brannan	Griffitts	Plasencia	Valdés
Buchanan	Harris	Porras	Waldron
Busatta Cabrera	Hart	Rayner	Williams
Campbell	Hinson	Redondo	Woodson
Canady	Holcomb	Renner	Yarkosky
Caruso	Hunschofsky	Rizo	Yeager
Cassel	Jacques	Roach	

Nays—None

Votes after roll call:
Yeas—Altman, Edmonds, Garcia, López, J.

So the bill passed and was immediately certified to the Senate.

CS/CS/HB 1337—A bill to be entitled An act relating to Department of Corrections; amending s. 944.31, F.S.; providing additional authority for law enforcement officers of the office of the inspector general concerning department and contractor-operated correctional facilities; amending s. 944.710, F.S.; replacing the term "private correctional facility" with "contractor-operated correctional facility"; replacing the term "private correctional officer" with "contractor-employed correctional officer"; conforming provisions to changes made by the act; amending s. 957.04, F.S.; providing that correctional privatization contracts are not exempt from specified state contracting provisions unless otherwise specified; providing construction; conforming provisions to changes made by the act; amending s. 957.07, F.S.; revising terminology; removing provisions concerning development of consensus per diem rates by the Prison Per-Diem Workgroup; conforming a provision to changes made by the act; amending s. 957.12, F.S.; revising provisions concerning contact with the department by specified persons; conforming a provision to changes made by the act; amending s. 957.15, F.S.; removing a provision concerning department control over certain funds appropriated for contractor-operated correctional facilities; conforming a provision to changes made by the act; amending ss. 330.41, 553.865, 633.218, 775.21, 775.261, 784.078, 800.09, 943.0435, 943.13, 943.325, 944.105, 944.151, 944.17, 944.35, 944.40, 944.605,

944.606, 944.607, 944.608, 944.609, 944.7031, 944.714, 944.715, 944.716, 944.717, 944.718, 944.719, 944.72, 944.801, 944.803, 945.10, 945.215, 945.6041, 946.5025, 946.503, 951.062, 951.063, 957.05, 957.06, 957.08, 957.09, 957.13, 957.14, 960.001, 985.481, and 985.4815, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title. On motion by Rep. Stark, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 745

Representative Leek in the Chair.

Yeas—110

Abbott	Daley	Killebrew	Robinson, F.
Alvarez	Daniels	Koster	Robinson, W.
Amesty	Driskell	LaMarca	Rommel
Anderson	Duggan	Leek	Roth
Andrade	Dunkley	López, J.	Rudman
Antone	Edmonds	Lopez, V.	Salzman
Arrington	Eskamani	Maggard	Shoaf
Baker	Esposito	Maney	Silvers
Bankson	Fabricio	Massullo	Sirois
Barnaby	Fine	McClain	Skidmore
Bartleman	Franklin	McClure	Smith
Basabe	Gantt	McFarland	Snyder
Beltran	Garcia	Melo	Stark
Benjamin	Garrison	Michael	Steele
Berfield	Giallombardo	Mooney	Tant
Black	Gonzalez Pittman	Nixon	Temple
Borrero	Gossett-Seidman	Overdorf	Tomkow
Botana	Gottlieb	Payne	Trabulsy
Bracy Davis	Grant	Perez	Tramont
Brannan	Gregory	Persons-Mulicka	Tuck
Busatta Cabrera	Griffitts	Plakon	Valdés
Campbell	Harris	Plasencia	Waldron
Canady	Hart	Porras	Williams
Caruso	Hinson	Rayner	Woodson
Cassel	Holcomb	Redondo	Yarkosky
Chaney	Hunschofsky	Renner	Yeager
Clemons	Jacques	Rizo	
Cross	Keen	Roach	

Nays—None

Votes after roll call:
Yeas—Altman, Bell, Buchanan

So the bill passed and was immediately certified to the Senate.

HB 1615—A bill to be entitled An act relating to restrictions on firearms and ammunition during emergencies; repealing s. 870.044, F.S., relating to specified automatic restrictions on firearms and ammunition during certain declared emergencies; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/CS/HB 1077—A bill to be entitled An act relating to clerks of court; amending s. 27.52, F.S.; revising the fund into which moneys recovered by certain state attorneys must be remitted; amending s. 27.54, F.S.; revising the fund into which certain payments received must be remitted as related to public defenders or regional counsels; amending s. 27.703, F.S.; revising the entity that funds the capital collateral regional counsel; amending s. 28.35, F.S.; revising the list of court-related functions that clerks may fund from filing fees, service charges, court costs, and fines; amending s. 34.041, F.S.; revising the fund into which certain filing fees are to be deposited; amending 57.082, F.S.; conforming provisions to changes made by the act; amending s. 110.112, F.S.; removing a provision requiring each state attorney to publish an annual report addressing results of his or her affirmative action program; amending s. 186.003, F.S.; revising the definition of "state agency" for certain purposes; amending s. 318.18, F.S.; revising the distribution of certain administrative fees; creating s. 322.76, F.S.; creating the Clerk of the Court Driver License Reinstatement Pilot Program; authorizing the Clerk of the Circuit Court for Miami-Dade County to reinstate or provide an affidavit to the department to reinstate certain suspended driver licenses; establishing requirements for the clerk under the program to be performed by a date certain; providing for expiration of the program; amending s. 501.2101, F.S.; revising the funds into which certain moneys received by state attorneys must be deposited; providing an effective date.

—was read the second time by title.

Representative Gottlieb offered the following:

(Amendment Bar Code: 652249)

Amendment 1 (with title amendment)—Between lines 152 and 153, insert:

Section 8. Subsection (2) of section 142.01, Florida Statutes, is renumbered as subsection (3), subsection (1) is amended, and a new subsection (2) is added to that section, to read:

142.01 Fine and forfeiture fund; disposition of revenue; clerk of the circuit court.—

(1)(a) There shall be established by the clerk of the circuit court in each county of this state a separate fund to be known as the fine and forfeiture fund for use by the clerk of the circuit court in performing court-related functions. The fund shall consist of the following:

1.~~(a)~~ Fines and penalties pursuant to ss. 28.2402(2), 34.045(2), 316.193, 327.35, 327.72, 379.2203(1), and 775.083(1).

2.~~(b)~~ That portion of civil penalties directed to this fund pursuant to s. 318.21.

3.~~(c)~~ Court costs pursuant to ss. 28.2402(1)(b), 34.045(1)(b), 318.14(10)(b), 318.18(11)(a), 327.73(9)(a) and (11)(a), and 938.05(3).

4.~~(d)~~ Proceeds from forfeited bail bonds, unclaimed bonds, unclaimed moneys, or recognizances pursuant to ss. 321.05(4)(a), 379.2203(1), and 903.26(3)(a).

5.~~(e)~~ Fines and forfeitures pursuant to s. 34.191.

6.~~(f)~~ Filing fees received pursuant to ss. 28.241 and 34.041, unless the disposition of such fees is otherwise required by law.

7.~~(g)~~ All other revenues received by the clerk as revenue authorized by law to be retained by the clerk.

(b) The clerk of the circuit court in each county may invest funds held in the fine and forfeiture fund as provided in paragraph (a) in an interest-bearing account.

(2) Interest earned in the fine and forfeiture fund must be deposited into the Public Records Modernization Trust Fund to be used exclusively for additional court-related operations and enhancements.

T I T L E A M E N D M E N T

Remove line 19 and insert:
action program; amending s. 142.01, F.S.; authorizing clerks of the circuit court to invest specified funds in an interest-bearing account; requiring that interest earned in the fine and forfeiture fund be deposited in the Public Records Modernization Trust Fund and used exclusively for certain operations and enhancements; amending s. 186.003, F.S.; revising

Rep. Gottlieb moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/CS/HB 1133—A bill to be entitled An act relating to violations against vulnerable road users; amending s. 318.14, F.S.; requiring a person who commits an infraction that causes serious bodily injury to, or causes the death of, a vulnerable road user to pay a specified civil penalty; requiring the person's driver license to be suspended for a specified period; requiring the person to attend a specified driver improvement course; republishing s. 318.19(1) and (2), F.S., relating to infractions requiring a mandatory hearing; providing an effective date.

—was read the second time by title. On motion by Rep. Redondo, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 746

Representative Leek in the Chair.

Yeas—109

Abbott	Duggan	LaMarca	Rommel
Alvarez	Dunkley	Leek	Roth
Amesty	Edmonds	López, J.	Rudman
Andrade	Eskamani	Lopez, V.	Salzman
Antone	Esposito	Maggard	Shoaf
Arrington	Fabricio	Maney	Silvers
Baker	Fine	Massullo	Sirois
Bankson	Franklin	McClain	Skidmore
Barnaby	Gantt	McClure	Smith
Bartleman	Garcia	McFarland	Snyder
Basabe	Garrison	Melo	Stark
Beltran	Giallombardo	Michael	Steele
Benjamin	Gonzalez Pittman	Mooney	Stevenson
Berfield	Gossett-Seidman	Nixon	Tant
Black	Gottlieb	Overdorf	Temple
Borrero	Grant	Payne	Tomkow
Botana	Gregory	Perez	Trabulsy
Bracy Davis	Griffitts	Persons-Mulicka	Tramont
Brannan	Harris	Plakon	Tuck
Busatta Cabrera	Hart	Plasencia	Valdés
Campbell	Hinson	Porras	Waldron
Canady	Holcomb	Rayner	Williams
Caruso	Hunschofsky	Redondo	Woodson
Chaney	Jacques	Renner	Yarkosky
Clemons	Joseph	Rizo	Yeager
Daley	Keen	Roach	
Daniels	Killebrew	Robinson, F.	
Driskell	Koster	Robinson, W.	

Nays—None

Votes after roll call:
Yeas—Altman, Anderson, Bell, Buchanan, Cassel

So the bill passed and was immediately certified to the Senate.

CS/HB 1545—A bill to be entitled An act relating to child exploitation offenses; amending s. 921.0022, F.S.; revising the ranking of specified child exploitation offenses for purposes of the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/HB 1653—A bill to be entitled An act relating to duties and prohibited acts associated with death; amending s. 406.12, F.S.; authorizing a report regarding specified deaths and circumstances to be made to a law enforcement agency in addition to the medical examiner; increasing the criminal penalty for failing or refusing to report a death or for refusing to make available certain information with the intent to conceal the death or alter the evidence and circumstances surrounding the death; increasing the criminal penalty for willfully touching, removing, or disturbing a body without an order from the office of the district medical examiner with the intent to conceal the death or alter the evidence and circumstances surrounding the death; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/CS/HB 1509—A bill to be entitled An act relating to public records; amending s. 30.15, F.S.; providing that certain information relating to school guardians held by the Department of Law Enforcement, a law enforcement agency, a school district, or a charter school is exempt from public records requirements; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title. On motion by Rep. Trabulsy, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 747

Representative Leek in the Chair.

Yeas—111

Abbott	Daniels	Killebrew	Robinson, F.
Alvarez	Driskell	Koster	Robinson, W.
Amesty	Duggan	LaMarca	Rommel
Andrade	Dunkley	Leek	Roth
Antone	Edmonds	López, J.	Rudman
Arrington	Eskamani	Lopez, V.	Salzman
Baker	Esposito	Maggard	Shoaf
Bankson	Fabricio	Maney	Silvers
Barnaby	Fine	Massullo	Sirois
Bartleman	Franklin	McClain	Skidmore
Basabe	Gantt	McClure	Smith
Beltran	Garcia	McFarland	Snyder
Benjamin	Garrison	Melo	Stark
Berfield	Giallombardo	Michael	Steele
Black	Gonzalez Pittman	Mooney	Stevenson
Borrero	Gossett-Seidman	Nixon	Tant
Botana	Gottlieb	Overdorf	Temple
Bracy Davis	Grant	Payne	Tomkow
Brannan	Gregory	Perez	Trabulsy
Buchanan	Griffitts	Persons-Mulicka	Tramont
Busatta Cabrera	Harris	Plakon	Tuck
Campbell	Hart	Plasencia	Valdés
Canady	Hinson	Porras	Waldron
Caruso	Holcomb	Rayner	Williams
Cassel	Hunschofsky	Redondo	Woodson
Chaney	Jacques	Renner	Yarkosky
Clemons	Joseph	Rizo	Yeager
Daley	Keen	Roach	

Nays—None

Votes after roll call:
Yeas—Altman, Anderson, Bell

So the bill passed by the required constitutional two-thirds vote of the members voting and was immediately certified to the Senate.

CS/HB 1291—A bill to be entitled An act relating to educator preparation programs; amending ss. 1004.04, 1004.85, 1012.56, and 1012.562, F.S.; prohibiting the courses and curriculum of teacher preparation programs, postsecondary educator preparation institutes, professional learning certification programs, and school leader preparation programs from distorting certain events and including certain curriculum and instruction; requiring teacher preparation programs, postsecondary educator preparation institutes, professional learning certification programs, and school leader preparation programs to afford candidates certain opportunities; providing an effective date.

—was read the second time by title.

Representative Eskamani offered the following:

(Amendment Bar Code: 070441)

Amendment 1 (with title amendment)—Remove lines 29-144 and insert: maintain social, political, and economic inequities. This subparagraph does not apply to teaching, coursework, or materials related to Japanese internment camps.

2. Must afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

Section 2. Paragraph (a) of subsection (2) of section 1004.85, Florida Statutes, is amended to read:

1004.85 Postsecondary educator preparation institutes.—

(2)(a) Postsecondary institutions that are accredited or approved as described in State Board of Education rule may seek approval from the Department of Education to create educator preparation institutes for the purpose of providing any or all of the following:

1. Professional learning instruction to assist teachers in improving classroom instruction and in meeting certification or recertification requirements.

2. Instruction to assist potential and existing substitute teachers in performing their duties.

3. Instruction to assist paraprofessionals in meeting education and training requirements.

4. Instruction for baccalaureate degree holders to become certified teachers as provided in this section in order to increase routes to the classroom for professionals who hold a baccalaureate degree and college graduates who were not education majors.

5. Instruction and professional learning for part-time and full-time nondegreed teachers of career programs under s. 1012.39(1)(c).

6. Instruction that does not distort significant historical events or include a curriculum or instruction that teaches identity politics, violates s. 1000.05, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities. This subparagraph does not apply to teaching, coursework, or materials related to Japanese internment camps. Courses and instruction within the educator preparation institute must afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

Section 3. Paragraph (b) of subsection (8) of section 1012.56, Florida Statutes, is redesignated as paragraph (c), paragraph (a) of subsection (7) is amended, and a new paragraph (b) is added to subsection (8) of that section, to read:

1012.56 Educator certification requirements.—

(7) TYPES AND TERMS OF CERTIFICATION.—

(a) The Department of Education shall issue a professional certificate for a period not to exceed 5 years to any applicant who fulfills one of the following:

1. Meets all the applicable requirements outlined in subsection (2).

2. For a professional certificate covering grades 6 through 12:

a. Meets the applicable requirements of paragraphs (2)(a)-(h).

b. Holds a master's or higher degree in the area of science, technology, engineering, or mathematics.

c. Teaches a high school course in the subject of the advanced degree.

d. Is rated highly effective as determined by the teacher's performance evaluation under s. 1012.34, based in part on student performance as measured by a statewide, standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.

e. Achieves a passing score on the Florida professional education competency examination required by state board rule.

3. Meets the applicable requirements of paragraphs (2)(a)-(h) and completes a professional learning certification program approved by the department pursuant to paragraph (8)(c) ~~(8)(b)~~ or an educator preparation institute approved by the department pursuant to s. 1004.85. An applicant who completes one of these programs and is rated highly effective as determined by his or her performance evaluation under s. 1012.34 is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.

At least 1 year before an individual's temporary certificate is set to expire, the department shall electronically notify the individual of the date on which his or her certificate will expire and provide a list of each method by which the qualifications for a professional certificate can be completed.

(8) PROFESSIONAL LEARNING CERTIFICATION PROGRAM.—

(b) Professional learning certification program courses:

1. May not distort significant historical events or include curriculum or instruction that teaches identity politics, violates s. 1000.05, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities. This subparagraph does not apply to teaching, coursework, or materials related to Japanese internment camps.

2. Must afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

Section 4. Subsection (4) of section 1012.562, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to that section, to read:

1012.562 Public accountability and state approval of school leader preparation programs.—The Department of Education shall establish a process for the approval of Level I and Level II school leader preparation programs that will enable aspiring school leaders to obtain their certificate in educational leadership under s. 1012.56. School leader preparation programs must be competency-based, aligned to the principal leadership standards adopted by the state board, and open to individuals employed by public schools, including charter schools and virtual schools. Level I programs lead to initial certification in educational leadership for the purpose of preparing individuals to serve as school administrators. Level II programs build upon Level I training and lead to renewal certification as a school principal.

(4) PROGRAM PROHIBITIONS; REQUIREMENTS.—

(a) School leader preparation programs may not distort significant historical events or include curriculum or instruction that teaches identity politics, violates s. 1000.05, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities. This paragraph does not apply to teaching, coursework, or materials related to Japanese internment camps.

T I T L E A M E N D M E N T

Remove line 9 and insert:
certain curriculum and instruction; providing applicability; requiring teacher

Rep. Eskamani moved the adoption of the amendment.

THE SPEAKER PRO TEMPORE IN THE CHAIR

The question recurred on the adoption of **Amendment 1**, which failed of adoption.

Representative Gantt offered the following:

(Amendment Bar Code: 927129)

Amendment 2 (with title amendment)—Remove lines 29-144 and insert: maintain social, political, and economic inequities. This subparagraph does not apply to teaching, coursework, or materials related to the ahistorical Lost Cause narrative.

2. Must afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

Section 2. Paragraph (a) of subsection (2) of section 1004.85, Florida Statutes, is amended to read:

1004.85 Postsecondary educator preparation institutes.—

(2)(a) Postsecondary institutions that are accredited or approved as described in State Board of Education rule may seek approval from the Department of Education to create educator preparation institutes for the purpose of providing any or all of the following:

1. Professional learning instruction to assist teachers in improving classroom instruction and in meeting certification or recertification requirements.

2. Instruction to assist potential and existing substitute teachers in performing their duties.

3. Instruction to assist paraprofessionals in meeting education and training requirements.

4. Instruction for baccalaureate degree holders to become certified teachers as provided in this section in order to increase routes to the classroom for professionals who hold a baccalaureate degree and college graduates who were not education majors.

5. Instruction and professional learning for part-time and full-time nondegreed teachers of career programs under s. 1012.39(1)(c).

6. Instruction that does not distort significant historical events or include a curriculum or instruction that teaches identity politics, violates s. 1000.05, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities. This subparagraph does not apply to teaching, coursework, or materials related to the ahistorical Lost Cause narrative. Courses and instruction within the educator preparation institute must afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

Section 3. Paragraph (b) of subsection (8) of section 1012.56, Florida Statutes, is redesignated as paragraph (c), paragraph (a) of subsection (7) is amended, and a new paragraph (b) is added to subsection (8) of that section, to read:

1012.56 Educator certification requirements.—

(7) TYPES AND TERMS OF CERTIFICATION.—

(a) The Department of Education shall issue a professional certificate for a period not to exceed 5 years to any applicant who fulfills one of the following:

1. Meets all the applicable requirements outlined in subsection (2).

2. For a professional certificate covering grades 6 through 12:

a. Meets the applicable requirements of paragraphs (2)(a)-(h).

b. Holds a master's or higher degree in the area of science, technology, engineering, or mathematics.

c. Teaches a high school course in the subject of the advanced degree.

d. Is rated highly effective as determined by the teacher's performance evaluation under s. 1012.34, based in part on student performance as measured by a statewide, standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.

e. Achieves a passing score on the Florida professional education competency examination required by state board rule.

3. Meets the applicable requirements of paragraphs (2)(a)-(h) and completes a professional learning certification program approved by the department pursuant to paragraph (8)(c) ~~(8)(b)~~ or an educator preparation institute approved by the department pursuant to s. 1004.85. An applicant who completes one of these programs and is rated highly effective as determined by his or her performance evaluation under s. 1012.34 is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.

At least 1 year before an individual's temporary certificate is set to expire, the department shall electronically notify the individual of the date on which his or her certificate will expire and provide a list of each method by which the qualifications for a professional certificate can be completed.

(8) PROFESSIONAL LEARNING CERTIFICATION PROGRAM.—

(b) Professional learning certification program courses:

1. May not distort significant historical events or include curriculum or instruction that teaches identity politics, violates s. 1000.05, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities. This subparagraph does not apply to teaching, coursework, or materials related to the ahistorical Lost Cause narrative.

2. Must afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

Section 4. Subsection (4) of section 1012.562, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to that section, to read:

1012.562 Public accountability and state approval of school leader preparation programs.—The Department of Education shall establish a process for the approval of Level I and Level II school leader preparation programs that will enable aspiring school leaders to obtain their certificate in educational leadership under s. 1012.56. School leader preparation programs must be competency-based, aligned to the principal leadership standards adopted by the state board, and open to individuals employed by public schools, including charter schools and virtual schools. Level I programs lead to initial certification in educational leadership for the purpose of preparing individuals to serve as school administrators. Level II programs build upon Level I training and lead to renewal certification as a school principal.

(4) PROGRAM PROHIBITIONS; REQUIREMENTS.—

(a) School leader preparation programs may not distort significant historical events or include curriculum or instruction that teaches identity politics, violates s. 1000.05, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities. This paragraph does not apply to teaching, coursework, or materials related to the ahistorical Lost Cause narrative.

T I T L E A M E N D M E N T

Remove line 9 and insert:
certain curriculum and instruction; providing applicability; requiring teacher

Rep. Gantt moved the adoption of the amendment, which failed of adoption.

Representative Hinson offered the following:

(Amendment Bar Code: 862751)

Amendment 3 (with title amendment)—Remove lines 29-144 and insert: maintain social, political, and economic inequities. This subparagraph does not apply to teaching, coursework, or materials related to Jim Crow laws.

2. Must afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

Section 2. Paragraph (a) of subsection (2) of section 1004.85, Florida Statutes, is amended to read:

1004.85 Postsecondary educator preparation institutes.—

(2)(a) Postsecondary institutions that are accredited or approved as described in State Board of Education rule may seek approval from the Department of Education to create educator preparation institutes for the purpose of providing any or all of the following:

1. Professional learning instruction to assist teachers in improving classroom instruction and in meeting certification or recertification requirements.

2. Instruction to assist potential and existing substitute teachers in performing their duties.

3. Instruction to assist paraprofessionals in meeting education and training requirements.

4. Instruction for baccalaureate degree holders to become certified teachers as provided in this section in order to increase routes to the classroom for professionals who hold a baccalaureate degree and college graduates who were not education majors.

5. Instruction and professional learning for part-time and full-time nondegreed teachers of career programs under s. 1012.39(1)(c).

6. Instruction that does not distort significant historical events or include a curriculum or instruction that teaches identity politics, violates s. 1000.05, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities. This subparagraph does not apply to teaching, coursework, or materials related to Jim Crow laws. Courses and instruction within the educator preparation institute must afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

Section 3. Paragraph (b) of subsection (8) of section 1012.56, Florida Statutes, is redesignated as paragraph (c), paragraph (a) of subsection (7) is

amended, and a new paragraph (b) is added to subsection (8) of that section, to read:

1012.56 Educator certification requirements.—

(7) TYPES AND TERMS OF CERTIFICATION.—

(a) The Department of Education shall issue a professional certificate for a period not to exceed 5 years to any applicant who fulfills one of the following:

1. Meets all the applicable requirements outlined in subsection (2).

2. For a professional certificate covering grades 6 through 12:

a. Meets the applicable requirements of paragraphs (2)(a)-(h).

b. Holds a master's or higher degree in the area of science, technology, engineering, or mathematics.

c. Teaches a high school course in the subject of the advanced degree.

d. Is rated highly effective as determined by the teacher's performance evaluation under s. 1012.34, based in part on student performance as measured by a statewide, standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.

e. Achieves a passing score on the Florida professional education competency examination required by state board rule.

3. Meets the applicable requirements of paragraphs (2)(a)-(h) and completes a professional learning certification program approved by the department pursuant to paragraph (8)(c) ~~(8)(b)~~ or an educator preparation institute approved by the department pursuant to s. 1004.85. An applicant who completes one of these programs and is rated highly effective as determined by his or her performance evaluation under s. 1012.34 is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.

At least 1 year before an individual's temporary certificate is set to expire, the department shall electronically notify the individual of the date on which his or her certificate will expire and provide a list of each method by which the qualifications for a professional certificate can be completed.

(8) PROFESSIONAL LEARNING CERTIFICATION PROGRAM.—

(b) Professional learning certification program courses:

1. May not distort significant historical events or include curriculum or instruction that teaches identity politics, violates s. 1000.05, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities. This subparagraph does not apply to teaching, coursework, or materials related to Jim Crow laws.

2. Must afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

Section 4. Subsection (4) of section 1012.562, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to that section, to read:

1012.562 Public accountability and state approval of school leader preparation programs.—The Department of Education shall establish a process for the approval of Level I and Level II school leader preparation programs that will enable aspiring school leaders to obtain their certificate in educational leadership under s. 1012.56. School leader preparation programs must be competency-based, aligned to the principal leadership standards adopted by the state board, and open to individuals employed by public schools, including charter schools and virtual schools. Level I programs lead to initial certification in educational leadership for the purpose of preparing individuals to serve as school administrators. Level II programs build upon Level I training and lead to renewal certification as a school principal.

(4) PROGRAM PROHIBITIONS; REQUIREMENTS.—

(a) School leader preparation programs may not distort significant historical events or include curriculum or instruction that teaches identity politics, violates s. 1000.05, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities. This paragraph does not apply to teaching, coursework, or materials related to Jim Crow laws.

T I T L E A M E N D M E N T

Remove line 9 and insert:
certain curriculum and instruction; providing applicability; requiring teacher

Rep. Hinson moved the adoption of the amendment, which failed of adoption.

Representative Rayner offered the following:

(Amendment Bar Code: 487835)

Amendment 4 (with title amendment)—Remove lines 29-144 and insert: maintain social, political, and economic inequities. This subparagraph does not apply to teaching, coursework, or materials related to the Tuskegee experiments.

2. Must afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

Section 2. Paragraph (a) of subsection (2) of section 1004.85, Florida Statutes, is amended to read:

1004.85 Postsecondary educator preparation institutes.—

(2)(a) Postsecondary institutions that are accredited or approved as described in State Board of Education rule may seek approval from the Department of Education to create educator preparation institutes for the purpose of providing any or all of the following:

1. Professional learning instruction to assist teachers in improving classroom instruction and in meeting certification or recertification requirements.

2. Instruction to assist potential and existing substitute teachers in performing their duties.

3. Instruction to assist paraprofessionals in meeting education and training requirements.

4. Instruction for baccalaureate degree holders to become certified teachers as provided in this section in order to increase routes to the classroom for professionals who hold a baccalaureate degree and college graduates who were not education majors.

5. Instruction and professional learning for part-time and full-time nondegreed teachers of career programs under s. 1012.39(1)(c).

6. Instruction that does not distort significant historical events or include a curriculum or instruction that teaches identity politics, violates s. 1000.05, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities. This subparagraph does not apply to teaching, coursework, or materials related to the Tuskegee experiments. Courses and instruction within the educator preparation institute must afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

Section 3. Paragraph (b) of subsection (8) of section 1012.56, Florida Statutes, is redesignated as paragraph (c), paragraph (a) of subsection (7) is amended, and a new paragraph (b) is added to subsection (8) of that section, to read:

1012.56 Educator certification requirements.—

(7) TYPES AND TERMS OF CERTIFICATION.—

(a) The Department of Education shall issue a professional certificate for a period not to exceed 5 years to any applicant who fulfills one of the following:

1. Meets all the applicable requirements outlined in subsection (2).

2. For a professional certificate covering grades 6 through 12:

a. Meets the applicable requirements of paragraphs (2)(a)-(h).

b. Holds a master's or higher degree in the area of science, technology, engineering, or mathematics.

c. Teaches a high school course in the subject of the advanced degree.

d. Is rated highly effective as determined by the teacher's performance evaluation under s. 1012.34, based in part on student performance as measured by a statewide, standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.

e. Achieves a passing score on the Florida professional education competency examination required by state board rule.

3. Meets the applicable requirements of paragraphs (2)(a)-(h) and completes a professional learning certification program approved by the department pursuant to paragraph (8)(c) ~~(8)(b)~~ or an educator preparation institute approved by the department pursuant to s. 1004.85. An applicant who completes one of these programs and is rated highly effective as determined by his or her performance evaluation under s. 1012.34 is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.

At least 1 year before an individual's temporary certificate is set to expire, the department shall electronically notify the individual of the date on which his or her certificate will expire and provide a list of each method by which the qualifications for a professional certificate can be completed.

(8) PROFESSIONAL LEARNING CERTIFICATION PROGRAM.—

(b) Professional learning certification program courses:

1. May not distort significant historical events or include curriculum or instruction that teaches identity politics, violates s. 1000.05, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities. This subparagraph does not apply to teaching, coursework, or materials related to the Tuskegee experiments.

2. Must afford candidates the opportunity to think critically, achieve mastery of academic program content, learn instructional strategies, and demonstrate competence.

Section 4. Subsection (4) of section 1012.562, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to that section, to read:

1012.562 Public accountability and state approval of school leader preparation programs.—The Department of Education shall establish a process for the approval of Level I and Level II school leader preparation programs that will enable aspiring school leaders to obtain their certificate in educational leadership under s. 1012.56. School leader preparation programs must be competency-based, aligned to the principal leadership standards adopted by the state board, and open to individuals employed by public schools, including charter schools and virtual schools. Level I programs lead to initial certification in educational leadership for the purpose of preparing individuals to serve as school administrators. Level II programs build upon Level I training and lead to renewal certification as a school principal.

(4) PROGRAM PROHIBITIONS; REQUIREMENTS.—

(a) School leader preparation programs may not distort significant historical events or include curriculum or instruction that teaches identity politics, violates s. 1000.05, or is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities. This paragraph does not apply to teaching, coursework, or materials related to the Tuskegee experiments.

T I T L E A M E N D M E N T

Remove line 9 and insert:
certain curriculum and instruction; providing applicability; requiring teacher

Rep. Rayner moved the adoption of the amendment, which failed of adoption.

Representative Nixon offered the following:

(Amendment Bar Code: 258727)

Amendment 5 (with title amendment)—Remove lines 18-149

T I T L E A M E N D M E N T

Remove lines 2-14

Rep. Nixon moved the adoption of the amendment, which failed of adoption.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HB 7025 was taken up. On motion by Rep. Trabulsy, the House agreed to substitute CS for SB 7004 for CS/HB 7025 and read CS for SB 7004 the second time by title. Under Rule 5.17, the House bill was laid on the table.

CS for SB 7004—A bill to be entitled An act relating to deregulation of public schools/assessment and accountability, instruction, and education choice; amending s. 1002.31, F.S.; revising how often a school district or charter school must update its school capacity determination; deleting a requirement relating to school capacity determination by district school boards; amending s. 1002.3105, F.S.; deleting a requirement that a performance contract be completed if a student participates in an Academically Challenging Curriculum to Enhance Learning option; providing that a performance contract may be used at the discretion of the principal; repealing s. 1002.311, F.S., relating to single-gender programs; amending s. 1002.34, F.S.; deleting a requirement for the Commissioner of Education to provide for an annual comparative evaluation of charter technical career centers and public technical centers; amending s. 1002.45, F.S.; deleting the requirement that a notification to parents regarding virtual instruction be written; providing construction; amending s. 1002.53, F.S.; deleting a requirement for a school district to provide for admission of certain students to a summer prekindergarten program; amending s. 1002.61, F.S.; authorizing, rather than requiring, a school district to administer the Voluntary Prekindergarten Education Program; providing that a student is eligible for summer reading camp under certain conditions; amending s. 1002.63, F.S.; deleting a requirement for an early learning coalition to verify that certain public schools comply with specified provisions; amending s. 1002.71, F.S.; deleting a requirement for school district funding for certain programs; deleting a requirement for district school board attendance policies for Voluntary Prekindergarten Education Programs; requiring a school district to certify its attendance records for a Voluntary Prekindergarten Education Program; amending s. 1003.4282, F.S.; revising requirements for assessments needed for a student to earn a high school diploma; deleting a requirement for a student who transfers into a public high school to take specified assessments; revising the courses for which the transferring course final grade must be honored for a transfer student under certain conditions; amending s. 1003.433, F.S.; deleting requirements that must be met by students who transfer to a public school for 11th or 12th grade; amending s. 1003.435, F.S.; deleting an exception for the high school equivalency diploma program; requiring school districts to adopt a policy that allows specified students to take the high school equivalency examination; amending s. 1003.4935, F.S.; deleting a requirement that the Department of Education collect and report certain data relating to a middle school career and professional academy or career-themed course; repealing s. 1003.4995, F.S., relating to the fine arts report prepared by the Commissioner of Education; repealing s. 1003.4996, F.S., relating to the Competency-Based Education Pilot Program; amending s. 1003.49965, F.S.; authorizing, rather than requiring, a school district to hold an Art in the Capitol Competition; amending s. 1003.51, F.S.; deleting a requirement regarding assessment procedures for Department of Juvenile Justice education programs; revising requirements for which assessment results must be included in a student's discharge packet; revising requirements for when a district school board must face sanctions for unsatisfactory performance in its Department of Juvenile Justice programs; amending s. 1003.621, F.S.; deleting a requirement for academically high-performing school districts to submit an annual report to the State Board of Education and the Legislature; amending s. 1006.28, F.S.; revising the definition of the term "adequate instructional materials"; revising a timeframe requirement for each district school superintendent to notify the department about instructional materials; deleting a requirement for such notification; authorizing, rather than requiring, a school principal to collect the purchase price of instructional materials lost, destroyed, or damaged by a student; amending s. 1006.283, F.S.; revising a timeframe requirement for a district school superintendent to certify to the Department of Education that

instructional materials are aligned with state standards; amending s. 1006.33, F.S.; requiring the Department of Education to advertise bids or proposals for instructional materials within a specified timeframe beginning in a specified instructional materials adoption cycle; requiring the department to publish specifications for subject areas within a specified timeframe; amending s. 1006.34, F.S.; requiring the commissioner to publish a list of adopted instructional materials within a specified timeframe beginning in a specified instructional materials adoption cycle; amending s. 1006.40, F.S.; authorizing district school boards to approve an exemption to the purchase of certain instructional materials; revising the timeframe between purchases of instructional materials; amending s. 1008.212, F.S.; providing that certain assessments are not subject to specified requirements; amending s. 1008.22, F.S.; deleting a requirement that a student pass a certain assessment to earn a high school diploma; deleting requirements relating to a uniform calendar that must be published by the commissioner each year; revising a time requirement for each school district to establish schedules for the administration of statewide, standardized assessments; revising the information that must be included with the schedules; conforming provisions to changes made by the act; deleting a requirement for the commissioner to identify which SAT and ACT scores would satisfy graduation requirements; deleting a requirement for the commissioner to identify comparative scores for the Algebra I end-of-course assessment; amending s. 1008.25, F.S.; revising the criteria for the student progression plan to include instructional support for students referred from a specified program; requiring school districts to specify retention requirements for students in kindergarten through grade 2; requiring that the plan incorporate specified parental notification requirements, include an opportunity for parental input on the retention decision, and include certain information; requiring district school boards to include the Voluntary Prekindergarten Education Program in a certain allocation of resources; requiring that the individualized progress monitoring plan for specified students be developed within a specified timeframe; providing conditions for parents to request supports for students identified as having a substantial deficiency in reading or mathematics; requiring the department to adopt additional alternative assessments for good cause promotion; requiring two administrations of the coordinated screening and progress monitoring system for students in a summer prekindergarten program; conforming cross-references; amending s. 1008.33, F.S.; prohibiting a school from being required to use a certain parameter as the sole determining factor to recruit instructional personnel; providing requirements for a rule adopted by the State Board of Education; revising the date by which a school district must submit a memorandum of understanding to the Department of Education; increasing the length of time for which certain school districts must continue a turnaround plan; revising an authorization for the state board to allow a school additional time before implementing a turnaround option; revising requirements for schools that complete a plan cycle; providing additional options for a school that completes a plan cycle but does not meet certain requirements; providing that implementation of a turnaround option is not required under certain conditions; amending s. 1008.332, F.S.; revising a provision of the No Child Left Behind Act to conform to the Every Student Succeeds Act; deleting a requirement for certain committee members to annually report to specified entities; amending s. 1008.34, F.S.; requiring that certain changes made by the state board to the school grades model or school grading scale go into effect in the following school year or later; conforming cross-references; amending s. 1008.345, F.S.; deleting a requirement for the Department of Education to develop an annual feedback report; deleting a requirement for the Commissioner of Education to review specified feedback reports and submit findings to the State Board of Education; deleting certain requirements for a report the commissioner produces annually for the state board; conforming a cross-reference; amending s. 1000.05, F.S.; conforming cross-references; providing effective dates.

—was read the second time by title.

Representative Trabulsy offered the following:

(Amendment Bar Code: 471783)

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

Section 1. Subsection (5) of section 1001.02, Florida Statutes, is amended to read:

1001.02 General powers of State Board of Education.—

(5) The State Board of Education is responsible for reviewing and administering the state program of support for the Florida College System institutions ~~and, subject to existing law, shall establish the tuition and out-of-state fees for developmental education and for credit instruction that may be counted toward an associate in arts degree, an associate in applied science degree, or an associate in science degree~~.

Section 2. Subsection (17) of section 1001.03, Florida Statutes, is amended to read:

1001.03 Specific powers of State Board of Education.—

~~(17) PLAN SPECIFYING GOALS AND OBJECTIVES. By July 1, 2013, the State Board of Education shall identify performance metrics for the Florida College System and develop a plan that specifies goals and objectives for each Florida College System institution. The plan must include:~~

~~(a) Performance metrics and standards common for all institutions and metrics and standards unique to institutions depending on institutional core missions, including, but not limited to, remediation success, retention, graduation, employment, transfer rates, licensure passage, excess hours, student loan burden and default rates, job placement, faculty awards, and highly respected rankings for institution and program achievements.~~

~~(b) Student enrollment and performance data delineated by method of instruction, including, but not limited to, traditional, online, and distance learning instruction.~~

Section 3. Paragraphs (c) and (d) of subsection (4) of section 1002.3105, Florida Statutes, are amended to read:

1002.3105 Academically Challenging Curriculum to Enhance Learning (ACCEL) options.—

(4) ACCEL REQUIREMENTS.—

(c) If a student participates in an ACCEL option pursuant to the parental request under subparagraph (b)1., a performance contract is not required but may be used at the discretion of the principal ~~must be executed by the student, the parent, and the principal. At a minimum, the performance contract must require compliance with:~~

~~1. Minimum student attendance requirements.~~

~~2. Minimum student conduct requirements.~~

~~3. ACCEL option requirements established by the principal, which may include participation in extracurricular activities, educational outings, field trips, interscholastic competitions, and other activities related to the ACCEL option selected~~.

~~(d)~~ If a principal initiates a student's participation in an ACCEL option, the student's parent must be notified. A performance contract~~, pursuant to paragraph (c),~~ is not required when a principal initiates participation but may be used at the discretion of the principal.

Section 4. Section 1002.311, Florida Statutes, is repealed.

Section 5. Subsection (19) of section 1002.34, Florida Statutes, is amended to read:

1002.34 Charter technical career centers.—

~~(19) EVALUATION; REPORT. The Commissioner of Education shall provide for an annual comparative evaluation of charter technical career centers and public technical centers. The evaluation may be conducted in cooperation with the sponsor, through private contracts, or by department staff. At a minimum, the comparative evaluation must address the demographic and socioeconomic characteristics of the students served, the types and costs of services provided, and the outcomes achieved. By December 30 of each year, the Commissioner of Education shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Senate and House committees that have responsibility for secondary and postsecondary career and technical education a report of the comparative evaluation completed for the previous school year.~~

Section 6. Paragraphs (c) through (e) of subsection (1) of section 1002.45, Florida Statutes, are redesignated as paragraphs (b) through (d), respectively, and present paragraphs (b), (c), and (e) of that subsection, subsection (2),

paragraph (d) of subsection (3), subsection (5), and paragraph (a) of subsection (6) are amended to read:

1002.45 Virtual instruction programs.—

(1) PROGRAM.—

~~(b)1. Each school district shall provide at least one option for part-time and full-time virtual instruction for students residing within the school district. All school districts must provide parents with timely written notification of at least one open enrollment period for full-time students of 90 days or more which ends 30 days before the first day of the school year. A school district virtual instruction program shall consist of the following:~~

~~a. Full-time and part-time virtual instruction for students enrolled in kindergarten through grade 12.~~

~~b. Full-time or part-time virtual instruction for students enrolled in dropout prevention and academic intervention programs under s. 1003.53, Department of Juvenile Justice education programs under s. 1003.52, core curricula courses to meet class size requirements under s. 1003.03, or Florida College System institutions under this section.~~

~~2. Each virtual instruction program established under paragraph (c) by a school district either directly or through a contract with an approved virtual instruction program provider shall operate under its own Master School Identification Number as prescribed by the department.~~

(b)~~(c)~~ To provide students residing within the school district the option of participating in virtual instruction programs ~~as required by paragraph (b)~~, a school district may:

1. Contract with the Florida Virtual School or establish a franchise of the Florida Virtual School pursuant to s. 1002.37(2) ~~for the provision of a program under paragraph (b)~~.

2. Contract with an approved virtual instruction program provider under subsection (2) ~~for the provision of a full-time or part-time program under paragraph (b)~~.

3. Enter into an agreement with other school districts to allow the participation of its students in an approved virtual instruction program provided by the other school district. The agreement must indicate a process for the transfer of funds required by paragraph (6)(b).

4. Establish school district operated part-time or full-time kindergarten through grade 12 virtual instruction programs.

5. Enter into an agreement with a virtual charter school authorized by the school district under s. 1002.33.

Contracts under subparagraph 1. or subparagraph 2. may include multidistrict contractual arrangements executed by a regional consortium service organization established pursuant to s. 1001.451 for its member districts. A multidistrict contractual arrangement or an agreement under subparagraph 3. is not subject to s. 1001.42(4)(d) and does not require the participating school districts to be contiguous. ~~These arrangements may be used to fulfill the requirements of paragraph (b)~~.

(d)~~(c)~~ Each school district shall:

1. Provide to the department by each October 1~~,~~ a copy of each contract and the amount paid per unweighted full-time equivalent virtual student for services procured pursuant to subparagraphs (b)1. and 2. ~~(c)1. and 2.~~

2. Expend any difference in the amount of funds per unweighted full-time equivalent virtual student allocated to the school district pursuant to subsection (6) and the amount paid per unweighted full-time equivalent virtual student by the school district for a contract executed pursuant to subparagraph (b)1. ~~(c)1.~~ or subparagraph (b)2. ~~(c)2.~~ on acquiring computer and device hardware and associated operating system software that comply with the requirements of s. 1001.20(4)(a)1.b.

3. Provide to the department by September 1 of each year an itemized list of items acquired in subparagraph 2.

4. Limit the enrollment of full-time equivalent virtual students residing outside of the school district providing the virtual instruction pursuant to paragraph (b) ~~(c)~~ to no more than those that can be funded from state Florida Education Finance Program funds.

(2) PROVIDER QUALIFICATIONS.—

(a) The department shall annually publish on its website a list of providers approved by the State Board of Education to offer virtual instruction programs. To be approved, a virtual instruction program provider must document that it:

1. ~~Is nonsectarian in its programs, admission policies, employment practices, and operations;~~

2. Complies with the antidiscrimination provisions of s. 1000.05;

2.~~3.~~ Locates an administrative office or offices in this state, requires its administrative staff to be state residents, requires all instructional staff to be Florida-certified teachers under chapter 1012 and conducts background screenings for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records;

3.~~4.~~ Electronically provides to parents and students specific information that includes, but is not limited to, the following teacher-parent and teacher-student contact information for each course:

a. How to contact the instructor via phone, e-mail, or online messaging tools.

b. How to contact technical support via phone, e-mail, or online messaging tools.

c. How to contact the administration office via phone, e-mail, or online messaging tools.

d. Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.

e. The requirement that the instructor in each course must, at a minimum, conduct one contact with the parent and the student each month;

4.~~5.~~ Possesses prior, successful experience offering virtual instruction courses to elementary, middle, or high school students as demonstrated by quantified student learning gains in each subject area and grade level provided for consideration as an instructional program option. However, for a virtual instruction program provider without sufficient prior, successful experience offering online courses, the State Board of Education may conditionally approve the virtual instruction program provider to offer courses measured pursuant to subparagraph (7)(a)2. Conditional approval shall be valid for 1 school year only and, based on the virtual instruction program provider's experience in offering the courses, the State Board of Education may grant approval to offer a virtual instruction program;

5.~~6.~~ Is accredited by a regional accrediting association as defined by State Board of Education rule;

6.~~7.~~ Ensures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level it intends to provide through contract with the school district, including:

a. Courses and programs that meet the standards of the International Association for K-12 Online Learning and the Southern Regional Education Board.

b. Instructional content and services that align with, and measure student attainment of, student proficiency in the state academic standards.

c. Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate;

7.~~8.~~ Publishes, in accordance with disclosure requirements adopted in rule by the State Board of Education, as part of its application as an approved virtual instruction program provider and in all contracts negotiated pursuant to this section:

a. Information and data about the curriculum of each full-time and part-time virtual instruction program.

b. School policies and procedures.

c. Certification status and physical location of all administrative and instructional personnel.

d. Hours and times of availability of instructional personnel.

e. Student-teacher ratios.

f. Student completion and promotion rates.

g. Student, educator, and school performance accountability outcomes;

8.~~9.~~ If the approved virtual instruction program provider is a Florida College System institution, employs instructors who meet the certification requirements for instructional staff under chapter 1012; and

9.~~10.~~ Performs an annual financial audit of its accounts and records conducted by an independent auditor who is a certified public accountant licensed under chapter 473. The independent auditor shall conduct the audit in accordance with rules adopted by the Auditor General and in compliance with generally accepted auditing standards, and include a report on financial

statements presented in accordance with generally accepted accounting principles. The audit report shall be accompanied by a written statement from the approved virtual instruction program provider in response to any deficiencies identified within the audit report and shall be submitted by the approved virtual instruction program provider to the State Board of Education and the Auditor General no later than 9 months after the end of the preceding fiscal year.

(b) An approved virtual instruction program provider that maintains compliance with all requirements of this section shall retain its approved status for a period of 3 school years after the date of approval by the State Board of Education.

(3) VIRTUAL INSTRUCTION PROGRAM REQUIREMENTS.—Each virtual instruction program under this section must:

(d) Provide each full-time student enrolled in the virtual instruction program who qualifies for free or reduced-price school lunches under the National School Lunch Act, or who is on the direct certification list, and who does not have a computer or Internet access in his or her home with:

1. All equipment necessary for participants in the virtual instruction program, including, but not limited to, a computer, computer monitor, and printer, if a printer is necessary to participate in the virtual instruction program; and

2. Access to or reimbursement for all Internet services necessary for online delivery of instruction.

A school district may provide each full-time student enrolled in the virtual instruction program with the equipment and access necessary for participation in the program.

(5) STUDENT PARTICIPATION REQUIREMENTS.—Each student enrolled in the school district's virtual instruction program authorized pursuant to paragraph (1)(b) ~~(1)(c)~~ must:

(a) Comply with the compulsory attendance requirements of s. 1003.21. Student attendance must be verified by the school district.

(b) Take statewide assessments pursuant to s. 1008.22 and participate in the coordinated screening and progress monitoring system under s. 1008.25(9). Statewide assessments and progress monitoring may be administered within the school district in which such student resides, or as specified in the contract in accordance with s. 1008.24(3). If requested by the approved virtual instruction program provider or virtual charter school, the district of residence must provide the student with access to the district's testing facilities.

(6) VIRTUAL INSTRUCTION PROGRAM AND VIRTUAL CHARTER SCHOOL FUNDING.—

(a) All virtual instruction programs established pursuant to paragraph (1)(b) ~~(1)(c)~~ are subject to the requirements of s. 1011.61(1)(c)1.b.(III), (IV), (VI), and (4), and the school district providing the virtual instruction program shall report the full-time equivalent students in a manner prescribed by the department. A school district may report a full-time equivalent student for credit earned by a student who is enrolled in a virtual instruction course provided by the district which was completed after the end of the regular school year if the full-time equivalent student is reported no later than the deadline for amending the final full-time equivalent student membership report for that year.

Section 7. Paragraph (a) of subsection (1) of section 1002.61, Florida Statutes, is amended to read:

1002.61 Summer prekindergarten program delivered by public schools and private prekindergarten providers.—

(1)(a) Each school district shall administer the Voluntary Prekindergarten Education Program at the district level for students enrolled under s. 1002.53(3)(b) in a summer prekindergarten program delivered by a public school. A school district may satisfy this requirement by contracting with private prekindergarten providers.

Section 8. Paragraph (e) of subsection (2) of section 1002.82, Florida Statutes, is amended to read:

1002.82 Department of Education; powers and duties.—

(2) The department shall:

(e) Review each early learning coalition's school readiness program plan every 3 ~~2~~ years and provide final approval of the plan and any amendments submitted.

Section 9. Subsection (2) of section 1002.85, Florida Statutes, is amended to read:

1002.85 Early learning coalition plans.—

(2) Each early learning coalition must ~~biennially~~ submit a school readiness program plan every 3 years to the department before the expenditure of funds. A coalition may not implement its school readiness program plan until it receives approval from the department. A coalition may not implement any revision to its school readiness program plan until the coalition submits the revised plan to and receives approval from the department. If the department rejects a plan or revision, the coalition must continue to operate under its previously approved plan. The plan must include, but is not limited to:

(a) The coalition's operations, including its membership and business organization, and the coalition's articles of incorporation and bylaws if the coalition is organized as a corporation. If the coalition is not organized as a corporation or other business entity, the plan must include the contract with a fiscal agent.

(b) The coalition's procedures for implementing the requirements of this part, including:

1. Single point of entry.

2. Uniform waiting list.

3. Eligibility and enrollment processes and local eligibility priorities for children pursuant to s. 1002.87.

4. Parent access and choice.

5. Sliding fee scale and policies on applying the waiver or reduction of fees in accordance with s. 1002.84(9).

6. Use of preassessments and postassessments, as applicable.

7. Use of contracted slots, as applicable, based on the results of the assessment required under paragraph (i).

(c) A detailed description of the coalition's quality activities and services, including, but not limited to:

1. Resource and referral and school-age child care.

2. Infant and toddler early learning.

3. Inclusive early learning programs.

4. Quality improvement strategies that strengthen teaching practices and increase child outcomes.

(d) A detailed budget that outlines estimated expenditures for state, federal, and local matching funds at the lowest level of detail available by other-cost-accumulator code number; all estimated sources of revenue with identifiable descriptions; a listing of full-time equivalent positions; contracted subcontractor costs with related annual compensation amount or hourly rate of compensation; and a capital improvements plan outlining existing fixed capital outlay projects and proposed capital outlay projects that will begin during the budget year.

(e) A detailed accounting, in the format prescribed by the department, of all revenues and expenditures during the 2 previous state fiscal years ~~year~~. Revenue sources should be identifiable, and expenditures should be reported by two categories: state and federal funds and local matching funds.

(f) Updated policies and procedures, including those governing procurement, maintenance of tangible personal property, maintenance of records, information technology security, and disbursement controls.

(g) A description of the procedures for monitoring school readiness program providers, including in response to a parental complaint, to determine that the standards prescribed in ss. 1002.82 and 1002.88 are met using a standard monitoring tool adopted by the department. Providers determined to be high risk by the coalition as demonstrated by substantial findings of violations of law shall be monitored more frequently.

(h) Documentation that the coalition has solicited and considered comments regarding the proposed school readiness program plan from the local community.

(i) An assessment of local priorities within the county or multicounty region based on the needs of families and provider capacity using available community data.

Section 10. Paragraph (a) of subsection (4) of section 1003.435, Florida Statutes, is amended to read:

1003.435 High school equivalency diploma program.—

(4)(a) A candidate who has filed a formal declaration of intent to terminate school enrollment pursuant to 1003.21(1)(c) may take ~~for a high school equivalency diploma shall be at least 18 years of age on the date of~~ the examination~~, except that in extraordinary circumstances, as provided for in rules of the district school board of the district in which the candidate resides or attends school, a candidate may take the examination~~ after reaching the age of 16.

Section 11. Subsection (3) of section 1003.4935, Florida Statutes, is amended to read:

1003.4935 Middle grades career and professional academy courses and career-themed courses.—

~~(3) Beginning with the 2012-2013 school year, if a school district implements a middle school career and professional academy or a career-themed course, the Department of Education shall collect and report student achievement data pursuant to performance factors identified under s. 1003.492(3) for students enrolled in an academy or a career themed course.~~

Section 12. Section 1003.4995, Florida Statutes, is repealed.

Section 13. Section 1003.4996, Florida Statutes, is repealed.

Section 14. Subsection (2) of section 1003.49965, Florida Statutes, is amended to read:

1003.49965 Art in the Capitol Competition.—

(2) A ~~Each~~ school district may ~~shall~~ annually hold an Art in the Capitol Competition for all public, private, and home education students in grades 6 through 8. Submissions shall be judged by a selection committee consisting of art teachers whose students have not submitted artwork for consideration.

Section 15. Paragraphs (s) and (t) of subsection (2) of section 1003.51, Florida Statutes, are redesignated as paragraphs (r) and (s), respectively, and present paragraphs (g) and (r) of that subsection are amended to read:

1003.51 Other public educational services.—

(2) The State Board of Education shall adopt rules articulating expectations for effective education programs for students in Department of Juvenile Justice programs, including, but not limited to, education programs in juvenile justice prevention, day treatment, residential, and detention programs. The rule shall establish policies and standards for education programs for students in Department of Juvenile Justice programs and shall include the following:

(g) Assessment procedures that~~, which:~~

~~1. For prevention, day treatment, and residential programs, include appropriate academic and career assessments administered at program entry and exit that are selected by the Department of Education in partnership with representatives from the Department of Juvenile Justice, district school boards, and education providers. Assessments must be completed within the first 10 school days after a student's entry into the program.~~

~~2.~~ provide for determination of the areas of academic need and strategies for appropriate intervention and instruction for each student in a detention facility within 5 school days after the student's entry into the program and for the administration of ~~administer~~ a research-based assessment that will assist the student in determining his or her educational and career options and goals within 22 school days after the student's entry into the program. The results of the ~~these~~ assessments required under this paragraph and s. 1003.52(3)(d), together with a portfolio depicting the student's academic and career accomplishments, must ~~shall~~ be included in the discharge packet assembled for each student.

~~(r) A series of graduated sanctions for district school boards whose educational programs in Department of Juvenile Justice programs are considered to be unsatisfactory and for instances in which district school boards fail to meet standards prescribed by law, rule, or State Board of Education policy. These sanctions shall include the option of requiring a district school board to contract with a provider or another district school board if the educational program at the Department of Juvenile Justice program is performing below minimum standards and, after 6 months, is still performing below minimum standards.~~

Section 16. Subsection (4) of section 1003.621, Florida Statutes, is amended to read:

1003.621 Academically high-performing school districts.—It is the intent of the Legislature to recognize and reward school districts that demonstrate the ability to consistently maintain or improve their high-performing status. The purpose of this section is to provide high-performing school districts with flexibility in meeting the specific requirements in statute and rules of the State Board of Education.

~~(4) REPORTS.—The academically high-performing school district shall submit to the State Board of Education and the Legislature an annual report on December 1 which delineates the performance of the school district relative to the academic performance of students at each grade level in reading, writing, mathematics, science, and any other subject that is included as a part of the statewide assessment program in s. 1008.22. The annual report shall be submitted in a format prescribed by the Department of Education and shall include:~~

~~(a) Longitudinal performance of students on statewide, standardized assessments taken under s. 1008.22;~~

~~(b) Longitudinal performance of students by grade level and subgroup on statewide, standardized assessments taken under s. 1008.22;~~

~~(c) Longitudinal performance regarding efforts to close the achievement gap;~~

~~(d)1. Number and percentage of students who take an Advanced Placement Examination; and~~

~~2. Longitudinal performance regarding students who take an Advanced Placement Examination by demographic group, specifically by age, gender, race, and Hispanic origin, and by participation in the National School Lunch Program;~~

~~(e) Evidence of compliance with subsection (1); and~~

~~(f) A description of each waiver and the status of each waiver.~~

Section 17. Section 1004.925, Florida Statutes, is repealed.

Section 18. Paragraph (a) of subsection (1), paragraph (e) of subsection (2), paragraph (b) of subsection (3), and paragraph (b) of subsection (4) of section 1006.28, Florida Statutes, are amended to read:

1006.28 Duties of district school board, district school superintendent; and school principal regarding K-12 instructional materials.—

(1) DEFINITIONS.—

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

1. "Adequate instructional materials" means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hardbacked or softbacked textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serve as the basis for instruction ~~for each student~~ in the core subject areas of mathematics, language arts, social studies, science, reading, and literature.

2. "Instructional materials" has the same meaning as in s. 1006.29(2).

3. "Library media center" means any collection of books, ebooks, periodicals, or videos maintained and accessible on the site of a school, including in classrooms.

(2) DISTRICT SCHOOL BOARD.—The district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students in accordance with the requirements of this part. The district school board also has the following specific duties and responsibilities:

(e) Public participation.—Publish on its website, in a searchable format prescribed by the department, a list of all instructional materials, including those used to provide instruction required by s. 1003.42. Each district school board must:

1. Provide access to all materials, excluding teacher editions, in accordance with s. 1006.283(2)(b)8.a. before the district school board takes any official action on such materials. This process must include reasonable safeguards against the unauthorized use, reproduction, and distribution of instructional materials considered for adoption.

2. Select, approve, adopt, or purchase all materials as a separate line item on the agenda and provide a reasonable opportunity for public comment. The use of materials described in this paragraph may not be selected, approved, or adopted as part of a consent agenda.

3. Annually, beginning June 30, 2023, submit to the Commissioner of Education a report that identifies:

a. Each material for which the school district received an objection pursuant to subparagraph (a)2., including the grade level and course the material was used in, for the school year and the specific objections thereto.

b. Each material that was removed or discontinued.

c. Each material that was not removed or discontinued and the rationale for not removing or discontinuing the material.

The department shall publish and regularly update a list of materials that were removed or discontinued, sorted by grade level, as a result of an objection and disseminate the list to school districts for consideration in their selection procedures.

(3) DISTRICT SCHOOL SUPERINTENDENT.—

(b) Each district school superintendent shall annually notify the department ~~by April 1~~ of ~~each year~~ the state-adopted instructional materials that will be requisitioned for use in his or her school district. ~~The notification shall include a district school board plan for instructional materials use to assist in determining if adequate instructional materials have been requisitioned.~~

(4) SCHOOL PRINCIPAL.—The school principal has the following duties for the management and care of materials at the school:

(b) *Money collected for lost or damaged instructional materials; enforcement.*—The school principal may ~~shall~~ collect from each student or the student's parent the purchase price of any instructional material the student has lost, destroyed, or unnecessarily damaged and to report and transmit the money collected to the district school superintendent. A student who fails to pay such sum may be suspended ~~the failure to collect such sum upon reasonable effort by the school principal may result in the suspension of the student~~ from participation in extracurricular activities. A student may satisfy ~~or satisfaction of~~ the debt ~~by the student~~ through community service activities at the school site as determined by the school principal, pursuant to policies adopted by district school board rule.

Section 19. Subsection (1) of section 1006.283, Florida Statutes, is amended to read:

1006.283 District school board instructional materials review process.—

(1) A district school board or consortium of school districts may implement an instructional materials program that includes the review, recommendation, adoption, and purchase of instructional materials. The district school superintendent shall annually certify to the department ~~by March 31 of each year~~ that all instructional materials for core courses used by the district are aligned with applicable state standards. A list of the core instructional materials that will be used or purchased for use by the school district shall be included in the certification.

Section 20. Paragraph (a) of subsection (1) of section 1006.33, Florida Statutes, is amended to read:

1006.33 Bids or proposals; advertisement and its contents.—

(1)(a)1. Beginning with the 2026-2027 instructional materials adoption cycle and thereafter, the department shall publish an instructional materials adoption timeline which must include, but is not limited to, publishing bid specifications, advertising in the Florida Administrative Register, and deadlines for the submission of bids. The adoption cycle must include at least 6 months between the release of the bid specifications and the deadline for the submission of bids, and publication of an initial list of state-adopted instructional materials no later than July 31 in the year preceding the adoption.

2. For the 2025-2026 instructional materials adoption cycle, the department shall publish an instructional materials adoption timeline which must include, but is not limited to, publishing bid specifications, advertising in the Florida Administrative Register, and deadlines for the submission of bids. The adoption cycle must include at least 6 months between the release of the bid specifications and the deadline for the submission of bids. The adoption cycle must specify that the Commissioner of Education shall publish an initial list of state-adopted instructional materials no later than December 1, 2025. This subparagraph shall expire July 1, 2026. ~~Beginning on or before May 15 of any year in which an instructional materials adoption is to be initiated, the department shall advertise in the Florida Administrative Register 4 weeks preceding the date on which the bids shall be received, that at a certain designated time, not later than June 15, sealed bids or proposals to be deposited with the department will be received from publishers or manufacturers for the furnishing of instructional materials proposed to be adopted as listed in the advertisement beginning April 1 following the adoption.~~

Section 21. Subsection (4) of section 1007.33, Florida Statutes, is amended to read:

1007.33 Site-determined baccalaureate degree access.—

(4) A Florida College System institution may:

(a) Offer specified baccalaureate degree programs through formal agreements between the Florida College System institution and other regionally accredited postsecondary educational institutions pursuant to s. 1007.22.

(b) Offer baccalaureate degree programs that were authorized by law before ~~prior to~~ July 1, 2009.

(c) Establish a first or subsequent baccalaureate degree program for purposes of meeting district, regional, or statewide workforce needs if approved by the State Board of Education under this section.

~~The Board of Trustees of St. Petersburg College is authorized to establish one or more bachelor of applied science degree programs based on an analysis of workforce needs in Pinellas, Pasco, and Hernando Counties and other counties approved by the Department of Education. For each program selected, St. Petersburg College must offer a related associate in science or associate in applied science degree program, and the baccalaureate degree level program must be designed to articulate fully with at least one associate in science degree program. The college is encouraged to develop articulation agreements for enrollment of graduates of related associate in applied science degree programs. The Board of Trustees of St. Petersburg College is authorized to establish additional baccalaureate degree programs if it determines a program is warranted and feasible based on each of the factors in paragraph (5)(d). Prior to developing or proposing a new baccalaureate degree program, St. Petersburg College shall engage in need, demand, and impact discussions with the state university in its service district and other local and regional, accredited postsecondary providers in its region. Documentation, data, and other information from inter-institutional discussions regarding program need, demand, and impact shall be provided to the college's board of trustees to inform the program approval process. Employment at St. Petersburg College is governed by the same laws that govern Florida College System institutions, except that upper-division faculty are eligible for continuing contracts upon the completion of the fifth year of teaching. Employee records for all personnel shall be maintained as required by s. 1012.81.~~

Section 22. Paragraph (a) of subsection (2), paragraphs (a) and (b) of subsection (3), paragraph (c) of subsection (4), paragraphs (a), (b), and (d) of subsection (5), paragraphs (a), (b), and (c) of subsection (6), paragraph (b) of subsection (7), and paragraph (b) of subsection (9) of section 1008.25, Florida Statutes, are amended, and paragraph (h) is added to subsection (2) of that section, to read:

1008.25 Public school student progression; student support; coordinated screening and progress monitoring; reporting requirements.—

(2) STUDENT PROGRESSION PLAN.—Each district school board shall establish a comprehensive plan for student progression which must provide for a student's progression from one grade to another based on the student's mastery of the standards in s. 1003.41, specifically English Language Arts, mathematics, science, and social studies standards. The plan must:

(a) Include criteria that emphasize student reading proficiency in kindergarten through grade 3 and provide targeted instructional support for students with identified deficiencies in English Language Arts, mathematics, science, and social studies, including students who have been referred to the school district from the Voluntary Prekindergarten Education Program pursuant to paragraph (5)(b). High schools shall use all available assessment results, including the results of statewide, standardized English Language Arts assessments and end-of-course assessments for Algebra I and Geometry, to advise students of any identified deficiencies and to provide appropriate postsecondary preparatory instruction before high school graduation. The results of evaluations used to monitor a student's progress in grades K-12 must be provided to the student's teacher in a timely manner and as otherwise required by law. Thereafter, evaluation results must be provided to the

student's parent in a timely manner. When available, instructional personnel must be provided with information on student achievement of standards and benchmarks in order to improve instruction.

(h) Specify retention requirements for students in kindergarten through grade 2 based upon each student's performance in English Language Arts and mathematics. For students who are retained in kindergarten through grade 2, the plan must incorporate the parental notification requirements provided in subsections (5) and (6), include an opportunity for parental input on the retention decision, and include information on the importance of students mastering early literacy and communication skills in order to be reading at or above grade level by the end of grade 3.

(3) ALLOCATION OF RESOURCES.—District school boards shall allocate remedial and supplemental instruction resources to students in the following priority:

(a) Students in the Voluntary Prekindergarten Education Program who have a substantial deficiency in early literacy skills and students in kindergarten through grade 3 who have a substantial deficiency in reading or the characteristics of dyslexia as determined in paragraph (5)(a).

(b) Students in the Voluntary Prekindergarten Education Program who have a substantial deficiency in early mathematics skills and students in kindergarten through grade 4 who have a substantial deficiency in mathematics or the characteristics of dyscalculia as determined in paragraph (6)(a).

(4) ASSESSMENT AND SUPPORT.—

(c) A student who has a substantial reading deficiency as determined in paragraph (5)(a) or a substantial mathematics deficiency as determined in paragraph (6)(a) must be covered by a federally required student plan, such as an individual education plan or an individualized progress monitoring plan, or both, as necessary. The individualized progress monitoring plan must be developed within 45 days after the results of the coordinated screening and progress monitoring system become available. The plan must ~~shall include~~, at a minimum, include:

1. The student's specific, identified reading or mathematics skill deficiency.

2. Goals and benchmarks for student growth in reading or mathematics.

3. A description of the specific measures that will be used to evaluate and monitor the student's reading or mathematics progress.

4. For a substantial reading deficiency, the specific evidence-based literacy instruction grounded in the science of reading which the student will receive.

5. Strategies, resources, and materials that will be provided to the student's parent to support the student to make reading or mathematics progress.

6. Any additional services the student's teacher deems available and appropriate to accelerate the student's reading or mathematics skill development.

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(a) Any student in a Voluntary Prekindergarten Education Program provided by a public school who exhibits a substantial deficiency in early literacy skills and any student in kindergarten through grade 3 who exhibits a substantial deficiency in reading or the characteristics of dyslexia based upon screening, diagnostic, progress monitoring, or assessment data; statewide assessments; or teacher observations must be provided intensive, explicit, systematic, and multisensory reading interventions immediately following the identification of the reading deficiency or the characteristics of dyslexia to address his or her specific deficiency or dyslexia. For the purposes of this subsection, a Voluntary Prekindergarten Education Program student is deemed to exhibit a substantial deficiency in early literacy skills based upon the results of the midyear or final administration of the coordinated screening and progress monitoring under subsection (9).

1. The department shall provide a list of state examined and approved comprehensive reading and intervention programs. The intervention programs shall be provided in addition to the comprehensive core reading instruction that is provided to all students in the general education classroom. Dyslexia-specific interventions, as defined by rule of the State Board of Education, shall be provided to students who have the characteristics of dyslexia. The reading intervention programs must do all of the following:

a. Provide explicit, direct instruction that is systematic, sequential, and cumulative in language development, phonological awareness, phonics, fluency, vocabulary, and comprehension, as applicable.

b. Provide daily targeted small group reading interventions based on student need in phonological awareness, phonics, including decoding and encoding, sight words, vocabulary, or comprehension.

c. Be implemented during regular school hours.

2. A school may not wait for a student to receive a failing grade at the end of a grading period or wait until a plan under paragraph (4)(b) is developed to identify the student as having a substantial reading deficiency and initiate intensive reading interventions. In addition, a school may not wait until an evaluation conducted pursuant to s. 1003.57 is completed to provide appropriate, evidence-based interventions for a student whose parent submits documentation from a professional licensed under chapter 490 which demonstrates that the student has been diagnosed with dyslexia. Such interventions must be initiated upon receipt of the documentation and based on the student's specific areas of difficulty as identified by the licensed professional.

3. A student's reading proficiency must be monitored and the intensive interventions must continue until the student demonstrates grade level proficiency in a manner determined by the district, which may include achieving a Level 3 on the statewide, standardized English Language Arts assessment. The State Board of Education shall identify by rule guidelines for determining whether a student in a Voluntary Prekindergarten Education Program has a deficiency in early literacy skills or a student in kindergarten through grade 3 has a substantial deficiency in reading.

(b) A Voluntary Prekindergarten Education Program student who exhibits a substantial deficiency in early literacy skills based upon the results of the administration of the midyear or final coordinated screening and progress monitoring under subsection (9) shall be referred to the local school district and may be eligible to receive instruction in early literacy skills before participating in kindergarten. A student with an individual education plan who has been retained pursuant to paragraph (2)(g) and has demonstrated a substantial deficiency in early literacy skills must receive instruction in early literacy skills.

(d) The parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be immediately notified in writing of the following:

1. That his or her child has been identified as having a substantial deficiency in reading, including a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading.

2. A description of the current services that are provided to the child.

3. A description of the proposed intensive interventions and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.

4. The student progression requirements under paragraph (2)(h) and that if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.

5. Strategies, including multisensory strategies and programming, through a read-at-home plan the parent can use in helping his or her child succeed in reading. The read-at-home plan must provide access to the resources identified in paragraph (e) ~~(f)~~.

6. That the statewide, standardized English Language Arts assessment is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for grade promotion.

7. The district's specific criteria and policies for a portfolio as provided in subparagraph (7)(b)4. and the evidence required for a student to demonstrate mastery of Florida's academic standards for English Language Arts. A school must immediately begin collecting evidence for a portfolio when a student in grade 3 is identified as being at risk of retention or upon the request of the parent, whichever occurs first.

8. The district's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level.

9. Information about the student's eligibility for the New Worlds Reading Initiative under s. 1003.485 and the New Worlds Scholarship Accounts under s. 1002.411 and information on parent training modules and other reading engagement resources available through the initiative.

After initial notification, the school shall apprise the parent at least monthly of the student's progress in response to the intensive interventions and supports. Such communications must be in writing and must explain any additional interventions or supports that will be implemented to accelerate the student's progress if the interventions and supports already being implemented have not resulted in improvement. Upon the request of the parent, the teacher or school administrator shall meet to discuss the student's progress. The parent may request more frequent notification of the student's progress, more frequent interventions or supports, and earlier implementation of the additional interventions or supports described in the initial notification.

(6) MATHEMATICS DEFICIENCY AND PARENTAL NOTIFICATION.—

(a) Any student in a Voluntary Prekindergarten Education Program provided by a public school who exhibits a substantial deficiency in early mathematics skills and any student in kindergarten through grade 4 who exhibits a substantial deficiency in mathematics or the characteristics of dyscalculia based upon screening, diagnostic, progress monitoring, or assessment data; statewide assessments; or teacher observations must:

1. Immediately following the identification of the mathematics deficiency, be provided systematic and explicit mathematics instruction to address his or her specific deficiencies through either:

a. Daily targeted small group mathematics intervention based on student need; or

b. Supplemental, evidence-based mathematics interventions before or after school, or both, delivered by a highly qualified teacher of mathematics or a trained tutor.

2. The performance of a student receiving mathematics instruction under subparagraph 1. must be monitored, and instruction must be adjusted based on the student's need.

3. The department shall provide a list of state examined and approved mathematics intervention programs, curricula, and high-quality supplemental materials that may be used to improve a student's mathematics deficiencies. In addition, the department shall work, at a minimum, with the Florida Center for Mathematics and Science Education Research established in s. 1004.86 to disseminate information to school districts and teachers on effective evidence-based explicit mathematics instructional practices, strategies, and interventions.

4. A school may not wait for a student to receive a failing grade at the end of a grading period or wait until a plan under paragraph (4)(b) is developed to identify the student as having a substantial mathematics deficiency and initiate intensive mathematics interventions. In addition, a school may not wait until an evaluation conducted pursuant to s. 1003.57 is completed to provide appropriate, evidence-based interventions for a student whose parent submits documentation from a professional licensed under chapter 490 which demonstrates that the student has been diagnosed with dyscalculia. Such interventions must be initiated upon receipt of the documentation and based on the student's specific areas of difficulty as identified by the licensed professional.

5. The mathematics proficiency of a student receiving additional mathematics supports must be monitored and the intensive interventions must continue until the student demonstrates grade level proficiency in a manner determined by the district, which may include achieving a Level 3 on the statewide, standardized Mathematics assessment. The State Board of Education shall identify by rule guidelines for determining whether a student in a Voluntary Prekindergarten Education Program has a deficiency in early mathematics skills or a student in kindergarten through grade 4 has a substantial deficiency in mathematics.

For the purposes of this subsection, a Voluntary Prekindergarten Education Program student is deemed to exhibit a substantial deficiency in mathematics skills based upon the results of the midyear or final administration of the coordinated screening and progress monitoring under subsection (9).

(b) A Voluntary Prekindergarten Education Program student who exhibits a substantial deficiency in early math skills based upon the results of the administration of the midyear or final coordinated screening and progress monitoring under subsection (8) shall be referred to the local school district and may be eligible to receive intensive mathematics interventions before participating in kindergarten.

(c) The parent of a student who exhibits a substantial deficiency in mathematics, as described in paragraph (a), must be immediately notified in writing of the following:

1. That his or her child has been identified as having a substantial deficiency in mathematics, including a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in mathematics.

2. A description of the current services that are provided to the child.

3. A description of the proposed intensive interventions and supports that will be provided to the child that are designed to remediate the identified area of mathematics deficiency.

4. Strategies, including multisensory strategies and programming, through a home-based plan the parent can use in helping his or her child succeed in mathematics. The home-based plan must provide access to the resources identified in paragraph (d) ~~(c)~~.

After the initial notification, the school shall apprise the parent at least monthly of the student's progress in response to the intensive interventions and supports. Such communications must be in writing and must explain any additional interventions or supports that will be implemented to accelerate the student's progress if the interventions and supports already being implemented have not resulted in improvement. Upon the request of the parent, the teacher or school administrator shall meet to discuss the student's progress. The parent may request more frequent notification of the student's progress, more frequent interventions or supports, and earlier implementation of the additional interventions or supports described in the initial notification.

(7) ELIMINATION OF SOCIAL PROMOTION.—

(b) The district school board may only exempt students from mandatory retention, as provided in paragraph (5)(c), for good cause. A student ~~who is~~ promoted to grade 4 with a good cause exemption shall be provided intensive reading instruction and intervention that include specialized diagnostic information and specific reading strategies to meet the needs of each student so promoted. The school district shall assist schools and teachers with the implementation of explicit, systematic, and multisensory reading instruction and intervention strategies for students promoted with a good cause exemption which research has shown to be successful in improving reading among students who have reading difficulties. Upon the request of the parent, the teacher or school administrator shall meet to discuss the student's progress. The parent may request more frequent notification of the student's progress, more frequent interventions or supports, and earlier implementation of the additional interventions or supports described in the initial notification. Good cause exemptions are limited to the following:

1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program based on the initial date of entry into a school in the United States.

2. Students with disabilities whose individual education plan indicates that participation in the statewide assessment program is not appropriate, consistent with the requirements of s. 1008.212.

3. Students who demonstrate an acceptable level of performance on an alternative standardized reading or English Language Arts assessment approved by the State Board of Education.

4. A student who demonstrates through a student portfolio that he or she is performing at least at Level 2 on the statewide, standardized English Language Arts assessment.

5. Students with disabilities who take the statewide, standardized English Language Arts assessment and who have an individual education plan or a Section 504 plan that reflects that the student has received intensive instruction in reading or English Language Arts for more than 2 years but still demonstrates a deficiency and was previously retained in prekindergarten, kindergarten, grade 1, grade 2, or grade 3.

6. Students who have received intensive reading intervention for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of 2 years. A student may not be retained more than once in grade 3.

(9) COORDINATED SCREENING AND PROGRESS MONITORING SYSTEM.—

(b) Beginning with the 2022-2023 school year, private Voluntary Prekindergarten Education Program providers and public schools must participate in the coordinated screening and progress monitoring system pursuant to this paragraph.

1. For students in the school-year Voluntary Prekindergarten Education Program through grade 2, the coordinated screening and progress monitoring system must be administered at least three times within a ~~program year or~~ school year~~, as applicable~~, with the first administration occurring no later than the first 30 instructional days after a student's enrollment or the start of the ~~program year or~~ school year, the second administration occurring midyear, and the third administration occurring within the last 30 days of the ~~program or~~ school year pursuant to state board rule. The state board may adopt alternate timeframes to address nontraditional school year calendars ~~or summer programs~~ to ensure the coordinated screening and progress monitoring program is administered a minimum of three times within a year ~~or program~~.

2. For students in the summer prekindergarten program, the coordinated screening and progress monitoring system must be administered two times, with the first administration occurring no later than the first 10 instructional days after a student's enrollment or the start of the summer prekindergarten program, and the final administration occurring within the last 10 days of the summer prekindergarten program pursuant to state board rule.

3.~~2.~~ For grades 3 through 10 English Language Arts and grades 3 through 8 Mathematics, the coordinated screening and progress monitoring system must be administered at the beginning, middle, and end of the school year pursuant to state board rule. The end-of-year administration of the coordinated screening and progress monitoring system must be a comprehensive progress monitoring assessment administered in accordance with the scheduling requirements under s. 1008.22(7)(c).

Section 23. Paragraph (c) of subsection (1) of section 1008.31, Florida Statutes, is amended to read:

1008.31 Florida's Early Learning-20 education performance accountability system; legislative intent; mission, goals, and systemwide measures; data quality improvements.—

(1) LEGISLATIVE INTENT.—It is the intent of the Legislature that:

(c) The Early Learning-20 education performance accountability system comply with the requirements of the Every Student Succeeds Act of 2015, Pub. L. No. 114–95 ~~"No Child Left Behind Act of 2001," Pub. L. No. 107-110~~, and the Individuals with Disabilities Education Act (IDEA).

Section 24. Paragraph (a) of subsection (4) of section 1008.33, Florida Statutes, is amended to read:

1008.33 Authority to enforce public school improvement.—

(4)(a) The state board shall apply intensive intervention and support strategies tailored to the needs of schools earning two consecutive grades of "D" or a grade of "F." In the first full school year after a school initially earns a grade of "D," the school district must immediately implement intervention and support strategies prescribed in rule under paragraph (3)(c). For a school that initially earns a grade of "F" or a second consecutive grade of "D," the school district must either continue implementing or immediately begin implementing intervention and support strategies prescribed in rule under paragraph (3)(c) and provide the department, by September 1, with the memorandum of understanding negotiated pursuant to s. 1001.42(21) and, by October 1, a district-managed turnaround plan for approval by the state board. The district-managed turnaround plan may include a proposal for the district to implement an extended school day, a summer program, a combination of an extended school day and a summer program, or any other option authorized under paragraph (b) for state board approval. A school district is not required to wait until a school earns a second consecutive grade of "D" to submit a turnaround plan for approval by the state board under this paragraph. Upon approval by the state board, the school district must implement the plan for the remainder of the school year and continue the plan for 1 full school year. The state board may allow a school an additional year of implementation before the school must implement a turnaround option required under paragraph (b) if it determines that the school is likely to improve to a grade of "C" or higher after the first full school year of implementation. The state board may also allow a school that has received a grant pursuant to s. 1003.64 additional time to implement a community school model.

Section 25. Section 1008.332, Florida Statutes, is amended to read:

1008.332 Committee of practitioners pursuant to federal Every Student Succeeds ~~No Child Left Behind~~ Act.—The Department of Education shall establish a committee of practitioners pursuant to federal requirements of the Every Student Succeeds ~~No Child Left Behind~~ Act of 2015 ~~2001~~. The committee members shall be appointed by the Commissioner of Education ~~and shall annually report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1~~. The committee shall meet regularly and is authorized to review potential rules and policies that will be considered by the State Board of Education.

Section 26. Subsection (5) of section 1008.34, Florida Statutes, is amended to read:

1008.34 School grading system; school report cards; district grade.—

(5) DISTRICT GRADE.—Beginning with the 2014-2015 school year, a school district's grade shall include a district-level calculation of the components under paragraph (3)(b). This calculation methodology captures each eligible student in the district who may have transferred among schools within the district or is enrolled in a school that does not receive a grade. The department shall develop a district report card that includes the district grade; the information required under s. 1008.345(3) ~~s. 1008.345(5)~~; measures of the district's progress in closing the achievement gap between higher-performing student subgroups and lower-performing student subgroups; measures of the district's progress in demonstrating Learning Gains of its highest-performing students; measures of the district's success in improving student attendance; the district's grade-level promotion of students scoring achievement levels 1 and 2 on statewide, standardized English Language Arts and Mathematics assessments; and measures of the district's performance in preparing students for the transition from elementary to middle school, middle to high school, and high school to postsecondary institutions and careers.

Section 27. Subsections (5) through (7) of section 1008.345, Florida Statutes, are renumbered as subsections (3) through (5), respectively, and present subsections (3), (4), and (5) and paragraph (d) of present subsection (6) of that section are amended to read:

1008.345 Implementation of state system of school improvement and education accountability.—

~~(3) The annual feedback report shall be developed by the Department of Education.~~

~~(4) The commissioner shall review each district school board's feedback report and submit findings to the State Board of Education. If adequate progress is not being made toward implementing and maintaining a system of school improvement and education accountability, the State Board of Education shall direct the commissioner to prepare and implement a corrective action plan. The commissioner and State Board of Education shall monitor the development and implementation of the corrective action plan.~~

(3)~~(5)~~ The commissioner shall annually report to the State Board of Education and the Legislature and recommend changes in state policy necessary to foster school improvement and education accountability. The report must ~~shall~~ include~~:~~

~~(a)~~ for each school district:

(a)~~1.~~ The percentage of students, by school and grade level, demonstrating learning growth in English Language Arts and mathematics.

(b)~~2.~~ The percentage of students, by school and grade level, in both the highest and lowest quartiles demonstrating learning growth in English Language Arts and mathematics.

(c)~~3.~~ The information contained in the school district's annual report required pursuant to s. 1008.25(10).

~~(b) Intervention and support strategies used by school districts whose students in both the highest and lowest quartiles exceed the statewide average learning growth for students in those quartiles.~~

~~(c) Intervention and support strategies used by school districts whose schools provide educational services to youth in Department of Juvenile Justice programs that demonstrate learning growth in English Language Arts~~

~~and mathematics that exceeds the statewide average learning growth for students in those subjects.~~

~~(d) Based upon a review of each school district's reading instruction plan submitted pursuant to s. 1003.4201, intervention and support strategies used by school districts that were effective in improving the reading performance of students, as indicated by student performance data, who are identified as having a substantial reading deficiency pursuant to s. 1008.25(5)(a).~~

School reports must ~~shall~~ be distributed pursuant to this subsection and s. 1001.42(18)(c) and according to rules adopted by the State Board of Education.

(4)~~(6)~~

(d) The commissioner shall assign a community assessment team to each school district or governing board with a school that earned a grade of "D" or "F" pursuant to s. 1008.34 to review the school performance data and determine causes for the low performance, including the role of school, area, and district administrative personnel. The community assessment team shall review a high school's graduation rate calculated without high school equivalency diploma recipients for the past 3 years, disaggregated by student ethnicity. The team shall make recommendations to the school board or the governing board and to the State Board of Education ~~based on the interventions and support strategies identified pursuant to subsection (5)~~ to address the causes of the school's low performance and to incorporate the strategies into the school improvement plan. The assessment team shall include, but not be limited to, a department representative, parents, business representatives, educators, representatives of local governments, and community activists, and shall represent the demographics of the community from which they are appointed.

Section 28. Subsection (3) of section 1008.45, Florida Statutes, is amended to read:

1008.45 Florida College System institution accountability process.—

(3) ~~The State Board of Education shall address within the annual evaluation of the performance of the executive director, and the~~ Florida College System institution boards of trustees shall address within the annual evaluation of the presidents~~,~~ the achievement of the performance goals established by the accountability process.

Section 29. Paragraph (d) of subsection (2) of section 1000.05, Florida Statutes, is amended to read:

1000.05 Discrimination against students and employees in the Florida K-20 public education system prohibited; equality of access required.—

(2)

(d) Students may be separated by sex for a single-gender program ~~as provided under s. 1002.311~~, for any portion of a class that deals with human reproduction, or during participation in bodily contact sports. For the purpose of this section, bodily contact sports include wrestling, boxing, rugby, ice hockey, football, basketball, and other sports in which the purpose or major activity involves bodily contact.

Section 30. Paragraph (b) of subsection (2) of section 1002.31, Florida Statutes, is amended to read:

1002.31 Controlled open enrollment; public school parental choice.—

(2)

(b) Each school district and charter school capacity determinations for its schools, by grade level, must be updated every 12 weeks and be identified on the school district and charter school's websites. In determining the capacity of each district school, the district school board shall incorporate the specifications, plans, elements, and commitments contained in the school district educational facilities plan and the long-term work programs required under s. 1013.35. Each charter school governing board shall determine capacity based upon its charter school contract. Each virtual charter school and each school district with a contract with an approved virtual instruction program provider shall determine capacity based upon the enrollment requirements established under s. 1002.45(1)(d)4. ~~s. 1002.45(1)(c)4.~~

Section 31. Subsection (3) of section 1002.321, Florida Statutes, is amended to read:

1002.321 Digital learning.—

(3) CUSTOMIZED AND ACCELERATED LEARNING.—A school district must establish ~~multiple~~ opportunities for student participation in part-time and full-time kindergarten through grade 12 virtual instruction. Options include, but are not limited to:

(a) School district operated part-time or full-time virtual instruction programs under s. 1002.45 ~~s. 1002.45(1)(b)~~ for kindergarten through grade 12 students enrolled in the school district. A full-time program shall operate under its own Master School Identification Number.

(b) Florida Virtual School instructional services authorized under s. 1002.37.

(c) Blended learning instruction provided by charter schools authorized under s. 1002.33.

(d) Virtual charter school instruction authorized under s. 1002.33.

(e) Courses delivered in the traditional school setting by personnel providing direct instruction through virtual instruction or through blended learning courses consisting of both traditional classroom and online instructional techniques pursuant to s. 1003.498.

(f) Virtual courses offered in the course code directory to students within the school district or to students in other school districts throughout the state pursuant to s. 1003.498.

Section 32. Subsection (1), paragraph (a) of subsection (6), and paragraph (a) of subsection (10) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(1) AUTHORIZATION.—All charter schools in Florida are public schools and shall be part of the state's program of public education. A charter school may be formed by creating a new school or converting an existing public school to charter status. A charter school may operate a virtual charter school pursuant to s. 1002.45(1)(c) ~~s. 1002.45(1)(d)~~ to provide online instruction to students, pursuant to s. 1002.455, in kindergarten through grade 12. The school district in which the student enrolls in the virtual charter school shall report the student for funding pursuant to s. 1011.61(1)(c) 1.b.(VI), and the home school district shall not report the student for funding. An existing charter school that is seeking to become a virtual charter school must amend its charter or submit a new application pursuant to subsection (6) to become a virtual charter school. A virtual charter school is subject to the requirements of this section; however, a virtual charter school is exempt from subparagraph (7)(a)13., subsections (18) and (19), paragraph (20)(c), and s. 1003.03. A public school may not use the term charter in its name unless it has been approved under this section.

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(a) A person or entity seeking to open a charter school shall prepare and submit an application on the standard application form prepared by the Department of Education which:

1. Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.

2. Provides a detailed curriculum plan that illustrates how students will be provided services to attain the state academic standards.

3. Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.

4. Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. Reading instructional strategies for foundational skills shall include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies may not employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Such strategies may include visual information and strategies that improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but may not be used to teach word reading. A sponsor shall deny an application if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.

5. Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated

fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.

6. Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor shall consider in deciding whether to approve or deny the application.

7. Contains additional information a sponsor may require, which shall be attached as an addendum to the charter school application described in this paragraph.

8. For the establishment of a virtual charter school, documents that the applicant has contracted with a provider of virtual instruction services pursuant to s. 1002.45(1)(c) ~~s. 1002.45(1)(d)~~.

9. Describes the mathematics curriculum and differentiated strategies that will be used for students performing at grade level or higher and a separate mathematics curriculum and strategies for students who are performing below grade level.

(10) ELIGIBLE STUDENTS.—

(a)1. A charter school may be exempt from the requirements of s. 1002.31 if the school is open to any student covered in an interdistrict agreement and any student residing in the school district in which the charter school is located.

2. A virtual charter school when enrolling students shall comply with the applicable requirements of s. 1002.31 and with the enrollment requirements established under s. 1002.45(1)(d)4. ~~s. 1002.45(1)(e)4.~~

3. A charter lab school shall be open to any student eligible to attend the lab school as provided in s. 1002.32 or who resides in the school district in which the charter lab school is located.

4. Any eligible student shall be allowed interdistrict transfer to attend a charter school when based on good cause. Good cause shall include, but is not limited to, geographic proximity to a charter school in a neighboring school district.

Section 33. Subsections (1), (2), and (5) of section 1002.455, Florida Statutes, are amended to read:

1002.455 Student eligibility for K-12 virtual instruction.—All students, including home education and private school students, are eligible to participate in any of the following virtual instruction options:

(1) School district operated part-time or full-time kindergarten through grade 12 virtual instruction programs pursuant to s. 1002.45(1)(b)4. ~~s. 1002.45(1)(e)4.~~ to students within the school district.

(2) Part-time or full-time virtual charter school instruction authorized pursuant to s. 1002.45(1)(b)5. ~~s. 1002.45(1)(e)5.~~ to students within the school district or to students in other school districts throughout the state pursuant to s. 1002.31; however, the school district enrolling the full-time equivalent virtual student shall comply with the enrollment requirements established under s. 1002.45(1)(d)4. ~~s. 1002.45(1)(e)4.~~

(5) Virtual instruction provided by a school district through a contract with an approved virtual instruction program provider pursuant to s. 1002.45(1)(b)2. ~~s. 1002.45(1)(e)2.~~ to students within the school district or to students in other school districts throughout the state pursuant to s. 1002.31; however the school district enrolling the full-time equivalent virtual student shall comply with the enrollment requirements established under s. 1002.45(1)(d)4. ~~s. 1002.45(1)(e)4.~~

Section 34. Paragraph (a) of subsection (3) and paragraph (e) of subsection (7) of section 1008.22, Florida Statutes, are amended to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the state academic standards. The commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the state academic standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282 and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. The statewide, standardized assessment program shall be designed and implemented as follows:

(a) Statewide, standardized comprehensive assessments.—

1. The statewide, standardized English Language Arts (ELA) assessments shall be administered to students in grades 3 through 10. Retake opportunities for the grade 10 ELA assessment must be provided. Reading passages and writing prompts for ELA assessments shall incorporate grade-level core curricula content from social studies. The statewide, standardized Mathematics assessments shall be administered annually in grades 3 through 8. The statewide, standardized Science assessment shall be administered annually at least once at the elementary and middle grades levels. In order to earn a standard high school diploma, a student who has not earned a passing score on the grade 10 ELA assessment must earn a passing score on the assessment retake or earn a concordant score as authorized under subsection (9).

2. Beginning with the 2022-2023 school year, the end-of-year comprehensive progress monitoring assessment administered pursuant to s. 1008.25(9)(b)3. ~~s. 1008.25(9)(b)2.~~ is the statewide, standardized ELA assessment for students in grades 3 through 10 and the statewide, standardized Mathematics assessment for students in grades 3 through 8.

(7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—

(e) A school district may not schedule more than 5 percent of a student's total school hours in a school year to administer statewide, standardized assessments; the coordinated screening and progress monitoring system under s. 1008.25(9)(b)3. ~~s. 1008.25(9)(b)2.~~; and district-required local assessments. The district must secure written consent from a student's parent before administering district-required local assessments that, after applicable statewide, standardized assessments and coordinated screening and progress monitoring are scheduled, exceed the 5 percent test administration limit for that student under this paragraph. The 5 percent test administration limit for a student under this paragraph may be exceeded as needed to provide test accommodations that are required by an IEP or are appropriate for an English language learner who is currently receiving services in a program operated in accordance with an approved English language learner district plan pursuant to s. 1003.56. Notwithstanding this paragraph, a student may choose within a school year to take an examination or assessment adopted by State Board of Education rule pursuant to this section and ss. 1007.27, 1008.30, and 1008.44.

Section 35. Subsection (4) of section 1008.37, Florida Statutes, is amended to read:

1008.37 Postsecondary feedback of information to high schools.—

(4) As a part of the school improvement plan pursuant to s. 1008.345, the State Board of Education shall ensure that each school district and high school develops strategies to improve student readiness for the public postsecondary level ~~based on annual analysis of the feedback report data~~.

Section 36. Paragraph (a) of subsection (4) of section 1013.841, Florida Statutes, is amended to read:

1013.841 End of year balance of Florida College System institution funds.—

(4) A Florida College System institution identified in paragraph (3)(b) must include in its carry forward spending plan the estimated cost per planned expenditure and a timeline for completion of the expenditure. Authorized expenditures in a carry forward spending plan may include:

(a) Commitment of funds to a public education capital outlay project for which an appropriation was previously provided, which requires additional funds for completion, and which is included in the list required by s. 1001.03(18)(d) ~~s. 1001.03(19)(d)~~;

Section 37. This act shall take effect July 1, 2024.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to education; amending s. 1001.02, F.S.; deleting a requirement that the State Board of Education establish the cost of certain tuition and fees; amending s. 1001.03, F.S.; deleting a requirement that the state board identify certain metrics and develop a specified plan relating to the Florida College System; amending s. 1002.3105, F.S.; deleting a requirement that a performance contract be completed if a student participates in an Academically Challenging Curriculum to Enhance Learning option; providing that a performance contract may be used at the discretion of the principal; repealing s. 1002.311, F.S., relating to single-gender programs; amending s. 1002.34, F.S.; deleting a requirement for the Commissioner of Education to provide for an annual comparative evaluation of charter technical career centers and public technical centers; amending s. 1002.45, F.S.; deleting a requirement that school districts provide certain virtual instruction options to students; deleting a requirement that virtual instruction program providers be nonsectarian; authorizing school districts to provide certain students with the equipment and access necessary for participation in virtual instruction programs; amending s. 1002.61, F.S.; authorizing school districts to satisfy specified requirements for such program by contracting with certain providers; amending s. 1002.82, F.S.; requiring the Department of Education to review school readiness program plans every 3 years, rather than every 2 years; amending s. 1002.85, F.S.; requiring early learning coalitions to submit school readiness program plans to the department every 3 years, rather than every 2 years; amending s. 1003.435, F.S.; revising the eligibility requirements for students to take the high school equivalency examination; amending s. 1003.4935, F.S.; deleting a requirement that the department collect and report certain data relating to a middle school career and professional academy or a career-themed course; repealing s. 1003.4995, F.S., relating to the fine arts report prepared by the Commissioner of Education; repealing s. 1003.4996, F.S., relating to the Competency-Based Education Pilot Program; amending s. 1003.49965, F.S.; authorizing, rather than requiring, a school district to hold an Art in the Capitol Competition; amending s. 1003.51, F.S.; deleting a requirement regarding assessment procedures for Department of Juvenile Justice education programs; revising requirements for which assessment results must be included in a student's discharge packet; deleting requirements for specified sanctions against district school boards for unsatisfactory performance in their Department of Juvenile Justice education programs; amending s. 1003.621, F.S.; deleting a requirement for academically high-performing school districts to submit an annual report to the state board; repealing s. 1004.925, F.S., relating to automotive service technology education programs and certification; amending s. 1006.28, F.S.; revising the definition of the term "adequate instructional materials"; requiring certain information published and regularly updated by the Department of Education to be sorted by grade level; deleting a timeframe requirement for each district school superintendent to notify the department about instructional materials; deleting a requirement for such notification; authorizing, rather than requiring, a school principal to collect the purchase price of instructional materials lost, destroyed, or unnecessarily damaged by a student; amending s. 1006.283, F.S.; deleting a timeframe requirement for a district school superintendent to certify to the department that certain instructional materials meet applicable state standards; amending s. 1006.33, F.S.; beginning with a specified adoption cycle, requiring the department to publish an instructional materials adoption timeline; providing requirements for such timeline and adoption cycle; providing requirements for the 2025-2026 instructional materials adoption cycle; providing an expiration date for such requirements; deleting certain timelines relating to the adoption of instructional materials; amending s. 1007.33, F.S.; deleting a provision authorizing the Board of Trustees of St. Petersburg College to establish certain degree programs; amending s. 1008.25, F.S.; revising the requirements for comprehensive plans for student progression; revising the students who receive priority for allocation of remedial and supplemental instruction resources; requiring individualized progress monitoring plans to be developed within a specified timeframe; providing requirements for students in the Voluntary Prekindergarten Education Program who exhibit a substantial deficiency in early literacy skills and early mathematics skills; providing that substantial deficiencies in early literacy skills and early mathematics skills for such students are determined by specified results of the coordinated screening and progress monitoring; requiring the State Board of Education to identify specified guidelines in rule; requiring teachers and school administrators to meet with specified parents upon the request of such parents; authorizing such parents to request specified actions; revising requirements for the administration of the coordinated screening and progress monitoring system; providing requirements for the administration of such system for students in the summer prekindergarten program; amending s. 1008.31, F.S.; revising a provision relating to the No Child Left Behind Act of 2001 to relate to the Every Student Succeeds Act of 2015; amending s. 1008.33, F.S.; authorizing the state board to allow certain schools additional time to implement a community school model; amending s. 1008.332, F.S.; revising a provision relating to the No Child Left Behind Act of 2001 to relate to the Every Student Succeeds Act of 2015; deleting a requirement for certain committee members to annually report to specified entities; amending s. 1008.34, F.S.; conforming a cross-reference; amending s. 1008.345, F.S.; deleting a requirement for the department to develop an annual feedback report; deleting a requirement for the Commissioner of Education to review specified feedback reports and submit findings to the state board; deleting certain requirements for a report the commissioner produces annually for the state board and the Legislature; revising what information certain community assessment team recommendations are based on; amending s. 1008.45, F.S.; deleting a requirement that the state board provide a specified annual evaluation; amending ss. 1000.05, 1002.31, 1002.321, 1002.33, 1002.455, 1008.22, 1008.37, and 1013.841, F.S.; conforming provisions and cross-references to changes made by the act; providing an effective date.

Rep. Trabulsy moved the adoption of the amendment, which was adopted.

On motion by Rep. Trabulsy, the rules were waived and **CS for SB 7004** was read the third time by title. On passage, the vote was:

Session Vote Sequence: 748

Representative Clemons in the Chair.

Yeas—117

Abbott	Clemons	Keen	Robinson, W.
Altman	Cross	Killebrew	Rommel
Alvarez	Daley	Koster	Roth
Amesty	Daniels	LaMarca	Rudman
Anderson	Driskell	Leek	Salzman
Andrade	Duggan	López, J.	Shoaf
Antone	Dunkley	Lopez, V.	Silvers
Arrington	Edmonds	Maggard	Sirois
Baker	Eskamani	Maney	Skidmore
Bankson	Esposito	Massullo	Smith
Barnaby	Fabricio	McClain	Snyder
Bartleman	Fine	McClure	Stark
Basabe	Franklin	McFarland	Steele
Bell	Gantt	Melo	Stevenson
Beltran	Garcia	Michael	Tant
Benjamin	Garrison	Mooney	Temple
Berfield	Giallombardo	Nixon	Tomkow
Black	Gonzalez Pittman	Overdorf	Trabulsy
Borrero	Gossett-Seidman	Payne	Tramont
Botana	Gottlieb	Perez	Truenow
Brackett	Grant	Persons-Mulicka	Tuck
Bracy Davis	Gregory	Plakon	Valdés
Brannan	Griffitts	Plasencia	Waldron
Buchanan	Harris	Porras	Williams
Busatta Cabrera	Hart	Rayner	Woodson
Campbell	Hinson	Redondo	Yarkosky
Canady	Holcomb	Renner	Yeager
Caruso	Hunschofsky	Rizo	
Cassel	Jacques	Roach	
Chaney	Joseph	Robinson, F.	

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

CS/CS/HB 537—A bill to be entitled An act relating to student achievement; amending s. 1002.394, F.S.; conforming provisions to changes made by the act; amending s. 1003.4282, F.S.; deleting provisions providing for the award of a certificate of completion to certain students; conforming provisions to changes made by the act; amending ss. 1003.433 and 1007.263, F.S.; conforming provisions to changes made by the act; creating s. 1003.482, F.S.; creating the Music-based Supplemental Content to Accelerate Learner Engagement and Success (mSCALES) Pilot Program within the Department of Education; providing the purpose of the pilot program; providing requirements for the pilot program; providing eligibility; authorizing district school superintendents to contact the department for their district to participate in the pilot program; providing funding requirements, subject to legislative appropriation; requiring participating school districts to maintain eligibility; requiring the College of Education at the University of Florida to evaluate the pilot program's effectiveness and annually share its findings with the department and the Legislature; requiring the college to submit a final report to specified entities by a specified date; providing for expiration of the pilot program; providing an effective date.

—was read the second time by title. On motion by Rep. Valdés, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 749

Representative Clemons in the Chair.

Yeas—116

Abbott	Chaney	Jacques	Rizo
Altman	Clemons	Joseph	Roach
Alvarez	Cross	Keen	Robinson, F.
Amesty	Daley	Killebrew	Robinson, W.
Anderson	Daniels	Koster	Rommel
Andrade	Driskell	LaMarca	Roth
Antone	Duggan	Leek	Rudman
Arrington	Dunkley	López, J.	Salzman
Baker	Edmonds	Lopez, V.	Shoaf
Bankson	Eskamani	Maggard	Silvers
Barnaby	Esposito	Maney	Sirois
Bartleman	Fabricio	Massullo	Skidmore
Basabe	Fine	McClain	Smith
Bell	Franklin	McClure	Snyder
Beltran	Gantt	McFarland	Stark
Benjamin	Garcia	Melo	Steele
Berfield	Garrison	Michael	Stevenson
Black	Giallombardo	Mooney	Tant
Borrero	Gonzalez Pittman	Nixon	Tomkow
Botana	Gossett-Seidman	Overdorf	Trabulsy
Brackett	Gottlieb	Payne	Tramont
Bracy Davis	Grant	Perez	Truenow
Brannan	Gregory	Persons-Mulicka	Tuck
Buchanan	Griffitts	Plakon	Valdés
Busatta Cabrera	Harris	Plasencia	Waldron
Campbell	Hart	Porras	Williams
Canady	Hinson	Rayner	Woodson
Caruso	Holcomb	Redondo	Yarkosky
Cassel	Hunschofsky	Renner	Yeager

Nays—None

Votes after roll call:
Yeas—Temple

So the bill passed and was immediately certified to the Senate.

CS/HB 141—A bill to be entitled An act relating to economic development; amending s. 288.018, F.S.; removing the requirement that certain grants received by a regional economic development organization must be matched in a certain manner; removing a provision requiring a certain consideration; removing certain demonstration requirements of program applicants; amending s. 288.8013, F.S.; removing the requirement that certain interest be deposited in a specified manner; providing that specified earnings may be retained and used to make specified awards or for administrative costs; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/HB 229 was taken up. On motion by Rep. Payne, the House agreed to substitute SB 364 for CS/HB 229 and read SB 364 the second time by title. Under Rule 5.17, the House bill was laid on the table.

SB 364—A bill to be entitled An act relating to regulatory assessment fees; amending s. 120.80, F.S.; exempting certain rules adopted by the Florida Public Service Commission relating to regulatory assessment fees from the requirement of legislative ratification; providing an effective date.

—was read the second time by title.

Representative Payne offered the following:

(Amendment Bar Code: 281177)

Amendment 1 (with title amendment)—Remove lines 21-22 and insert: 120.541(3) ~~s. 120.541~~. This subparagraph expires July 1, 2028 ~~2024~~.
Section 2. This act shall take effect July 1, 2024.

T I T L E A M E N D M E N T

Remove lines 2-6 and insert:
An act relating to Public Service Commission rules; amending s. 120.80, F.S.; revising the expiration date and scope of an exemption from certain provisions relating to statements of estimated regulatory costs for certain rules adopted by the Public Service Commission; providing an

Rep. Payne moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Consideration of **CS/CS/HB 311** was temporarily postponed.

CS/CS/HB 433—A bill to be entitled An act relating to employment regulations; amending s. 218.077, F.S.; prohibiting political subdivisions from maintaining a minimum wage other than a state or federal minimum wage; prohibiting political subdivisions from controlling, affecting, or awarding preferences based on the wages or employment benefits of entities doing business with the political subdivision; revising applicability; creating s. 448.077, F.S.; preempting the regulation of the terms and conditions of employment to the state; providing that, unless expressly authorized, an ordinance, an order, a rule, or a policy that exceeds or conflicts with state or federal law relating to a term or condition of employment is void and unenforceable; providing an exception; creating s. 448.106, F.S.; providing definitions; preempting the regulation of heat exposure requirements in the workplace to the state; providing that certain local laws, ordinances, resolutions, regulations, rules, codes, policies, and amendments are void and prohibited; requiring the Department of Commerce to adopt rules relating to workplace heat exposure requirements if the Occupational Safety and Health Administration has not done so by a date certain; providing requirements for such rules; prohibiting local governments from mandating or imposing certain requirements or seeking information from certain persons relating to certain requirements; providing construction and applicability; providing an effective date.

—was read the second time by title.

Representative Gantt offered the following:

(Amendment Bar Code: 615961)

Amendment 1 (with title amendment)—Remove lines 68-85

T I T L E A M E N D M E N T

Remove lines 10-16 and insert:
448.106, F.S.;

Rep. Gantt moved the adoption of the amendment, which failed of adoption.

Representative Bartleman offered the following:

(Amendment Bar Code: 884917)

Amendment 2 (with title amendment)—Remove lines 70-85 and insert:
448.077 Regulation of labor preempted to the state.—
(1) The regulation of the terms and conditions of employment is expressly preempted to the state. Unless expressly authorized by special or general law, a county, municipality, special district, or political subdivision of the state may not adopt or enforce an ordinance, an order, a rule, or a policy providing a term or condition of employment that exceeds or conflicts with the requirements of state or federal law relating to a term or condition of employment. An ordinance, an order, a rule, or a policy that violates this section is void and unenforceable. However, a county, municipality, special district, or political subdivision of the state may adopt and enforce an ordinance, an order, a rule, or a policy providing employment benefits, as defined in s. 218.077(1), for the employees of the county, municipality, special district, or political subdivision which exceed state or federal law.
(2) This section does not apply to an otherwise valid ordinance, order, rule, or policy adopted by a county, municipality, special district, or political subdivision which prohibits discrimination in the conditions of employment based upon a prospective or current employee's race, color, religion, national origin, ancestry, sex, sexual orientation, gender identity, age, disability, pregnancy, genetic information, or familial, marital, or veteran status.

T I T L E A M E N D M E N T
Remove line 16 and insert:
providing an exception; providing applicability; creating s. 448.106, F.S.;

Rep. Bartleman moved the adoption of the amendment, which failed of adoption.

Representative Hinson offered the following:

(Amendment Bar Code: 702461)

Amendment 3 (with title amendment)—Remove lines 70-85 and insert:
448.077 Regulation of labor preempted to the state.—
(1) The regulation of the terms and conditions of employment is expressly preempted to the state. Unless expressly authorized by special or general law, a county, municipality, special district, or political subdivision of the state may not adopt or enforce an ordinance, an order, a rule, or a policy providing a term or condition of employment that exceeds or conflicts with the requirements of state or federal law relating to a term or condition of employment. An ordinance, an order, a rule, or a policy that violates this section is void and unenforceable. However, a county, municipality, special district, or political subdivision of the state may adopt and enforce an ordinance, an order, a rule, or a policy providing employment benefits, as defined in s. 218.077(1), for the employees of the county, municipality, special district, or political subdivision which exceed state or federal law.
(2) On July 1, 2024, the Department of Commerce must publish notice in a newspaper of general circulation in the jurisdictions that have living wage ordinances and mail notice to all registered votes in the affected jurisdictions, that the living wage ordinance in each affected jurisdiction has been declared null and void. The notice must include the relevant living wage ordinance that is preempted and the following statement, in substantially the following form, in at least 14-point boldfaced type:

"BY ORDER OF GOVERNOR RON DESANTIS AND THE MAJORITY OF THE FLORIDA LEGISLATURE, DESPITE APPROVAL BY LOCAL DEMOCRATICALLY ELECTED LEADERS, THE STATE OF FLORIDA HAS DETERMINED THAT THIS LOCAL ORDINANCE IS NULL AND VOID AND MAY LEAD TO THE WAGES OF MANY WORKING FLORIDIANS BEING SLASHED."

T I T L E A M E N D M E N T
Remove line 16 and insert:
providing an exception; requiring the Department of Commerce to publish in a newspaper of general circulation and mail to certain persons a specified notice that the living wage ordinance in affected jurisdictions is invalid and unenforceable; providing requirements for such notice; creating s. 448.106, F.S.;

Rep. Hinson moved the adoption of the amendment, which failed of adoption.

Representative Valdés offered the following:

(Amendment Bar Code: 957329)

Amendment 4—Remove line 133 and insert:
exposure by June 20, 2025, the Department of Commerce must adopt

Rep. Valdés moved the adoption of the amendment, which failed of adoption.

Representative Valdés offered the following:

(Amendment Bar Code: 354735)

Amendment 5 (with title amendment)—Remove lines 148-150 and insert:
(4)(a) This section does not limit the authority of a local government to mandate or impose workplace heat exposure requirements for the employees of the local government.
(b) A local government may require an employer who hires employees to work in outdoor conditions to post in a conspicuous place accessible to all employees, in a language understood by all of the employees, information that is developed by the Occupational Safety and Health Administration on how to prevent heat illness, how to identify heat stress, and actions to take to prevent death if heat illness or heat stress is suspected.

T I T L E A M E N D M E N T
Remove line 29 and insert:
requirements; authorizing local governments to require certain employers to post specified information in a place accessible to all employees and in a language understood by all employees; providing construction and

Rep. Valdés moved the adoption of the amendment, which failed of adoption. The vote was:

Session Vote Sequence: 750

Representative Clemons in the Chair.

Yeas—37

Antone	Daley	Hart	Skidmore
Arrington	Daniels	Hinson	Stark
Bartleman	Driskell	Hunschofsky	Tant
Bell	Dunkley	Joseph	Valdés
Beltran	Edmonds	Keen	Waldron
Benjamin	Eskamani	López, J.	Williams
Bracy Davis	Franklin	Nixon	Woodson
Campbell	Gantt	Rayner	
Cassel	Gottlieb	Robinson, F.	
Cross	Harris	Silvers	

Nays—77

Abbott	Chaney	Maggard	Rommel
Altman	Clemons	Maney	Roth
Alvarez	Duggan	Massullo	Rudman
Amesty	Esposito	McClain	Salzman
Anderson	Fabricio	McClure	Shoaf
Andrade	Fine	McFarland	Sirois
Baker	Garrison	Melo	Smith
Bankson	Giallombardo	Michael	Snyder
Barnaby	Gonzalez Pittman	Mooney	Steele
Basabe	Gossett-Seidman	Overdorf	Stevenson
Berfield	Grant	Payne	Temple
Black	Gregory	Perez	Tomkow
Borrero	Griffitts	Persons-Mulicka	Trabulsy
Botana	Holcomb	Plakon	Tramont
Brackett	Jacques	Plasencia	Truenow
Brannan	Killebrew	Redondo	Yarkosky
Buchanan	Koster	Renner	Yeager
Busatta Cabrera	LaMarca	Rizo	
Canady	Leek	Roach	
Caruso	Lopez, V.	Robinson, W.	

Votes after roll call:
Yeas to Nays—Bell, Stark

Representative Gantt offered the following:

(Amendment Bar Code: 252721)

Amendment 6 (with title amendment)—Between lines 157 and 158, insert:

Section 4. Subsection (3) of section 448.110, Florida Statutes, is amended, and subsection (12) is added to that section, to read:

448.110 State minimum wage; annual wage adjustment; enforcement.—

(3) ~~Employers shall pay employees a minimum wage at an hourly rate of $6.15 for all hours worked in Florida.~~ Only those individuals entitled to receive the federal minimum wage under the federal Fair Labor Standards Act, as amended, and its implementing regulations shall be eligible to receive the state minimum wage pursuant to s. 24, Art. X of the State Constitution and this section. The provisions of ss. 213 and 214 of the federal Fair Labor Standards Act, as interpreted by applicable federal regulations and implemented by the Secretary of Labor, are incorporated herein.

(12) Beginning on July 1, 2024, employers shall pay employees a minimum wage at an hourly rate of $15, or the highest wage negotiated in a contract resulting from a living wage ordinance, for all hours worked. This subsection does not apply to a small business as defined in s. 288.703. A small business shall adjust its minimum wage in accordance with the timeline established in s. 24(c), Art. X of the State Constitution.

T I T L E A M E N D M E N T

Remove line 30 and insert:
applicability; amending s. 448.110, F.S.; requiring certain employers to pay employees a specified minimum wage beginning on a date certain; providing applicability; providing an effective date.

Rep. Gantt moved the adoption of the amendment, which failed of adoption.

Representative Eskamani offered the following:

(Amendment Bar Code: 590295)

Amendment 7 (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. This act may be cited as the "Fernando Antonio Cuellar Memorial Act."

Section 2. By January 1, 2025, the Department of Commerce shall submit a report to the Legislature with recommendations for a comprehensive statewide standard for workplace heat exposure requirements and protections for employees who work outdoors, taking into account climate change and the extended period of high-heat days projected in the future.

Section 3. This act shall take effect July 1, 2024.

T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to statewide standards for workplace heat exposure requirements and protections; providing a short title; requiring the Department of Commerce to provide a report with specified information to the Legislature by a specified dated; providing an effective date.

WHEREAS, Fernando Antonio Cuellar, a beloved father, dedicated husband, and hardworking laborer, tragically lost his life due to unsafe working conditions and the heat stress he endured, and

WHEREAS, Fernando Antonio Cuellar's life was centered around providing for his family, cherishing his role as a father and husband, and contributing to the well-being of his community through his work, and

WHEREAS, outdoor workers like Fernando Antonio Cuellar play a vital role in feeding the residents of the state and constructing the buildings that shape our communities, and

WHEREAS, the sacrifices and contributions of workers like Fernando Antonio Cuellar should be recognized, and these workers should be valued for their essential role in our society, and

WHEREAS, the untimely death of Fernando Antonio Cuellar serves as a stark reminder of the urgent need to prioritize workplace safety and protect the rights and well-being of all workers, and

WHEREAS, we must honor the memory of Fernando Antonio Cuellar by advocating for safer working conditions, fair treatment of workers, and greater support for those who labor to sustain our communities, and

WHEREAS, it is imperative that we come together to ensure that workers do not face the same fate as Fernando Antonio Cuellar, and that all workers are respected, protected, and valued for their contributions, and

WHEREAS, the legacy of Fernando Antonio Cuellar inspires us to stand in solidarity with workers everywhere and to strive for a future where every worker is able to work with dignity, safety, and justice, and

WHEREAS, may Fernando Antonio Cuellar's memory be a beacon of strength and resilience as we continue to fight for the rights and well-being of all workers, NOW, THEREFORE,

Rep. Eskamani moved the adoption of the amendment, which failed of adoption.

Under Rule 10.10(b), the was referred to the Engrossing Clerk.

CS/CS/HB 473—A bill to be entitled An act relating to cybersecurity incident liability; creating s. 768.401, F.S.; providing definitions; providing that a county, municipality, other political subdivision of the state, covered entity, or third-party agent that complies with certain requirements is not liable in connection with a cybersecurity incident; requiring covered entities and third-party agents to adopt revised frameworks, standards, laws, or regulations within a specified time period; providing that a private cause of action is not established; providing that certain failures are not evidence of negligence and do not constitute negligence per se; specifying that the defendant in certain actions has a certain burden of proof; providing applicability; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

Consideration of **CS/HB 497** was temporarily postponed.

CS/HB 611—A bill to be entitled An act relating to public deposits; amending s. 17.68, F.S.; conforming provisions to changes made by the act; amending s. 280.02, F.S.; revising definitions; adding credit unions to a list of financial institutions that are eligible to be qualified public depositories; amending s. 280.025, F.S.; providing applicability of qualified public depository provisions to credit unions; amending s. 280.03, F.S.; conforming

a provision to changes made by the act; creating s. 280.042, F.S.; prohibiting the Chief Financial Officer from designating credit unions as qualified public depositories unless certain conditions are met; requiring the Chief Financial Officer to withdraw from a collateral agreement with a credit union under certain circumstances; specifying a requirement for and a restriction on a credit union that is a party to a withdrawn collateral agreement; providing limits on public deposits held by credit unions; amending ss. 280.05, 280.052, 280.053, and 280.055, F.S.; providing applicability of qualified public depository provisions to credit unions; amending s. 280.07, F.S.; specifying the losses against which certain solvent banks, savings banks, savings associations, and credit unions must guarantee public depositors; amending ss. 280.08 and 280.085, F.S.; conforming provisions to changes made by the act; amending s. 280.09, F.S.; requiring the Chief Financial Officer to segregate and separately account for proceeds, assessments, and administrative penalties attributable to a credit union from those attributable to other specified financial institutions; revising a condition for the payment of losses to public depositors; amending s. 280.10, F.S.; conforming provisions to changes made by the act; amending s. 280.13, F.S.; providing that a specified limit on securities eligible to be pledged as collateral apply to qualified public depositories, rather than to banks and savings associations; amending s. 280.17, F.S.; conforming a provision to changes made by the act; reenacting ss. 280.17(1)(a), 17.57(7)(a), 24.114(1), 125.901(3)(e), 136.01, 159.608(11), 175.301, 175.401(8), 185.30, 185.50(8), 190.007(3), 191.006(16), 215.34(2), 218.415(16)(c), (17)(c), and (23)(a), 255.502(4)(h), 280.051(15), 280.18(1), 331.309(1) and (2), 373.553(2), 631.221, and 723.06115(3)(c), F.S., relating to requirements for public depositors; deposits and investments of state money; bank deposits and control of lottery transactions; children's services and independent special districts; county depositories; powers of housing finance authorities; depositories for pension funds; retiree health insurance subsidies; depositories for retirement funds; retiree health insurance subsidies; boards of supervisors; general powers; state funds and noncollectible items; local government investment policies; definitions; grounds for suspension or disqualification of a qualified public depository; protection of public depositors and liability of the state; treasurer, depositories, and fiscal agent for Space Florida; treasurer of the board, payment of funds, and depositories; deposit of moneys collected; and the Florida Mobile Home Relocation Trust Fund, respectively, to incorporate the amendments made by this act to s. 280.02, F.S., in references thereto; providing an effective date.

—was read the second time by title. On motion by Rep. Botana, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 751

Representative Clemons in the Chair.

Yeas—76

Abbott	Daley	Joseph	Rizo
Alvarez	Driskell	Keen	Roach
Amesty	Duggan	Leek	Robinson, F.
Anderson	Eskamani	Lopez, V.	Rommel
Baker	Esposito	Maney	Rudman
Bankson	Fabricio	McClain	Salzman
Barnaby	Fine	McFarland	Silvers
Basabe	Gantt	Melo	Sirois
Bell	Garcia	Michael	Skidmore
Beltran	Giallombardo	Mooney	Snyder
Berfield	Gonzalez Pittman	Nixon	Stark
Black	Gossett-Seidman	Overdorf	Steele
Borrero	Gottlieb	Payne	Temple
Botana	Grant	Perez	Trabulsy
Brackett	Griffitts	Persons-Mulicka	Tramont
Brannan	Harris	Plasencia	Tuck
Buchanan	Hinson	Porras	Waldron
Canady	Holcomb	Redondo	Yarkosky
Cassel	Jacques	Renner	Yeager

Nays—36

Altman	Chaney	Hunschofsky	Roth
Andrade	Clemons	Killebrew	Shoaf
Antone	Cross	Koster	Smith
Arrington	Daniels	LaMarca	Stevenson
Bartleman	Dunkley	López, J.	Tant
Benjamin	Edmonds	Maggard	Truenow
Bracy Davis	Franklin	Massullo	Valdés
Busatta Cabrera	Gregory	Rayner	Williams
Campbell	Hart	Robinson, W.	Woodson

Votes after roll call:
Yeas—Garrison, Plakon, Tomkow
Nays to Yeas—Valdés

So the bill passed and was immediately certified to the Senate.

Consideration of **CS/CS/HB 655** was temporarily postponed.

CS/CS/CS/HB 989—A bill to be entitled An act relating to financial services; creating s. 17.69, F.S.; creating the Federal Tax Liaison position within the Department of Financial Services; providing the duties and authority of the liaison; amending s. 20.121, F.S.; renaming a division in the department; removing provisions relating to duties of such division and to bureaus and offices in such division; removing a division; amending s. 112.1816, F.S.; providing that, upon a diagnosis of cancer, firefighters are entitled to certain benefits under specified circumstances; amending s. 121.0515, F.S.; revising requirements for the Special Risk Class membership; amending s. 280.051, F.S.; providing additional grounds for qualified public depositories to be suspended and disqualified; amending s. 280.054, F.S.; providing additional acts deemed knowing and willful violations by qualified public depositories which are subject to certain penalties; amending s. 284.44, F.S.; removing provisions relating to certain quarterly reports prepared by the Division of Risk Management; amending s. 440.13, F.S.; providing the reimbursement schedule requirements for emergency services and care under workers' compensation under certain circumstances; providing rulemaking authority; amending s. 440.385, F.S.; providing requirements for certain contracts entered into and purchases made by the Florida Self-Insurers Guaranty Association, Incorporated; providing duties of the department and the association relating to such contracts and purchases; providing exemptions; amending s. 497.101, F.S.; revising the requirements for appointing and nominating members of the Board of Funeral, Cemetery, and Consumer Services; revising the members' terms; revising the authority to remove board members; providing for vacancy appointments; providing that board members are subject to the code of ethics; providing requirements for board members' conduct; prohibiting certain acts by the board; providing penalties; providing requirements for board meetings, books, and records; requiring notices of board meetings; providing requirements for such notices; amending s. 497.153, F.S.; authorizing services by electronic mail of administrative complaints against certain licensees under certain circumstances; amending s. 497.155, F.S.; authorizing services of citations by electronic mail under certain circumstances; amending s. 497.172, F.S.; revising circumstances under which the department may disclose certain information that is confidential and exempt from public records requirements; amending s. 497.386, F.S.; authorizing the department to enter and secure certain establishments, facilities, and morgues and remove certain remains under specified circumstances; requiring the department to make certain determinations; prohibiting certain licensees and facilities from being held liable under certain circumstances; providing penalties; creating s. 497.469, F.S.; authorizing preneed licensees to withdraw certain amounts of money under certain circumstances; providing documents that show that a preneed contract has been fulfilled; providing recordkeeping requirements; amending s. 624.307, F.S.; requiring eligible surplus lines insurers to respond to the department or the Office of Insurance Regulation after receipt of requests for documents and information concerning consumer complaints; providing penalties for failure to comply; requiring authorized insurers and eligible surplus lines insurers to file e-mail addresses with the department and to designate contact persons for specified purposes; authorizing changes of designated contact information; amending s. 626.171, F.S.; requiring the department to make provisions for certain insurance license applicants to

submit cellular telephone numbers for a specified purpose; amending s. 626.221, F.S.; providing a qualification for all-lines adjuster licenses; amending s. 626.601, F.S.; revising construction; amending s. 626.7351, F.S.; providing a qualification for customer representative's licenses; amending s. 626.878, F.S.; providing duties and prohibited acts for adjusters; amending s. 626.929, F.S.; specifying that licensed and appointed general lines agents, rather than general lines agents, may engage in certain activities while also licensed and appointed as surplus lines agents; authorizing general lines agents that are also licensed as surplus lines agents to make certain appointments; authorizing such agents to originate specified businesses and accept specified businesses; prohibiting such agents from being appointed by or transacting certain insurance on behalf of specified insurers; amending s. 627.351, F.S.; providing requirements for certain contracts entered into and purchases made by the Florida Joint Underwriting Association; providing duties of the department and the association associated with such contracts and purchases; amending s. 631.59, F.S.; providing requirements for certain contracts entered into and purchases made by the Florida Insurance Guaranty Association, Incorporated; providing duties of the department and the association associated with such contracts and purchases; providing nonapplicability; amending ss. 631.722, 631.821, and 631.921, F.S.; providing requirements for certain contracts entered into and purchases made by the Florida Life and Health Insurance Guaranty Association, the board of directors of the Florida Health Maintenance Organization Consumer Assistance Plan, and the board of directors of the Florida Workers' Compensation Insurance Guaranty Association, respectively; providing duties of the department and of the association and boards associated with such contracts and purchases; amending s. 633.124, F.S.; updating the edition of a manual for the use of pyrotechnics; amending s. 633.202, F.S.; revising the duties of the State Fire Marshal; amending s. 633.206, F.S.; revising the requirements for uniform firesafety standards established by the department; amending s. 634.041, F.S.; specifying the conditions under which service agreement companies do not have to establish and maintain unearned premium reserves; amending s. 634.081, F.S.; specifying the conditions under which service agreement companies' licenses are not suspended or revoked under certain circumstances; amending s. 634.3077, F.S.; specifying requirements for certain contractual liability insurance obtained by home warranty associations; providing that such associations are not required to establish unearned premium reserves or maintain contractual liability insurance; authorizing such associations to allow their premiums to exceed certain limitations under certain circumstances; amending s. 634.317, F.S.; providing that certain entities, employees, and agents are exempt from sales representative licenses and appointments under certain circumstances; amending s. 648.25, F.S.; providing definitions; amending s. 648.26, F.S.; revising the types of investigatory records of the department which are confidential and exempt from public records requirements; revising the circumstances under which investigatory records are confidential and exempt from public records requirements; revising construction; amending s. 648.30, F.S.; revising circumstances under which a person or entity may act in the capacity of a bail bond agent or bail bond agency and perform certain functions, duties, and powers; amending s. 648.355, F.S.; revising the requirements for limited surety agents and professional bail bond agent license applications; creating s. 655.49, F.S.; authorizing the Office of Financial Regulation to receive complaints from a customer or member who reasonably believes that a financial institution has acted in bad faith in terminating, suspending, or taking similar action restricting access to such customer's or member's account; providing a time limit for a customer or member to file a complaint; providing nonapplicability; providing duties of the office upon receipt of a customer's or member's complaint; providing duties of a financial institution upon receipt of notification that a complaint has been filed; providing violations and penalties; requiring the office to provide certain reports and information to specified entities under certain circumstances; providing that the financial institutions' customers and members have a cause of action under certain circumstances; authorizing such customers and members to recover damages, together with costs and attorney fees; providing a time limit for initiating causes of action; requiring the office to make available information necessary for filing complaints on its website; amending s. 717.101, F.S.; providing and revising definitions; amending s. 717.102, F.S.; providing a rebuttal to a presumption of unclaimed property; providing requirements for such rebuttal; providing circumstances under which a property is presumed unclaimed; providing construction; amending s. 717.106, F.S.; conforming a cross-reference; creating s. 717.1065, F.S.; providing circumstances under which virtual currency held or owing by banking organizations are not presumed unclaimed; prohibiting virtual currency holders from deducting certain charges from amounts of specified virtual currency under certain circumstances; providing an exception; amending s. 717.1101, F.S.; revising the date on which stocks and other equity interests in business associations are presumed unclaimed; amending s. 717.112, F.S.; providing that certain intangible property held by attorneys in fact and by agents in a fiduciary capacity are presumed unclaimed under certain circumstances; revising the requirements for claiming such property; providing construction; amending s. 717.1125, F.S.; providing construction; amending s. 717.117, F.S.; removing the paper option for reports by holders of unclaimed funds and property; revising the requirements for reporting the owners of unclaimed property and funds; authorizing the department to extend reporting dates under certain circumstances; revising the circumstances under which the department may impose and collect penalties; requiring holders of inactive accounts to notify apparent owners; revising the manner of sending such notices; providing requirements for such notices; amending s. 717.119, F.S.; requiring certain virtual currency to be remitted to the department; providing requirements for the liquidation of such virtual currency; providing that holders of such virtual currency are relieved of all liability upon delivery of the virtual currency to the department; prohibiting holders from assigning or transferring certain obligations or from complying with certain provisions; providing that certain entities are responsible for meeting holders' obligations and complying with certain provisions under certain circumstances; providing construction; amending s. 717.1201, F.S.; providing that the state assumes custody and responsibility for the safekeeping of unclaimed property upon good faith payments or deliveries of property to the department; providing that the department relieves holders of certain liability under specified circumstances; providing construction; requiring the department to defend holders against certain claims and indemnify holders against certain liability under specified circumstances; revising circumstances under which payments or deliveries of unclaimed property are considered to be made in good faith; authorizing the department to refund and redeliver certain money and property under certain circumstances; amending s. 727.1242, F.S.; revising legislative intent; amending s. 717.1243, F.S.; revising applicability of certain provisions relating to unclaimed small estate accounts; amending s. 717.129, F.S.; revising the prohibition of department enforcement relating to duties of holders of unclaimed funds and property; revising the tolling for the periods of limitation relating to duties of holders of unclaimed funds and property; amending s. 717.1301, F.S.; revising the department's authorities on the disposition of unclaimed funds and property for specified purposes; prohibiting certain materials from being disclosed or made public under certain circumstances; revising the basis for the department's cost assessment against holders of unclaimed funds and property; amending s. 717.1311, F.S.; revising the recordkeeping requirements for funds and property holders; amending s. 717.1322, F.S.; revising acts that are violations of specified provisions and constitute grounds for administrative enforcement actions and civil enforcement by the department; providing that claimants' representatives, rather than registrants, are subject to civil enforcement and disciplinary actions for certain violations; amending s. 717.1333, F.S.; conforming provisions to changes made by the act; amending s. 717.134, F.S.; conforming a provision to changes made by the act; amending s. 717.135, F.S.; revising the information that certain agreements relating to unclaimed property must disclose; removing a requirement for Unclaimed Property Purchase Agreement; providing nonapplicability; amending s. 717.1400, F.S.; removing a circumstance under which certain persons must register with the department; amending s. 766.302, F.S.; revising a definition; amending s. 766.314, F.S.; revising circumstances under which the Florida Birth-Related Neurological Injury Compensation Plan may not accept new claims; amending ss. 197.582 and 717.1382, F.S.; conforming a cross-reference; providing a directive to the Division of Law Revision; providing reporting requirements for the Florida

Birth-Related Neurological Injury Compensation Association; providing effective dates.

—was read the second time by title.

Representative LaMarca offered the following:

(Amendment Bar Code: 009191)

Amendment 1 (with title amendment)—Remove line 881 and insert:

(3) For purposes of fulfillment of a preneed cemetery contract, the documentation set forth in subsection (2) or a certificate signed by an officer, manager, or designee that the merchandise was delivered or services were performed is satisfactory evidence to show that a preneed cemetery contract has been fulfilled.

(4) The preneed licensee shall maintain documentation that

T I T L E A M E N D M E N T

Remove line 62 and insert:

preneed contract has been fulfilled; providing what constitutes satisfactory evidence to show that a preneed cemetery contract has been fulfilled; providing

Rep. LaMarca moved the adoption of the amendment, which was adopted.

Representative LaMarca offered the following:

(Amendment Bar Code: 246769)

Amendment 2 (with title amendment)—Remove lines 1616-1642 and insert:

(5) In addition to any sanctions and penalties under the financial institutions codes, a financial institution's bad faith termination, suspension, or similar action restricting access to a customer's or member's account, as determined by the office pursuant to subsection (3), or a financial institution's failure to cooperate in an investigation conducted pursuant to subsection (3), including, without limitation, failure to timely file a termination-of-access report with the office, constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act under part II of chapter 501. Notwithstanding s. 501.211, violations must be enforced only by the enforcing authority, as defined in s. 501.203(2), and subject the violator to the sanctions and penalties provided for in part II of chapter 501. If such action is successful, the enforcing authority is entitled to reasonable attorney fees and costs.

(6) The office shall provide any report filed pursuant to this section, or any information contained therein, to any federal, state, or local law enforcement or prosecutorial agency, and any federal or state agency responsible for the regulation or supervision of financial institutions, if the provision of such report is otherwise required by law.

(7) If the office determines under subsection (3) that a financial institution has acted in bad faith, the aggrieved customer or member of the financial institution has a cause of action against the financial institution for damages and may recover damages therefor in any court of competent jurisdiction, together with costs and reasonable attorney fees to be assessed by the court. To recover damages under this subsection, the customer or member must establish by clear and convincing evidence that the financial institution acted in bad faith in terminating, suspending, or taking similar action restricting access to the customer's or member's account. The office's determination that the financial institution has acted in bad faith pursuant to subsection (3) does not, in and of itself, establish by clear and convincing evidence that the financial institution acted in bad faith in the termination, suspension, or similar action restricting access to the customer's or member's account. A customer's or member's failure to initiate a cause of action under this subsection within 12 months after the office's finding of bad faith pursuant to subsection (3) bars recovery of any filed claims thereafter.

(8) By July 1, 2024, the office shall make available on

T I T L E A M E N D M E N T

Remove line 161 and insert:

filed; providing violations and penalties; providing that certain actions or certain failure of financial institutions to cooperate in specified investigations constitute violations of the Florida Deceptive and Unfair Trade Practices Act; providing that violations are enforced only by the enforcing authority; providing attorney fees and costs; requiring

Rep. LaMarca moved the adoption of the amendment.

Representative LaMarca offered the following:

(Amendment Bar Code: 530611)

Substitute Amendment 2 (with title amendment) for Amendment 2 (246769) (with title amendment)—Remove lines 1616-1642 and insert:

(5) In addition to any sanctions and penalties under the financial institutions codes, a financial institution's bad faith termination, suspension, or similar action restricting access to a customer's or member's account, as determined by the office pursuant to subsection (3), or a financial institution's failure to cooperate in an investigation conducted pursuant to subsection (3), including, without limitation, failure to timely file a termination-of-access report with the office, constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act under part II of chapter 501. Notwithstanding s. 501.211, violations must be enforced only by the enforcing authority, as defined in s. 501.203(2), and subject the violator to the sanctions and penalties provided for in part II of chapter 501. If such action is successful, the enforcing authority is entitled to reasonable attorney fees and costs.

(6) The office shall provide any report filed pursuant to this section, or any information contained therein, to any federal, state, or local law enforcement or prosecutorial agency, and any federal or state agency responsible for the regulation or supervision of financial institutions, if the provision of such report is otherwise required by law.

(7) If the office determines under subsection (3) that a financial institution has acted in bad faith, the aggrieved customer or member of the financial institution has a cause of action against the financial institution for damages and may recover damages therefor in any court of competent jurisdiction, together with costs and reasonable attorney fees to be assessed by the court. To recover damages under this subsection, the customer or member must establish by clear and convincing evidence that the financial institution acted in bad faith in terminating, suspending, or taking similar action restricting access to the customer's or member's account. The office's determination that the financial institution has acted in bad faith pursuant to subsection (3) does not, in and of itself, establish by clear and convincing evidence that the financial institution acted in bad faith in the termination, suspension, or similar action restricting access to the customer's or member's account. A customer's or member's failure to initiate a cause of action under this subsection within 12 months after the office's finding of bad faith pursuant to subsection (3) bars recovery of any filed claims thereafter.

(8) By July 1, 2024, the office shall make available on

T I T L E A M E N D M E N T

Remove lines 2-161 and insert:

An act relating to the Chief Financial Officer; creating s. 17.69, F.S.; creating the Federal Tax Liaison position within the Department of Financial Services; providing the duties and authority of the liaison; amending s. 20.121, F.S.; renaming a division in the department; removing provisions relating to duties of such division and to bureaus and offices in such division; removing a division; amending s. 112.1816, F.S.; providing that, upon a diagnosis of cancer, firefighters are entitled to certain benefits under specified circumstances; amending s. 121.0515, F.S.; revising requirements for the Special Risk Class membership; amending s. 280.051, F.S.; providing additional grounds for qualified public depositories to be suspended and disqualified; amending s. 280.054, F.S.; providing additional acts deemed knowing and willful violations by qualified public depositories which are subject to certain penalties; amending s. 284.44, F.S.; removing provisions

relating to certain quarterly reports prepared by the Division of Risk Management; amending s. 440.13, F.S.; providing the reimbursement schedule requirements for emergency services and care under workers' compensation under certain circumstances; providing rulemaking authority; amending s. 440.385, F.S.; providing requirements for certain contracts entered into and purchases made by the Florida Self-Insurers Guaranty Association, Incorporated; providing duties of the department and the association relating to such contracts and purchases; providing exemptions; amending s. 497.101, F.S.; revising the requirements for appointing and nominating members of the Board of Funeral, Cemetery, and Consumer Services; revising the members' terms; revising the authority to remove board members; providing for vacancy appointments; providing that board members are subject to the code of ethics; providing requirements for board members' conduct; prohibiting certain acts by the board; providing penalties; providing requirements for board meetings, books, and records; requiring notices of board meetings; providing requirements for such notices; amending s. 497.153, F.S.; authorizing services by electronic mail of administrative complaints against certain licensees under certain circumstances; amending s. 497.155, F.S.; authorizing services of citations by electronic mail under certain circumstances; amending s. 497.172, F.S.; revising circumstances under which the department may disclose certain information that is confidential and exempt from public records requirements; amending s. 497.386, F.S.; authorizing the department to enter and secure certain establishments, facilities, and morgues and remove certain remains under specified circumstances; requiring the department to make certain determinations; prohibiting certain licensees and facilities from being held liable under certain circumstances; providing penalties; creating s. 497.469, F.S.; authorizing preneed licensees to withdraw certain amounts of money under certain circumstances; providing documents that show that a preneed contract has been fulfilled; providing recordkeeping requirements; amending s. 624.307, F.S.; requiring eligible surplus lines insurers to respond to the department or the Office of Insurance Regulation after receipt of requests for documents and information concerning consumer complaints; providing penalties for failure to comply; requiring authorized insurers and eligible surplus lines insurers to file e-mail addresses with the department and to designate contact persons for specified purposes; authorizing changes of designated contact information; amending s. 626.171, F.S.; requiring the department to make provisions for certain insurance license applicants to submit cellular telephone numbers for a specified purpose; amending s. 626.221, F.S.; providing a qualification for all-lines adjuster licenses; amending s. 626.601, F.S.; revising construction; amending s. 626.7351, F.S.; providing a qualification for customer representative's licenses; amending s. 626.878, F.S.; providing duties and prohibited acts for adjusters; amending s. 626.929, F.S.; specifying that licensed and appointed general lines agents, rather than general lines agents, may engage in certain activities while also licensed and appointed as surplus lines agents; authorizing general lines agents that are also licensed as surplus lines agents to make certain appointments; authorizing such agents to originate specified businesses and accept specified businesses; prohibiting such agents from being appointed by or transacting certain insurance on behalf of specified insurers; amending s. 627.351, F.S.; providing requirements for certain contracts entered into and purchases made by the Florida Joint Underwriting Association; providing duties of the department and the association associated with such contracts and purchases; amending s. 631.59, F.S.; providing requirements for certain contracts entered into and purchases made by the Florida Insurance Guaranty Association, Incorporated; providing duties of the department and the association associated with such contracts and purchases; providing nonapplicability; amending ss. 631.722, 631.821, and 631.921, F.S.; providing requirements for certain contracts entered into and purchases made by the Florida Life and Health Insurance Guaranty Association, the board of directors of the Florida Health Maintenance Organization Consumer Assistance Plan, and the board of directors of the Florida Workers' Compensation Insurance Guaranty Association, respectively; providing duties of the department and of the association and boards associated with such contracts and purchases; amending s. 633.124, F.S.; updating the edition of a manual for the use of pyrotechnics; amending s. 633.202, F.S.; revising the duties of the State Fire Marshal; amending s. 633.206, F.S.; revising the requirements for uniform firesafety standards established by the department; amending s. 634.041, F.S.; specifying the conditions under which service agreement companies do not have to establish and maintain unearned premium reserves; amending s. 634.081, F.S.; specifying the conditions under which service agreement companies' licenses are not suspended or revoked under certain circumstances; amending s. 634.3077, F.S.; specifying requirements for certain contractual liability insurance obtained by home warranty associations; providing that such associations are not required to establish unearned premium reserves or maintain contractual liability insurance; authorizing such associations to allow their premiums to exceed certain limitations under certain circumstances; amending s. 634.317, F.S.; providing that certain entities, employees, and agents are exempt from sales representative licenses and appointments under certain circumstances; amending s. 648.25, F.S.; providing definitions; amending s. 648.26, F.S.; revising the types of investigatory records of the department which are confidential and exempt from public records requirements; revising the circumstances under which investigatory records are confidential and exempt from public records requirements; revising construction; amending s. 648.30, F.S.; revising circumstances under which a person or entity may act in the capacity of a bail bond agent or bail bond agency and perform certain functions, duties, and powers; amending s. 648.355, F.S.; revising the requirements for limited surety agents and professional bail bond agent license applications; creating s. 655.49, F.S.; authorizing the Office of Financial Regulation to receive complaints from a customer or member who reasonably believes that a financial institution has acted in bad faith in terminating, suspending, or taking similar action restricting access to such customer's or member's account; providing a time limit for a customer or member to file a complaint; providing nonapplicability; providing duties of the office upon receipt of a customer's or member's complaint; providing duties of a financial institution upon receipt of notification that a complaint has been filed; providing violations and penalties; providing that certain actions or certain failure of financial institutions to cooperate in specified investigations constitute violations of the Florida Deceptive and Unfair Trade Practices Act; providing that violations are enforced only by the enforcing authority; providing attorney fees and costs; requiring

Rep. LaMarca moved the adoption of the substitute amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Consideration of **CS/HB 991** was temporarily postponed.

CS/CS/CS/HB 613—A bill to be entitled An act relating to mobile home park lot tenancies; amending s. 723.037, F.S.; requiring that a petition for mediation be filed with the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation to determine its adequacy and conformance to certain requirements; requiring mobile home owners to provide, in a specified manner, certain documents to a mobile home park owner; authorizing a mobile home park owner and the mobile home owners, by mutual agreement, to select a mediator; requiring the division to dismiss a petition for mediation under certain circumstances; authorizing a mobile home park owner to file objections to the petition for mediation within a specified timeframe; requiring the division to assign a mediator within a specified timeframe under certain circumstances; amending s. 723.038, F.S.; authorizing the parties to a dispute to agree to immediately select a mediator and initiate mediation proceedings; requiring the division to appoint a qualified mediator and notify the parties within a specified timeframe; conforming a provision to changes made by the act; amending s. 723.0381, F.S.; prohibiting the initiation of a civil action unless the dispute is first submitted to mediation; amending s. 723.051, F.S.; providing that a live-in health care aide must have ingress and egress to and from a mobile home owner's site without such owner or aide being required to pay additional rent, a fee, or any charge; requiring a mobile home owner to pay the cost of any necessary background check for the live-in health care aide; specifying that a live-in health care aide does not have any rights of tenancy in the mobile home park; requiring a mobile home owner to

notify the park owner or park manager of certain information relating to the live-in aide; requiring the mobile home owner to remove the live-in health care aide and cover certain costs associated with such removal if necessary; requiring the division to adopt rules; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/CS/HB 1007—A bill to be entitled An act relating to nicotine products and dispensing devices; reordering and amending s. 569.31, F.S.; revising and defining terms for purposes of part II of ch. 569, F.S.; creating s. 569.311, F.S.; requiring nicotine product manufacturers who sell nicotine dispensing devices in this state to execute a form, prescribed by the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, under penalty of perjury, for each nicotine dispensing device sold that meets certain criteria; requiring the form to be delivered by the manufacturer to the division; specifying requirements for the form; requiring nicotine product manufacturers to submit certain additional materials to the division; requiring a nicotine product manufacturer to notify the division within a specified time of certain events; requiring the division to develop and maintain a directory listing all nicotine product manufacturers who sell nicotine dispensing devices and nicotine dispensing devices certified by those manufacturers; requiring the division to make such directory available by a specified date on its website or on the Department of Business and Professional Regulation's website; requiring the division to establish a process to provide notice of the initial publication of the directory and changes made to the directory in the prior month; requiring the division to establish by rule a process to provide a nicotine product manufacturer notice and an opportunity to cure deficiencies before removal of the manufacturer or any of the manufacturer's nicotine dispensing devices from the directory; prohibiting the division from removing the nicotine product manufacturer or any of the manufacturer's nicotine dispensing devices from the directory until a specified time after notice has been provided; providing a specified time within which a nicotine product manufacturer has to establish that the manufacturer or any of the manufacturer's nicotine dispensing devices must be listed on the directory; providing for administrative review of certain actions by the division relating to the directory; providing a specified time in which a nicotine dispensing device removed from the directory must be sold or removed from the dealer's inventory; providing penalties for certain violations by nicotine product manufacturers; subjecting retail and wholesale nicotine product dealers to inspections or audits to ensure compliance; requiring the division to publish results of such inspections and audits and make the results available to the public upon request; authorizing the division to establish by rule certain procedures; authorizing the division to take certain actions against nicotine product manufacturers who fail to provide certain documents or information; authorizing the division to assess certain administrative fines; requiring the division to deposit such fines into the General Revenue Fund; creating s. 569.312, F.S.; requiring certain manufacturers, dealers, and agents of nicotine dispensing devices to keep certain records for a specified time; providing an exception; requiring such manufacturers, dealers, and agents to provide records to the division within a specified time; authorizing the division to examine such records for specified purposes; providing for enforcement; authorizing the division to assess administrative fines; requiring the division to deposit such fines into the General Revenue Fund; creating s. 569.313, F.S.; prohibiting a nicotine product manufacturer from selling, shipping, or distributing certain nicotine dispensing devices for retail sale to consumers in this state; providing a criminal penalty; authorizing the division to assess administrative fines; requiring the division to deposit such fines into the General Revenue Fund; creating s. 569.316, F.S.; requiring certain persons or entities to obtain a wholesale nicotine product dealer permit for certain places of business or premises; specifying requirements and limitations relating to such permits; authorizing the division to refuse to issue, and requiring the division to revoke, such permits in certain circumstances; providing that a wholesale dealer or distributing agent is not required to obtain a separate or additional wholesale nicotine product dealer permit; creating s. 569.317, F.S.; requiring wholesale nicotine product dealers to purchase and sell for retail in this state only those nicotine dispensing devices listed on the division's directory; authorizing the division to suspend or revoke a wholesale nicotine product dealer permit in certain circumstances; authorizing the division to assess administrative fines; requiring the division to deposit such fines into the General Revenue Fund; authorizing the division to suspend imposition of administrative fines in certain circumstances; amending s. 569.32, F.S.; requiring that retail nicotine product dealer permits be issued and renewed annually; requiring a retail nicotine product dealer to pay a specified fee in certain circumstances; requiring the division to establish by rule a permit renewal procedure; prohibiting the division from exempting any retail nicotine product dealer from certain fees; amending s. 569.33, F.S.; providing that applicants for wholesale nicotine product dealer permits must consent to certain inspections and searches without a warrant; amending s. 569.34, F.S.; prohibiting certain persons and entities from dealing, at retail, in nicotine dispensing devices not listed on the division's directory; prohibiting retail nicotine product dealers from purchasing nicotine dispensing devices from certain persons and entities; providing criminal penalties; authorizing the division to suspend or revoke a permit of retail nicotine product dealer upon sufficient cause of a violation of part II of ch. 569, F.S.; authorizing the division to assess administrative fines; requiring the division to deposit such fines into the General Revenue Fund; creating s. 569.345, F.S.; providing for the seizure and destruction of contraband nicotine dispensing devices; requiring a court with jurisdiction to take certain actions; requiring the division to keep certain records; requiring that certain costs be borne by certain persons; creating s. 569.346, F.S.; requiring certain manufacturers of nicotine dispensing devices to appoint an agent for service of process; providing construction; requiring such manufacturers to provide certain notice within a specified time; appointing the Secretary of State as the agent for certain manufacturers; providing that such appointment does not satisfy a certain requirement; amending ss. 569.002 and 569.35, F.S.; conforming provisions and cross-references to changes made by the act; providing appropriations and authorizing positions; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

CS/CS/CS/HB 1021—A bill to be entitled An act relating to community associations; amending s. 468.4334, F.S.; requiring community association managers and community association management firms to return official records of an association within a specified time after termination of a contract; requiring notices of termination of certain contractual agreements to be sent in a specified manner; authorizing community association managers and community association management firms to retain, for a specified timeframe, records necessary to complete an ending financial statement or report; relieving community association managers and community association management firms from certain responsibilities and liability under certain circumstances; providing a rebuttable presumption regarding noncompliance; providing penalties for the failure to timely return official records; providing an exception for certain time periods for timeshare plans; creating s. 468.4335, F.S.; requiring community association managers and community association management firms to disclose certain conflicts of interest to the association's board; providing a rebuttable presumption as to the existence of a conflict; requiring an association to solicit multiple bids for goods or services under certain circumstances; providing requirements for an association to approve any activity and contracts that are a conflict of interest; providing that a conflict of interest in a contract which has been previously disclosed must to be noticed and voted on upon its renewal, but not during the term of the contract; authorizing certain contracts to be canceled, subject to certain requirements; specifying liability and nonliability of the association upon cancellation of such a contract; authorizing an association to cancel a contract if certain conflicts were not disclosed; specifying liability and nonliability of the association upon cancellation of a contract; defining the term "relative"; reenacting and amending s. 468.436, F.S.; revising the list of grounds for which the Department of Business and Professional Regulation may take disciplinary actions against community association managers or community association firms; amending s. 553.899, F.S.; exempting certain four-family dwellings from requiring a milestone inspection and milestone inspection report; amending s. 718.103, F.S.; revising and providing

definitions; amending s. 718.104, F.S.; providing requirements for the declaration of specified condominiums; requiring declarations to specify the entity responsible for the installation, maintenance, repair, or replacement of hurricane protection; amending s. 718.111, F.S.; providing criminal penalties for any officer, director, or manager of an association who unlawfully solicits, offers to accept, or accepts a kickback; requiring such officers, directors, or managers to be removed from office and a vacancy declared; revising the list of records that constitute the official records of an association; providing requirements relating to e-mail addresses and facsimile numbers of unit owners; requiring an association to redact certain personal information in certain documents; providing an exception to liability for the release of certain information; revising maintenance requirements for official records; revising requirements regarding requests to inspect or copy association records; requiring an association to provide a checklist in response to certain records requests; providing a rebuttable presumption and criminal penalties; requiring certain persons to be removed from office and a vacancy declared under certain circumstances; defining the term "repeatedly"; requiring copies of certain building permits be posted on an association's website or application; modifying the method of delivery of certain financial reports to unit owners; revising circumstances under which an association may prepare certain reports; revising criminal penalties for persons who unlawfully use a debit card issued in the name of an association; requiring certain persons to be removed from office and a vacancy declared under certain circumstances; defining the term "lawful obligation of the association"; revising the threshold for associations that must post certain documents on its website or through an application; amending s. 718.112, F.S.; requiring the boards of certain associations to meet at least once every quarter; revising requirements regarding notice of such meetings; requiring a director to complete an educational requirement within a specified time period before or after election or appointment to the board; providing requirements for the educational curriculum; providing transitional provisions; requiring a director to complete a certain amount of continuing education each year relating to changes in the law; requiring the secretary of the association to maintain certain information for inspection for a specified number of years; authorizing members of an association to pause the contribution to reserves or reduce reserves under certain circumstances and for a limited time; authorizing the board to expend reserve account funds to make the condominium building and structures habitable; requiring an association to distribute or deliver copies of a structural integrity reserve study to unit owners within a specified timeframe; specifying the manner of distribution or delivery; requiring an association to provide a specified statement to the Division of Florida Condominiums, Timeshares, and Mobile Homes within a specified timeframe; revising the circumstances under which a director or an officer must be removed from office after being charged by information or indictment of certain crimes; prohibiting such officers and directors with pending criminal charges from accessing the official records of any association; providing an exception; providing criminal penalties for certain fraudulent voting activities relating to association elections; amending s. 718.113, F.S.; providing applicability; specifying that certain actions are not material alterations or substantial additions; authorizing the boards of residential and mixed-use condominiums to install or require unit owners to install hurricane protection; requiring a vote of the unit owners for the installation of hurricane protection; requiring that such vote be attested to in a certificate and recorded in certain public records; requiring the board to provide, in various manners, to the unit owners a copy of the recorded certificate; providing that the validity or enforceability of a vote is not affected if the board fails to take certain actions; providing that a vote of the unit owners is not required under certain circumstances; prohibiting installation of the same type of hurricane protection previously installed; providing exceptions; prohibiting the boards of residential and mixed-use condominiums from refusing to approve certain hurricane protections; authorizing the board to require owners to adhere to certain guidelines regarding the external appearance of a condominium; revising responsibility for the cost of the removal or reinstallation of hurricane protection, including exterior windows, doors, or apertures; prohibiting the association from charging certain expenses to unit owners; requiring reimbursement or a credit toward future assessments to the unit owner in certain circumstances; authorizing the association to collect certain charges and specifying that such charges are enforceable as assessments under certain circumstances; amending s. 718.115, F.S.; specifying when the cost of installation of hurricane protection is not a common expense; authorizing certain expenses to be enforceable as assessments; requiring certain unit owners to be excused from certain assessments or to receive a credit for hurricane protection that has been installed; providing credit applicability under certain circumstances; providing for the amount of credit that a unit owner must receive; specifying that certain expenses are common expenses; amending s. 718.121, F.S.; conforming a cross-reference; amending s. 718.124, F.S.; providing the statute of limitations and repose for certain actions; amending s. 718.1224, F.S.; revising legislative findings and intent; revising the definition of the term "governmental entity"; prohibiting an association from filing strategic lawsuits, taking certain actions against unit owners, and expending funds to support certain actions; amending s. 718.128, F.S.; providing that a unit owner may consent to electronic voting electronically; providing that a board must honor a unit owner's request to vote electronically until the owner opts out; amending s. 718.202, F.S.; providing sales and reservation deposit requirements for nonresidential condominiums; amending s. 718.301, F.S.; requiring developers to deliver a structural integrity reserve report to an association upon relinquishing control of the association; amending s. 718.3027, F.S.; revising requirements regarding attendance at a board meeting in the event of a conflict of interest; modifying circumstances under which a contract may be voided; revising a cross-reference; amending s. 718.303, F.S.; requiring an association to provide certain notice to a unit owner by a specified time before an election; creating s. 718.407, F.S.; authorizing a condominium to be created within a portion of a building or within a multiple parcel building; specifying that the common elements are only those portions of the building submitted to the condominium form of ownership; providing requirements for the declaration of such condominiums and other certain recorded instruments; providing for the apportionment of expenses for such condominiums; authorizing the association to inspect and copy certain books and records; requiring a specified disclosure summary for contracts of sale for a unit in certain condominiums; providing that the creation of a multiple parcel building is not a subdivision of the land; amending s. 718.501, F.S.; revising circumstances under which the division has jurisdiction to investigate and enforce complaints relating to certain matters; requiring that the division provide official records, without charge, to a unit owner denied access; authorizing the division to issue certain citations; requiring the division to provide a division-approved training provider with the template for the certificate issued to certain directors of a board of administration; requiring that the division refer suspected criminal acts to the appropriate law enforcement authority; authorizing certain division officials to attend association meetings; authorizing the division to request access to an association's website or application to investigate complaints under certain circumstances; requiring the division to include certain information in its annual report to the Governor and Legislature after a specified date; specifying requirements for the annual certification; authorizing the division to adopt rules; providing applicability; amending s. 718.5011, F.S.; providing that the secretary of the Department of Business and Professional Regulation, rather than the Governor, appoints the condominium ombudsman; amending s. 718.503, F.S.; requiring nondeveloper unit owners to include an annual financial statement and annual budget in information provided to a prospective purchaser; requiring certain disclosures be made if a unit is located in a specified type of condominium; amending s. 718.504, F.S.; requiring certain information provided to prospective purchasers to state whether the condominium is created within a portion of a building or within a multiple parcel building; amending s. 719.106, F.S.; requiring an association to distribute or deliver copies of a structural integrity reserve study to unit owners within a specified timeframe; specifying the manner of distribution or delivery; requiring an association to provide a specified statement to the division within a specified timeframe; amending s. 719.301, F.S.; requiring developers to deliver a structural integrity reserve study to a cooperative association upon relinquishing control of association property; requiring the division to conduct a review of statutory requirements regarding posting of official records on a condominium association's website or application; requiring the division to submit its findings, including any recommendations,

to the Governor and the Legislature by a specified date; requiring the division to create a database on its website with certain information by a date certain; providing appropriations; providing construction and retroactive application; providing effective dates.

—was read the second time by title.

Representative Lopez, V. offered the following:

(Amendment Bar Code: 119199)

Amendment 1 (with directory and title amendments)—Remove lines 512-3681 and insert:

(11) INSURANCE.—In order to protect the safety, health, and welfare of the people of the State of Florida and to ensure consistency in the provision of insurance coverage to condominiums and their unit owners, this subsection applies to every residential condominium in the state, regardless of the date of its declaration of condominium. It is the intent of the Legislature to encourage lower or stable insurance premiums for associations described in this subsection.

(h) The association shall maintain insurance or fidelity bonding of all persons who control or disburse funds of the association. The insurance policy or fidelity bond must cover the maximum funds that will be in the custody of the association or its management agent at any one time. Upon receipt of a complaint, the division shall monitor an association for compliance with this paragraph and may issue fines and penalties established by the division for failure of an association to maintain the required insurance policy or fidelity bond. As used in this paragraph, the term "persons who control or disburse funds of the association" includes, but is not limited to, those individuals authorized to sign checks on behalf of the association, and the president, secretary, and treasurer of the association. The association shall bear the cost of any such bonding.

(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)5.e., the e-mail addresses and facsimile numbers are only accessible to unit owners if consent to receive notice by electronic transmission is provided, or if the unit owner has expressly indicated that such personal information can be shared with other unit owners and the unit owner has not provided the association with a request to opt out of such dissemination with other unit owners. An association must ensure that the e-mail addresses and facsimile numbers are only used for the business operation of the association and may not be sold or shared with outside third parties. If such personal information is included in documents that are released to third parties, other than unit owners, the association must redact such personal information before the document is disseminated ~~(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 unless such disclosure was made with a knowing or intentional disregard of the protected nature of such information.

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)(e) ~~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. All invoices, transaction receipts, or deposit slips that substantiate any receipt or expenditure of funds by the association.

c.~~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.

d.~~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.

e.~~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 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.

16. Bids for materials, equipment, or services.

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

18. A copy of all building permits.

19. A copy of all satisfactorily completed board member educational certificates.

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

(b) The official records specified in subparagraphs (a)1.-6. must be permanently maintained from the inception of the association. Bids for work to be performed or for materials, equipment, or services must be maintained for at least 1 year after receipt of the bid. All other official records must be maintained within the state for at least 7 years, unless otherwise provided by general law. The official records must be maintained in an organized manner that facilitates inspection of the records by a unit owner. In the event that the official records are lost, destroyed, or otherwise unavailable, the obligation to maintain the official records includes a good faith obligation to obtain and recover those records as is reasonably possible. The records of the association shall be made available to a unit owner within 45 miles of the condominium property or within the county in which the condominium property is located within 10 working days after receipt of a written request by the board or its designee. However, such distance requirement does not apply to an association governing a timeshare condominium. This paragraph and paragraph (c) may be complied with by having a copy of the official records of the association available for inspection or copying on the condominium property or association property, or the association may offer the option of making the records available to a unit owner electronically via

the Internet as provided under paragraph (g) or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. The association is not responsible for the use or misuse of the information provided to an association member or his or her authorized representative in compliance with this chapter unless the association has an affirmative duty not to disclose such information under this chapter.

(c)1.a.~~(c)1.~~ The official records of the association are open to inspection by any association member and any person authorized by an association member as a 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 and of the person authorized by the association member as a representative of such member. A renter of a unit has a right to inspect and copy only the declaration of condominium, 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. If the requested records are posted on an association's website, or are available for download through an application on a mobile device, the association may fulfill its obligations under this paragraph by directing to the website or the application all persons authorized to request access.

b. In response to a written request to inspect records, the association must simultaneously provide to the requestor a checklist of all records made available for inspection and copying. The checklist must also identify any of the association's official records that were not made available to the requestor. An association must maintain a checklist provided under this sub-subparagraph for 7 years. An association delivering a checklist pursuant to this sub-subparagraph creates a rebuttable presumption that the association has complied with this paragraph.

2. A director or member of the board or association or a community association manager who knowingly, willfully, and repeatedly violates subparagraph 1. commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and must be removed from office and a vacancy declared. For purposes of this subparagraph, the term "repeatedly" means two or more violations within a 12-month period.

3.~~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, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, is personally subject to a civil penalty pursuant to s. 718.501(1)(d), and must be removed from office and a vacancy declared.

4. A person who willfully and knowingly refuses to release or otherwise produce association records with the intent to avoid or escape detection, arrest, trial, or punishment for the commission of a crime, or to assist another person with such avoidance or escape, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, and must be removed from office and a vacancy declared.

5.~~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).

(d) The association shall prepare a question and answer sheet as described in s. 718.504, and shall update it annually.

(e)1. The association or its authorized agent is not required to provide a prospective purchaser or lienholder with information about the condominium or the association other than information or documents required by this chapter to be made available or disclosed. The association or its authorized agent may charge a reasonable fee to the prospective purchaser, lienholder, or the current unit owner for providing good faith responses to requests for information by or on behalf of a prospective purchaser or lienholder, other than that required by law, if the fee does not exceed $150 plus the reasonable cost of photocopying and any attorney's fees incurred by the association in connection with the response.

2. An association and its authorized agent are not liable for providing such information in good faith pursuant to a written request if the person providing the information includes a written statement in substantially the following form: "The responses herein are made in good faith and to the best of my ability as to their accuracy."

(f) An outgoing board or committee member must relinquish all official records and property of the association in his or her possession or under his or her control to the incoming board within 5 days after the election. The division shall impose a civil penalty as set forth in s. 718.501(1)(d)6. against an outgoing board or committee member who willfully and knowingly fails to relinquish such records and property.

(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 sub-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. 468.4335, 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.

o. Copies of all building permits issued for ongoing or planned construction.

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.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or contract for the preparation and completion of, a financial report for the preceding fiscal year. Within 21 days after the final financial report is completed by the association or received from the third party, but not later than 120 days after the end of the fiscal year or other date as provided in the bylaws, the association shall deliver ~~mail~~ to each unit owner by United States mail or personal delivery at the mailing address, property address, e-mail address, or facsimile number provided to fulfill the association's notice requirements ~~at the address last furnished to the association by the unit owner, or hand deliver to each unit owner~~, a copy of the most recent financial report, and ~~or~~ a notice that a copy of the most recent financial report will be mailed or hand delivered to the unit owner, without charge, within 5 business days after receipt of a written request from the unit owner. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and addressing the financial reporting requirements for multicondominium associations. The rules must include, but not be limited to, standards for presenting a summary of association reserves, including a good faith estimate disclosing the annual amount of reserve funds that would be necessary for the association to fully fund reserves for each reserve item based on the straight-line accounting method. This disclosure is not applicable to reserves funded via the pooling method. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements must be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of $150,000 or more, but less than $300,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least $300,000, but less than $500,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of $500,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than $150,000 shall prepare a report of cash receipts and expenditures.

2. A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses,

and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or

3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur before the end of the fiscal year and is effective only for the fiscal year in which the vote is taken. An association may not prepare a financial report pursuant to this paragraph for consecutive fiscal years~~, except that the approval may also be effective for the following fiscal year~~. If the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of the association's financial reports, from the date of incorporation of the association through 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. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer. Any audit or review prepared under this section shall be paid for by the developer if done before turnover of control of the association.

(e) A unit owner may provide written notice to the division of the association's failure to mail or hand deliver him or her a copy of the most recent financial report within 5 business days after he or she submitted a written request to the association for a copy of such report. If the division determines that the association failed to mail or hand deliver a copy of the most recent financial report to the unit owner, the division shall provide written notice to the association that the association must mail or hand deliver a copy of the most recent financial report to the unit owner and the division within 5 business days after it receives such notice from the division. An association that fails to comply with the division's request may not waive the financial reporting requirement provided in paragraph (d) for the fiscal year in which the unit owner's request was made and the following fiscal year. A financial report received by the division pursuant to this paragraph shall be maintained, and the division shall provide a copy of such report to an association member upon his or her request.

(15) DEBIT CARDS.—

(a) An association and its officers, directors, employees, and agents may not use a debit card issued in the name of the association, or billed directly to the association, for the payment of any association expense.

(b) A person who uses ~~Use of~~ a debit card issued in the name of the association, or billed directly to the association, for any expense that is not a lawful obligation of the association commits theft under s. 812.014 and must be removed from office and a vacancy declared. For the purposes of this paragraph, the term "lawful obligation of the association" means an obligation that has been properly preapproved by the board and is reflected in the meeting minutes or the written budget ~~may be prosecuted as credit card fraud pursuant to s. 817.61~~.

Section 8. Effective January 1, 2026, paragraph (g) of subsection (12) of section 718.111, Florida Statutes, as amended by this act, is amended to read:

718.111 The association.—

(12) OFFICIAL RECORDS.—

(g)1. ~~By January 1, 2019,~~ An association managing a condominium with 25 ~~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 sub-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. 468.4335, 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.

o. Copies of all building permits issued for ongoing or planned construction.

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 9. Paragraphs (c), (d), (f), (g), and (q) of subsection (2) of section 718.112, Florida Statutes, are amended, and paragraph (r) is 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:

(c) *Board of administration meetings.*—In a residential condominium association of more than 10 units, the board of administration shall meet at least once each quarter. At least four times each year, the meeting agenda must include an opportunity for members to ask questions of the board. Meetings of the board of administration at which a quorum of the members is present are open to all unit owners. Members of the board of administration may use e-mail as a means of communication but may not cast a vote on an association matter via e-mail. A unit owner may tape record or videotape the meetings. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items and the right to ask questions relating to reports on the status of construction or repair projects, the status of revenues and expenditures during the current fiscal year, and other issues affecting the condominium. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt written reasonable rules governing the frequency, duration, and manner of unit owner statements.

1. Adequate notice of all board meetings, which must specifically identify all agenda items, must be posted conspicuously on the condominium property at least 48 continuous hours before the meeting except in an emergency. If 20 percent of the voting interests petition the board to address an item of business, the board, within 60 days after receipt of the petition, shall place the item on the agenda at its next regular board meeting or at a special meeting called for that purpose. An item not included on the notice may be taken up on an emergency basis by a vote of at least a majority plus one of the board members. Such emergency action must be noticed and ratified at the next regular board meeting. Written notice of a meeting at which a nonemergency special assessment or an amendment to rules regarding unit use will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property at least 14 days before the meeting. Evidence of compliance with this 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association. ~~Notice of any meeting in which regular or special assessments against unit owners are to be considered must specifically state that assessments will be considered and provide the estimated cost and description of the purposes for such assessments.~~

2. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium property at which ~~where~~ all notices of board meetings must be posted. If there is no condominium property at which ~~where~~ notices can be posted, notices shall be mailed, delivered, or electronically transmitted to each unit owner at least 14 days before the meeting. In lieu of or in addition to the physical posting of the notice on the condominium property, 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 physically posted on 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 at which ~~where~~ the notice is posted, to unit owners whose e-mail addresses are included in the association's official records.

3. Notice of any meeting in which regular or special assessments against unit owners are to be considered must specifically state that assessments will be considered and provide the estimated cost and description of the purposes for such assessments. If an agenda item relates to the approval of a contract for goods or services, a copy of the contract must be provided with the notice and be made available for inspection and copying upon a written request from a unit owner or made available on the association's website or through an application that can be downloaded on a mobile device.

4.~~2.~~ Meetings of a committee to take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this paragraph. Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this section, unless those meetings are exempted from this section by the bylaws of the association.

5.~~3.~~ Notwithstanding any other law, the requirement that board meetings and committee meetings be open to the unit owners does not apply to:

a. Meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, if the meeting is held for the purpose of seeking or rendering legal advice; or

b. Board meetings held for the purpose of discussing personnel matters.

(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 association, 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 at which ~~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 at which ~~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. A director of a ~~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:

(I) 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.

(II) Submit to the secretary of the association ~~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 the

division or a division-approved condominium education provider. The educational curriculum must be at least 4 hours long and include instruction on milestone inspections, structural integrity reserve studies, elections, recordkeeping, financial literacy and transparency, levying of fines, and notice and meeting requirements ~~within 1 year before or 90 days after the date of election or appointment~~.

Each newly elected or appointed director must submit to the secretary of the association the written certification and educational certificate within 1 year before being elected or appointed or 90 days after the date of election or appointment. A director of an association of a residential condominium who was elected or appointed before July 1, 2024, must comply with the written certification and educational certificate requirements in this sub-subparagraph by June 30, 2025. The written certification and ~~or~~ educational certificate is valid for 7 years after the date of issuance and does not have to be resubmitted as long as the director serves on the board without interruption during the 7-year period. A director who is appointed by the developer may satisfy the educational certificate requirement in sub-sub-subparagraph (II) for any subsequent appointment to a board by a developer within 7 years after the date of issuance of the most recent educational certificate, including any interruption of service on a board or appointment to a board in another association within that 7-year period. One year after submission of the most recent written certification and educational certificate, and annually thereafter, a director of an association of a residential condominium must submit to the secretary of the association a certificate of having satisfactorily completed at least 1 hour of continuing education administered by the division, or a division-approved condominium education provider, relating to any recent changes to this chapter and the related administrative rules during the past year. A director of an association of a residential condominium who fails to timely file the written certification and ~~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 and ~~or~~ educational certificate for inspection by the members for 7 ~~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 and ~~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); 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 sub-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) 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 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 deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted. A multicondominium association must adopt a separate budget of common expenses for each condominium the association operates and must 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 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 must be computed using a formula based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (g) for which the association is responsible pursuant to the declaration of condominium, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests of the association, to provide no reserves or less reserves than required by this subsection. For a budget adopted on or after December 31, 2024, the members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not determine to provide no reserves or less reserves than required by this subsection for items listed in paragraph (g), except that members of an association operating a multicondominium may

determine to provide no reserves or less reserves than required by this subsection if an alternative funding method has been approved by the division. If the local building official, as defined in s. 468.603, determines that the entire condominium building is uninhabitable due to a natural emergency, as defined in s. 252.34, the board, upon the approval of a majority of its members, may pause the contribution to its reserves or reduce reserve funding until the local building official determines that the condominium building is habitable. Any reserve account funds held by the association may be expended, pursuant to the board's determination, to make the condominium building and its structures habitable. Upon the determination by the local building official that the condominium building is habitable, the association must immediately resume contributing funds to its reserves.

b. Before turnover of control of an association by a developer to unit owners other than a developer under s. 718.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves. 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 of all the total voting interests 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. For a budget adopted on or after December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, for any other purpose other than the replacement or deferred maintenance costs of the components listed in paragraph (g).

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. A residential condominium 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, as determined by the Florida Building Code, 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. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. 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 sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the condominium property. 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 or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

3. At a minimum, a structural integrity reserve study must identify each item of the condominium property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the condominium property being visually inspected, and provide a reserve funding schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of condominium property being visually inspected by the end of the estimated remaining useful life of the item. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item.

4. This paragraph does not apply to buildings less than three stories in height; single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; any portion or component of a building that has not been submitted to the condominium form of ownership; or any portion or component of a building that is maintained by a party other than the association.

5. Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report in compliance with s. 718.301(4)(p) and (q) for each building on the condominium property that is three stories or higher in height.

6. 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. An association that is required to complete a milestone inspection in accordance with s. 553.899 on or before December 31, 2026, may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

7. If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

8. If the officers or directors of an association willfully and knowingly fail 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).

9. Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery to the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

10. Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. The statement must be

provided to the division in the manner established by the division using a form posted on the division's website.

(q) *Director or officer offenses.*—

1. A director or an officer charged by information or indictment with any of the following crimes must be removed from office:

a. Forgery, as provided in s. 831.01, of a ballot envelope or voting certificate used in a condominium association election.

b. Theft, as provided in s. 812.014, or embezzlement involving the association's funds or property.

c. Destruction of, or the refusal to allow inspection or copying of, an official record of a condominium association which is accessible to unit owners within the time periods required by general law, in furtherance of any crime. Such act constitutes tampering with physical evidence as provided in s. 918.13.

d. Obstruction of justice under chapter 843.

e. Any criminal violation under this chapter.

2. The board shall fill the vacancy in accordance with paragraph (2)(d) ~~a felony theft or embezzlement offense involving the association's funds or property must be removed from office, creating a vacancy in the office to be filled according to law~~ until the end of the period of the suspension or the end of the director's term of office, whichever occurs first. While such director or officer has such criminal charge pending, he or she may not be appointed or elected to a position as a director or officer of any association and may not have access to the official records of any association, except pursuant to a court order. However, if the charges are resolved without a finding of guilt, the director or officer shall be reinstated for the remainder of his or her term of office, if any.

(r) *Fraudulent voting activities relating to association elections; penalties.*—

1. A person who engages in the following acts of fraudulent voting activity relating to association elections commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:

a. Willfully and falsely swearing to or affirming an oath or affirmation, or willfully procuring another person to falsely swear to or affirm an oath or affirmation, in connection with or arising out of voting activities.

b. Perpetrating or attempting to perpetrate, or aiding in the perpetration of, fraud in connection with a vote cast, to be cast, or attempted to be cast.

c. Preventing a member from voting or preventing a member from voting as he or she intended by fraudulently changing or attempting to change a ballot, ballot envelope, vote, or voting certificate of the member.

d. Menacing, threatening, or using bribery or any other corruption to attempt, directly or indirectly, to influence, deceive, or deter a member when the member is voting.

e. Giving or promising, directly or indirectly, anything of value to another member with the intent to buy the vote of that member or another member or to corruptly influence that member or another member in casting his or her vote. This sub-subparagraph does not apply to any food served which is to be consumed at an election rally or a meeting or to any item of nominal value which is used as an election advertisement, including a campaign message designed to be worn by a member.

f. Using or threatening to use, directly or indirectly, force, violence, or intimidation or any tactic of coercion or intimidation to induce or compel a member to vote or refrain from voting in an election or on a particular ballot measure.

2. Each of the following acts constitutes a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:

a. Knowingly aiding, abetting, or advising a person in the commission of a fraudulent voting activity related to association elections.

b. Agreeing, conspiring, combining, or confederating with at least one other person to commit a fraudulent voting activity related to association elections.

c. Having knowledge of a fraudulent voting activity related to association elections and giving any aid to the offender with intent that the offender avoid or escape detection, arrest, trial, or punishment. This sub-subparagraph does not apply to a licensed attorney giving legal advice to a client.

Section 10. Subsection (5) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane ~~shutters and~~ protection; display of religious decorations.—

(5) To protect the health, safety, and welfare of the people of the state and to ensure uniformity and consistency in the hurricane protections installed by condominium associations and unit owners, this subsection applies to all residential and mixed-use condominiums in the state, regardless of when the condominium is created pursuant to the declaration of condominium. Each board of administration of a residential condominium or mixed-use condominium must ~~shall~~ adopt hurricane protection ~~shutter~~ specifications for each building within each condominium operated by the association which may ~~shall~~ include color, style, and other factors deemed relevant by the board. All specifications adopted by the board must comply with the applicable building code. The installation, maintenance, repair, replacement, and operation of hurricane protection in accordance with this subsection is not considered a material alteration or substantial addition to the common elements or association property within the meaning of this section.

(a) The board may, subject to s. 718.3026 and the approval of a majority of voting interests of the residential condominium or mixed-use condominium, install or require that unit owners install hurricane ~~shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane~~ protection that complies ~~comply~~ with or exceeds ~~exceed~~ the applicable building code. A vote of the unit owners to require the installation of hurricane protection must be set forth in a certificate attesting to such vote and include the date that the hurricane protection must be installed. The board must record the certificate in the public records of the county in which the condominium is located. Once the certificate is recorded, the board must mail or hand deliver a copy of the recorded certificate to the unit owners at the owners' addresses, as reflected in the records of the association. The board may provide to unit owners who previously consented to receive notice by electronic transmission a copy of the recorded certificate by electronic transmission. The failure to record the certificate or send a copy of the recorded certificate to the unit owners does not affect the validity or enforceability of the vote of the unit owners. ~~However,~~ A vote of the unit owners under this paragraph is not required if the installation, maintenance, repair, and replacement of the hurricane ~~shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane~~ protection, or any exterior windows, doors, or other apertures protected by the hurricane protection, is ~~are~~ the responsibility of the association pursuant to the declaration of condominium as originally recorded or as amended, or if the unit owners are required to install hurricane protection pursuant to the declaration of condominium as originally recorded or as amended. If hurricane protection ~~or laminated glass or window film architecturally designed to function as hurricane protection~~ that complies with or exceeds the current applicable building code has been previously installed, the board may not install the same type of ~~hurricane shutters, impact glass, code-compliant windows or doors, or other types of code compliant~~ hurricane protection or require that unit owners install the same type of hurricane protection unless the installed hurricane protection has reached the end of its useful life or unless it is necessary to prevent damage to the common elements or to a unit ~~except upon approval by a majority vote of the voting interests~~.

~~(b) The association is responsible for the maintenance, repair, and replacement of the hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection authorized by this subsection if such property is the responsibility of the association pursuant to the declaration of condominium. If the hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection are the responsibility of the unit owners pursuant to the declaration of condominium, the maintenance, repair, and replacement of such items are the responsibility of the unit owner.~~

(b)~~(c)~~ The board may operate ~~shutters, impact glass, code compliant windows or doors, or other types of code-compliant~~ hurricane protection ~~installed pursuant to this subsection~~ without permission of the unit owners only if such operation is necessary to preserve and protect the condominium property or ~~and~~ association property. ~~The installation, replacement, operation, repair, and maintenance of such shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection in accordance with the procedures set forth in this paragraph are not a material~~

~~alteration to the common elements or association property within the meaning of this section.~~

(c)~~(d)~~ Notwithstanding any other provision in the residential condominium or mixed-use condominium documents, if approval is required by the documents, a board may not refuse to approve the installation or replacement of ~~hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant~~ hurricane protection by a unit owner which conforms ~~conforming~~ to the specifications adopted by the board. However, a board may require the unit owner to adhere to an existing unified building scheme regarding the external appearance of the condominium.

(d) A unit owner is not responsible for the cost of any removal or reinstallation of hurricane protection, including exterior windows, doors, or other apertures, if its removal is necessary for the maintenance, repair, or replacement of other condominium property or association property for which the association is responsible. The board shall determine if the removal or reinstallation of hurricane protection must be completed by the unit owner or the association. If such removal or reinstallation is completed by the association, the costs incurred by the association may not be charged to the unit owner. If such removal or reinstallation is completed by the unit owner, the association must reimburse the unit owner for the cost of the removal or reinstallation or the association must apply a credit toward future assessments in the amount of the unit owner's cost to remove or reinstall the hurricane protection.

(e) If the removal or reinstallation of hurricane protection, including exterior windows, doors, or other apertures, is the responsibility of the unit owner and the association completes such removal or reinstallation and then charges the unit owner for such removal or reinstallation, such charges are enforceable as an assessment and may be collected in the manner provided under s. 718.116.

Section 11. Paragraph (e) of subsection (1) of section 718.115, Florida Statutes, is amended to read:

718.115 Common expenses and common surplus.—

(1)

(e)1. Except as provided in s. 718.113(5)(d), ~~The expense of installation, replacement, operation, repair, and maintenance of hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection by the board pursuant to s. 718.113(5) constitutes a common expense and shall be collected as provided in this section if the association is responsible for the maintenance, repair, and replacement of the hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection pursuant to the declaration of condominium. However,~~ if the installation of ~~maintenance, repair, and replacement of the hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant~~ hurricane protection is ~~are~~ the responsibility of the unit owners pursuant to the declaration of condominium or a vote of the unit owners under s. 718.113(5), the cost of the installation of ~~the hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant~~ hurricane protection by the association is not a common expense and must ~~shall~~ be charged individually to the unit owners based on the cost of installation of ~~the hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant~~ hurricane protection appurtenant to the unit. The costs of installation of hurricane protection are enforceable as an assessment and may be collected in the manner provided under s. 718.116.

2. Notwithstanding s. 718.116(9), and regardless of whether ~~or not~~ the declaration requires the association or unit owners to install, maintain, repair, or replace ~~hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant~~ hurricane protection, the ~~a unit~~ owner of a unit in which ~~who has previously installed hurricane shutters in accordance with s. 718.113(5) that comply with the current applicable building code shall receive a credit when the shutters are installed; a unit owner who has previously installed impact glass or code-compliant windows or doors that comply with the current applicable building code shall receive a credit when the impact glass or code-compliant windows or doors are installed; and a unit owner who has installed other types of code-compliant~~ hurricane protection that complies ~~comply~~ with the current applicable building code has been installed is excused from any assessment levied by the association or shall receive a credit if ~~when~~ the same type of ~~other code-compliant~~ hurricane protection is installed by the association. A credit is applicable if the installation of hurricane protection is for all other units that do not have hurricane protection and the cost of such installation is funded by the association's budget, including the use of reserve funds. The credit must be equal to the amount that the unit owner would have been assessed to install the hurricane protection~~, and the credit shall be equal to the pro rata portion of the assessed installation cost assigned to each unit~~. However, such unit owner remains responsible for the pro rata share of expenses for ~~hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant~~ hurricane protection installed on common elements and association property by the board pursuant to s. 718.113(5) and remains responsible for a pro rata share of the expense of the replacement, operation, repair, and maintenance of such ~~shutters, impact glass, code-compliant windows or doors, or other types of code-compliant~~ hurricane protection. Expenses for the installation, replacement, operation, repair, or maintenance of hurricane protection on common elements and association property are common expenses.

Section 12. Paragraph (a) of subsection (4) of section 718.121, Florida Statutes, is amended to read:

718.121 Liens.—

(4)(a) If an association sends out an invoice for assessments or a unit's statement of the account described in s. 718.111(12)(a)11.c. ~~s. 718.111(12)(a)11.b.~~, the invoice for assessments or the unit's statement of account must be delivered to the unit owner by first-class United States mail or by electronic transmission to the unit owner's e-mail address maintained in the association's official records.

Section 13. Section 718.124, Florida Statutes, is amended to read:

718.124 Limitation on actions by association.—The statute of limitations and statute of repose for any actions in law or equity which a condominium association or a cooperative association may have shall not begin to run until the unit owners have elected a majority of the members of the board of administration.

Section 14. Section 718.1224, Florida Statutes, is amended to read:

718.1224 Prohibition against SLAPP suits; other prohibited actions.—

(1) It is the intent of the Legislature to protect the right of condominium unit owners to exercise their rights to instruct their representatives and petition for redress of grievances before their condominium associations and the various governmental entities of this state as protected by the First Amendment to the United States Constitution and s. 5, Art. I of the State Constitution. The Legislature recognizes that strategic lawsuits against public participation, or "SLAPP suits," as they are typically referred to, have occurred when association members are sued by condominium associations, individuals, business entities, or governmental entities arising out of a condominium unit owner's appearance and presentation before the board of the condominium association or a governmental entity on matters related to the condominium association. However, it is the public policy of this state that condominium associations, governmental entities, business organizations, and individuals not engage in SLAPP suits, because such actions are inconsistent with the right of condominium unit owners to participate in their condominium association and in the state's institutions of government. Therefore, the Legislature finds and declares that prohibiting such lawsuits by condominium associations, governmental entities, business entities, and individuals against condominium unit owners who address matters concerning their condominium association will preserve this fundamental state policy, preserve the constitutional rights of condominium unit owners, ~~and~~ ensure the continuation of representative government in this state, and ensure unit owner participation in condominium associations. It is the intent of the Legislature that such lawsuits be expeditiously disposed of by the courts. As used in this subsection, the term "governmental entity" means the state, including the executive, legislative, and judicial branches of government; law enforcement agencies; the independent establishments of the state, counties, municipalities, districts, authorities, boards, or commissions; or any agencies of these branches that are subject to chapter 286.

(2) A condominium association, governmental entity, business organization, or individual in this state may not file or cause to be filed through its employees or agents any lawsuit, cause of action, claim, cross-

claim, or counterclaim against a condominium unit owner without merit and solely because such condominium unit owner has exercised the right to instruct his or her representatives or the right to petition for redress of grievances before the condominium association or the various governmental entities of this state, as protected by the First Amendment to the United States Constitution and s. 5, Art. I of the State Constitution.

(3) It is unlawful for a condominium association to fine, discriminatorily increase a unit owner's assessments, discriminatorily decrease services to a unit owner, or bring or threaten to bring an action for possession or other civil action, including a defamation, libel, slander, or tortious interference action, based on conduct described in this subsection. In order for the unit owner to raise the defense of retaliatory conduct, the unit owner must have acted in good faith and not for any improper purposes, such as to harass or to cause unnecessary delay or for frivolous purpose or needless increase in the cost of litigation. Examples of conduct for which a condominium association, an officer, a director, or an agent of an association may not retaliate include, but are not limited to, situations in which:

(a) The unit owner has in good faith complained to a governmental agency charged with responsibility for enforcement of a building, housing, or health code of a suspected violation applicable to the condominium;

(b) The unit owner has organized, encouraged, or participated in a unit owners' organization;

(c) The unit owner submitted information or filed a complaint alleging criminal violations or violations of this chapter or the rules of the division with the division, the Office of the Condominium Ombudsman, a law enforcement agency, a state attorney, the Attorney General, or any other governmental agency;

(d) The unit owner has exercised his or her rights under this chapter;

(e) The unit owner has complained to the association or any of the association's representatives for the failure to comply with this chapter or chapter 617; or

(f) The unit owner has made public statements critical of the operation or management of the association.

(4) Evidence of retaliatory conduct may be raised by the unit owner as a defense in any action brought against him or her for possession.

(5)~~(3)~~ A condominium unit owner sued by a condominium association, governmental entity, business organization, or individual in violation of this section has a right to an expeditious resolution of a claim that the suit is in violation of this section. A condominium unit owner may petition the court for an order dismissing the action or granting final judgment in favor of that condominium unit owner. The petitioner may file a motion for summary judgment, together with supplemental affidavits, seeking a determination that the condominium association's, governmental entity's, business organization's, or individual's lawsuit has been brought in violation of this section. The condominium association, governmental entity, business organization, or individual shall thereafter file its response and any supplemental affidavits. As soon as practicable, the court shall set a hearing on the petitioner's motion, which shall be held at the earliest possible time after the filing of the condominium association's, governmental entity's, business organization's, or individual's response. The court may award the condominium unit owner sued by the condominium association, governmental entity, business organization, or individual actual damages arising from the condominium association's, governmental entity's, individual's, or business organization's violation of this section. A court may treble the damages awarded to a prevailing condominium unit owner and shall state the basis for the treble damages award in its judgment. The court shall award the prevailing party reasonable attorney's fees and costs incurred in connection with a claim that an action was filed in violation of this section.

(6)~~(4)~~ Condominium associations may not expend association funds in prosecuting a SLAPP suit against a condominium unit owner.

(7) Condominium associations may not expend association funds in support of a defamation, libel, slander, or tortious interference action against a unit owner or any other claim against a unit owner based on conduct described in subsection (3).

Section 15. Section 718.128, Florida Statutes, is amended to read:

718.128 Electronic voting.—The association may conduct elections and other unit owner votes through an Internet-based online voting system if a unit owner consents, electronically or in writing, to online voting and if the following requirements are met:

(1) The association provides each unit owner with:

(a) A method to authenticate the unit owner's identity to the online voting system.

(b) For elections of the board, a method to transmit an electronic ballot to the online voting system that ensures the secrecy and integrity of each ballot.

(c) A method to confirm, at least 14 days before the voting deadline, that the unit owner's electronic device can successfully communicate with the online voting system.

(2) The association uses an online voting system that is:

(a) Able to authenticate the unit owner's identity.

(b) Able to authenticate the validity of each electronic vote to ensure that the vote is not altered in transit.

(c) Able to transmit a receipt from the online voting system to each unit owner who casts an electronic vote.

(d) For elections of the board of administration, able to permanently separate any authentication or identifying information from the electronic election ballot, rendering it impossible to tie an election ballot to a specific unit owner.

(e) Able to store and keep electronic votes accessible to election officials for recount, inspection, and review purposes.

(3) A unit owner voting electronically pursuant to this section shall be counted as being in attendance at the meeting for purposes of determining a quorum. A substantive vote of the unit owners may not be taken on any issue other than the issues specifically identified in the electronic vote, when a quorum is established based on unit owners voting electronically pursuant to this section.

(4) This section applies to an association that provides for and authorizes an online voting system pursuant to this section by a board resolution. If the board authorizes online voting, the board must honor a unit owner's request to vote electronically at all subsequent elections, unless such unit owner opts out of online voting. The board resolution must provide that unit owners receive notice of the opportunity to vote through an online voting system, must establish reasonable procedures and deadlines for unit owners to consent, electronically or in writing, to online voting, and must establish reasonable procedures and deadlines for unit owners to opt out of online voting after giving consent. Written notice of a meeting at which the resolution will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property or association property at least 14 days before the meeting. Evidence of compliance with the 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.

(5) A unit owner's consent to online voting is valid until the unit owner opts out of online voting according to the procedures established by the board of administration pursuant to subsection (4).

(6) This section may apply to any matter that requires a vote of the unit owners who are not members of a timeshare condominium association.

Section 16. Effective October 1, 2024, subsections (1) and (3) of section 718.202, Florida Statutes, are amended to read:

718.202 Sales or reservation deposits prior to closing.—

(1) If a developer contracts to sell a condominium parcel and the construction, furnishing, and landscaping of the property submitted or proposed to be submitted to condominium ownership has not been substantially completed in accordance with the plans and specifications and representations made by the developer in the disclosures required by this chapter, the developer shall pay into an escrow account all payments up to 10 percent of the sale price received by the developer from the buyer towards the sale price. The escrow agent shall give to the purchaser a receipt for the deposit, upon request. In lieu of the foregoing concerning residential condominiums, the division director has the discretion to accept other assurances, including, but not limited to, a surety bond or an irrevocable letter of credit in an amount equal to the escrow requirements of this section. With respect to nonresidential condominiums, the developer may deliver to the escrow agent a surety bond or an irrevocable letter of credit in an amount equivalent to the aggregate of some or all of all payments, up to 10 percent of

the sale price, received by the developer from all buyers toward the sale price. In all cases, the aggregate of the initial 10 percent deposits being released must be secured by a surety bond or irrevocable letter of credit in an equivalent amount. Default determinations and refund of deposits shall be governed by the escrow release provision of this subsection. Funds shall be released from escrow as follows:

(a) If a buyer properly terminates the contract pursuant to its terms or pursuant to this chapter, the funds shall be paid to the buyer together with any interest earned.

(b) If the buyer defaults in the performance of his or her obligations under the contract of purchase and sale, the funds shall be paid to the developer together with any interest earned.

(c) If the contract does not provide for the payment of any interest earned on the escrowed funds, interest shall be paid to the developer at the closing of the transaction.

(d) If the funds of a buyer have not been previously disbursed in accordance with the provisions of this subsection, they may be disbursed to the developer by the escrow agent at the closing of the transaction, unless prior to the disbursement the escrow agent receives from the buyer written notice of a dispute between the buyer and developer.

(3) If the contract for sale of the condominium unit so provides, the developer may withdraw escrow funds in excess of 10 percent of the purchase price from the special account required by subsection (2) when the construction of improvements has begun. He or she may use the funds for the actual costs incurred by the developer in the construction and development of the condominium property, or the easements and rights appurtenant thereto, in which the unit to be sold is located. For purposes of this subsection, the term "actual costs" includes, but is not limited to, expenditures for demolition, site clearing, permit fees, impact fees, and utility reservation fees, as well as architectural, engineering, and surveying fees that directly relate to construction and development of the condominium property or the easements and rights appurtenant thereto. However, no part of these funds may be used for salaries, commissions, or expenses of salespersons; for advertising, marketing, or promotional purposes; or for loan fees and costs, principal and interest on loans, attorney fees, accounting fees, or insurance costs. A contract that ~~which~~ permits use of the advance payments for these purposes must ~~shall~~ include the following legend conspicuously printed or stamped in boldfaced type on the first page of the contract and immediately above the place for the signature of the buyer: "ANY PAYMENT IN EXCESS OF 10 PERCENT OF THE PURCHASE PRICE MADE TO DEVELOPER PRIOR TO CLOSING PURSUANT TO THIS CONTRACT MAY BE USED FOR CONSTRUCTION PURPOSES BY THE DEVELOPER."

Section 17. Paragraph (p) of subsection (4) of section 718.301, Florida Statutes, is amended to read:

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

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

(p) Notwithstanding when the certificate of occupancy was issued or the height of the building, a turnover inspection report included in the official records, under seal of an architect or engineer authorized to practice in this state or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts, and consisting of a structural integrity reserve study attesting to required maintenance, condition, useful life, and replacement costs of the following applicable condominium property:

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. Plumbing.

5. Electrical systems.

6. Waterproofing and exterior painting.

7. Windows and exterior doors.

Section 18. Subsections (4) and (5) of section 718.3027, Florida Statutes, are amended to read:

718.3027 Conflicts of interest.—

(4) A director or an officer, or a relative of a director or an officer, who is a party to, or has an interest in, an activity that is a possible conflict of interest, as described in subsection (1), may attend the meeting at which the activity is considered by the board and is authorized to make a presentation to the board regarding the activity. After the presentation, the director or officer, and any ~~or the~~ relative of the director or officer, must leave the meeting during the discussion of, and the vote on, the activity. A director or an officer who is a party to, or has an interest in, the activity must recuse himself or herself from the vote. The attendance of a director or an officer with a possible conflict of interest at the meeting of the board is sufficient to constitute a quorum for the meeting and the vote in his or her absence on the proposed activity.

(5) A contract entered into between a director or an officer, or a relative of a director or an officer, and the association, which is not a timeshare condominium association, that has not been properly disclosed as a conflict of interest or potential conflict of interest as required by this section or s. 617.0832 ~~s. 718.111(12)(g)~~ is voidable and terminates upon the filing of a written notice terminating the contract with the board of directors which contains the consent of at least 20 percent of the voting interests of the association.

Section 19. Subsection (5) of section 718.303, Florida Statutes, is amended to read:

718.303 Obligations of owners and occupants; remedies.—

(5) An association may suspend the voting rights of a unit owner or member due to nonpayment of any fee, fine, or other monetary obligation due to the association which is more than $1,000 and more than 90 days delinquent. Proof of such obligation must be provided to the unit owner or member 30 days before such suspension takes effect. At least 90 days before an election, an association must notify a unit owner or member that his or her voting rights may be suspended due to a nonpayment of a fee or other monetary obligation. A voting interest or consent right allocated to a unit owner or member which has been suspended by the association shall be subtracted from the total number of voting interests in the association, which shall be reduced by the number of suspended voting interests when calculating the total percentage or number of all voting interests available to take or approve any action, and the suspended voting interests shall not be considered for any purpose, including, but not limited to, the percentage or number of voting interests necessary to constitute a quorum, the percentage or number of voting interests required to conduct an election, or the percentage or number of voting interests required to approve an action under this chapter or pursuant to the declaration, articles of incorporation, or bylaws. The suspension ends upon full payment of all obligations currently due or overdue the association. The notice and hearing requirements under subsection (3) do not apply to a suspension imposed under this subsection.

Section 20. Effective October 1, 2024, section 718.407, Florida Statutes, is created to read:

718.407 Condominiums created within a portion of a building or within a multiple parcel building.—

(1) A condominium may be created in accordance with this section within a portion of a building or within a multiple parcel building, as defined in s. 193.0237(1).

(2) The common elements of a condominium created within a portion of a building or within a multiple parcel building are only those portions of the building submitted to the condominium form of ownership, excluding the units of such condominium.

(3) The declaration of condominium that creates a condominium within a portion of a building or within a multiple parcel building, the recorded instrument that creates the multiple parcel building, and any other recorded instrument applicable under this section must specify all of the following:

(a) The portions of the building which are included in the condominium and the portions of the building which are excluded.

(b) The party responsible for maintaining and operating those portions of the building which are shared facilities, including, but not limited to, the roof, the exterior of the building, the windows, the balconies, the elevators, the building lobby, the corridors, the recreational amenities, and the utilities.

(c)1. The manner in which the expenses for the maintenance and operation of the shared facilities will be apportioned. An owner of a portion of a building which is not submitted to the condominium form of ownership or the condominium association, as applicable to the portion of the building submitted to the condominium form of ownership, must approve any increase to the apportionment of expenses to such portion of the building. The apportionment of the expenses for the maintenance and operation of the shared facilities may be based on any of the following criteria or any combination thereof:

a. The area or volume of each portion of the building in relation to the total area or volume of the entire building, exclusive of the shared facilities.

b. The initial estimated market value of each portion of the building in comparison to the total initial estimated market value of the entire building.

c. The extent to which the unit owners are permitted to use various shared facilities.

2. This paragraph does not preclude an alternative apportionment of expenses as long as such apportionment is stated in the declaration of condominium that creates a condominium within a portion of a building or within a multiple parcel building, the recorded instrument that creates the multiple parcel building, or any other recorded instrument applicable under this section.

(d) The party responsible for collecting the shared expenses.

(e) The rights and remedies that are available to enforce payment of the shared expenses.

(4) The association of a condominium subject to this section may inspect and copy the books and records upon which the costs for maintaining and operating the shared facilities are based and to receive an annual budget with respect to such costs.

(5) Each contract for the sale of a unit in a condominium subject to this section must contain in conspicuous type a clause that substantially states:

DISCLOSURE SUMMARY

THE CONDOMINIUM IN WHICH YOUR UNIT IS LOCATED IS CREATED WITHIN A PORTION OF A BUILDING OR WITHIN A MULTIPLE PARCEL BUILDING. THE COMMON ELEMENTS OF THE CONDOMINIUM CONSIST ONLY OF THE PORTIONS OF THE BUILDING SUBMITTED TO THE CONDOMINIUM FORM OF OWNERSHIP.

BUYER ACKNOWLEDGES ALL OF THE FOLLOWING:

(1) THE CONDOMINIUM MAY HAVE MINIMAL COMMON ELEMENTS.

(2) PORTIONS OF THE BUILDING WHICH ARE NOT INCLUDED IN THE CONDOMINIUM ARE OR WILL BE GOVERNED BY A SEPARATE RECORDED INSTRUMENT. SUCH INSTRUMENT CONTAINS IMPORTANT PROVISIONS AND RIGHTS AND IS OR WILL BE AVAILABLE IN PUBLIC RECORDS.

(3) THE PARTY THAT CONTROLS THE MAINTENANCE AND OPERATION OF THE PORTIONS OF THE BUILDING WHICH ARE NOT INCLUDED IN THE CONDOMINIUM DETERMINES THE BUDGET FOR THE OPERATION AND MAINTENANCE OF SUCH PORTIONS. HOWEVER, THE ASSOCIATION AND UNIT OWNERS ARE STILL RESPONSIBLE FOR THEIR SHARE OF SUCH EXPENSES.

(4) THE ALLOCATION BETWEEN THE UNIT OWNERS AND THE OWNERS OF THE PORTIONS OF THE BUILDING WHICH ARE NOT INCLUDED IN THE CONDOMINIUM OF THE COSTS TO MAINTAIN AND OPERATE THE BUILDING CAN BE FOUND IN THE DECLARATION OF CONDOMINIUM OR OTHER RECORDED INSTRUMENT.

(6) The creation of a multiple parcel building is not a subdivision of the land upon which such building is situated provided the land itself is not subdivided.

Section 21. Subsections (1) and (2) of section 718.501, Florida Statutes, are amended 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:

(a)1. Procedural aspects and records relating to financial issues, including annual financial reporting under s. 718.111(13); assessments for common expenses, fines, and commingling of reserve and operating funds under s. 718.111(14); use of debit cards for unintended purposes under s. 718.111(15); the annual operating budget and the allocation of reserve funds under s. 718.112(2)(f); financial records under s. 718.111(12)(a)11.; and any other record necessary to determine the revenues and expenses of the association.

2. Elections, including election and voting requirements under s. 718.112(2)(b) and (d), recall of board members under s. 718.112(2)(l), electronic voting under s. 718.128, and elections that occur during an emergency under s. 718.1265(1)(a). ~~financial issues, elections, and~~

3. The maintenance of and unit owner access to association records under s. 718.111(12).

4. The procedural aspects of meetings, including unit owner meetings, quorums, voting requirements, proxies, board of administration meetings, and budget meetings under s. 718.112(2).

5. The disclosure of conflicts of interest under ss. 718.111(1)(a) and 718.3027, including limitations contained in s. 718.111(3)(f).

6. The removal of a board director or officer under ss. 718.111(1)(a) and (15) and 718.112(2)(p) and (q).~~, and~~

7. The procedural completion of structural integrity reserve studies under s. 718.112(2)(g).

8. Any written inquiries by unit owners to the association relating to such matters, including written inquiries under s. 718.112(2)(a)2.

(b)1.~~(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.

(c)~~(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.

(d)~~(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.

(e)~~(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, upon 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 in which ~~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 at the location in which ~~where~~ the records are kept pursuant to s. 718.112. Upon receipt of the records, the division must provide to the unit owner who was denied access to such records the produced official records without charge.

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 (t) ~~(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.

9. The division may issue citations and promulgate rules to provide for citation bases and citation procedures in accordance with this paragraph.

(f)~~(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.

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

(h)~~(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.

(i)~~(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.

(j)~~(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.

(k)~~(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. The division shall provide the division-approved provider with the template certificate for issuance directly to the association's board of directors who have satisfactorily completed the requirements under s. 718.112(2)(d). The division shall adopt rules to implement this section.

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

(m)~~(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.

(n)~~(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.

(o)~~(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. The division shall refer to local law enforcement authorities any person whom the division believes has engaged in fraud, theft, embezzlement, or other criminal activity or when the division has cause to believe that fraud, theft, embezzlement, or other criminal activity has occurred.

(p) The division director or any officer or employee of the division and the condominium ombudsman or any employee of the Office of the Condominium Ombudsman may attend and observe any meeting of the board of administration or any unit owner meeting, including any meeting of a subcommittee or special committee, which is open to members of the association for the purpose of performing the duties of the division or the Office of the Condominium Ombudsman under this chapter.

(q)~~(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.

(r)~~(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.

(s)~~(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.

(t)~~(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.

(u) If the division receives a complaint regarding access to official records on the association's website or through an application that can be downloaded on a mobile device under s. 718.111(12)(g), the division may request access to the association's website or application and investigate. The division may adopt rules to carry out this paragraph.

(v)~~(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 (n) ~~(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. After December 31, 2024, the division must include a list of the associations that have completed the structural integrity reserve study required under s. 718.112(2)(g). The report shall be submitted by September 30 following the end of the fiscal year.

(2)(a) Each condominium association that ~~which~~ operates more than two units shall pay to the division an annual fee in the amount of $4 for each residential unit in condominiums operated by the association. If the fee is not paid by March 1, the association shall be assessed a penalty of 10 percent of the amount due, and the association will not have standing to maintain or defend any action in the courts of this state until the amount due, plus any penalty, is paid.

(b) All fees shall be deposited in the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund as provided by law.

(c) On the certification form provided by the division, the directors of the association shall certify that each director of the association has completed the written certification and educational certificate requirements in s. 718.112(2)(d)4.b. This certification requirement does not apply to the directors of an association governing a timeshare condominium.

Section 22. Subsection (2) of section 718.5011, Florida Statutes, is amended to read:

718.5011 Ombudsman; appointment; administration.—

(2) The secretary of the Department of Business and Professional Regulation ~~Governor~~ shall appoint the ombudsman. The ombudsman ~~must be an attorney admitted to practice before the Florida Supreme Court and~~ shall serve at the pleasure of the Governor. A vacancy in the office shall be filled in the same manner as the original appointment. An officer or full-time employee of the ombudsman's office may not actively engage in any other business or profession that directly or indirectly relates to or conflicts with his or her work in the ombudsman's office; serve as the representative of any political party, executive committee, or other governing body of a political

party; serve as an executive, officer, or employee of a political party; receive remuneration for activities on behalf of any candidate for public office; or engage in soliciting votes or other activities on behalf of a candidate for public office. The ombudsman or any employee of his or her office may not become a candidate for election to public office unless he or she first resigns from his or her office or employment.

Section 23. Effective October 1, 2024, paragraphs (a) and (d) of subsection (2) and subsection (3) of section 718.503, Florida Statutes, are amended to read:

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

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by this chapter must comply with this subsection before 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. An annual financial statement and annual budget of the condominium association ~~Financial information required by s. 718.111~~.

5. A copy of the inspector-prepared summary of the milestone inspection report as described in s. 553.899, 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. A copy of the inspection report described in s. 718.301(4)(p) and (q) for a turnover inspection performed on or after July 1, 2023.

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

(d) Each contract entered into after July 1, 1992, for the resale of a residential unit shall contain in conspicuous type either:

1. A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION OF THE ASSOCIATION, BYLAWS AND RULES OF THE ASSOCIATION, ~~AND~~ A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF SO REQUESTED IN WRITING. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES THE DECLARATION, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

(3) OTHER DISCLOSURES ~~DISCLOSURE~~.—

(a) If residential condominium parcels are offered for sale or lease prior to completion of construction of the units and of improvements to the common elements, or prior to completion of remodeling of previously occupied buildings, the developer must ~~shall~~ make available to each prospective purchaser or lessee, for his or her inspection at a place convenient to the site, a copy of the complete plans and specifications for the construction or remodeling of the unit offered to him or her and of the improvements to the common elements appurtenant to the unit.

(b) Sales brochures, if any, must ~~shall~~ be provided to each purchaser, and the following caveat in conspicuous type must ~~shall~~ be placed on the inside front cover or on the first page containing text material of the sales brochure, or otherwise conspicuously displayed: "ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING REPRESENTATIONS OF THE DEVELOPER. FOR CORRECT REPRESENTATIONS, MAKE REFERENCE TO THIS BROCHURE AND TO THE DOCUMENTS REQUIRED BY SECTION 718.503, FLORIDA STATUTES, TO BE FURNISHED BY A DEVELOPER TO A BUYER OR LESSEE." If timeshare estates have been or may be created with respect to any unit in the condominium, the sales brochure must ~~shall~~ contain the following statement in conspicuous type: "UNITS IN THIS CONDOMINIUM ARE SUBJECT TO TIMESHARE ESTATES."

(c) If a unit is located within a condominium that is created within a portion of a building or within a multiple parcel building, the developer or nondeveloper unit owner must provide the disclosures required by s. 718.407(5).

Section 24. Effective October 1, 2024, section 718.504, Florida Statutes, is amended 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; shall state whether the condominium is created within a portion of a building or within a multiple parcel building; 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:

(1) The front cover or the first page must contain only:

(a) The name of the condominium.

(b) The following statements in conspicuous type:

1. THIS PROSPECTUS (OFFERING CIRCULAR) CONTAINS IMPORTANT MATTERS TO BE CONSIDERED IN ACQUIRING A CONDOMINIUM UNIT.

2. THE STATEMENTS CONTAINED HEREIN ARE ONLY SUMMARY IN NATURE. A PROSPECTIVE PURCHASER SHOULD REFER TO ALL REFERENCES, ALL EXHIBITS HERETO, THE CONTRACT DOCUMENTS, AND SALES MATERIALS.

3. ORAL REPRESENTATIONS CANNOT BE RELIED UPON AS CORRECTLY STATING THE REPRESENTATIONS OF THE DEVELOPER. REFER TO THIS PROSPECTUS (OFFERING CIRCULAR) AND ITS EXHIBITS FOR CORRECT REPRESENTATIONS.

(2) Summary: The next page must contain all statements required to be in conspicuous type in the prospectus or offering circular.

(3) A separate index of the contents and exhibits of the prospectus.

(4) Beginning on the first page of the text (not including the summary and index), a description of the condominium, including, but not limited to, the following information:

(a) Its name and location.

(b) A description of the condominium property, including, without limitation:

1. The number of buildings, the number of units in each building, the number of bathrooms and bedrooms in each unit, and the total number of units, if the condominium is not a phase condominium, or the maximum number of buildings that may be contained within the condominium, the minimum and maximum numbers of units in each building, the minimum and maximum numbers of bathrooms and bedrooms that may be contained in each unit, and the maximum number of units that may be contained within the condominium, if the condominium is a phase condominium.

2. The page in the condominium documents where a copy of the plot plan and survey of the condominium is located.

3. The estimated latest date of completion of constructing, finishing, and equipping. In lieu of a date, the description shall include a statement that the estimated date of completion of the condominium is in the purchase agreement and a reference to the article or paragraph containing that information.

(c) The maximum number of units that will use facilities in common with the condominium. If the maximum number of units will vary, a description of the basis for variation and the minimum amount of dollars per unit to be spent for additional recreational facilities or enlargement of such facilities. If the addition or enlargement of facilities will result in a material increase of a unit owner's maintenance expense or rental expense, if any, the maximum increase and limitations thereon shall be stated.

(5)(a) A statement in conspicuous type describing whether the condominium is created and being sold as fee simple interests or as leasehold interests. If the condominium is created or being sold on a leasehold, the location of the lease in the disclosure materials shall be stated.

(b) If timeshare estates are or may be created with respect to any unit in the condominium, a statement in conspicuous type stating that timeshare estates are created and being sold in units in the condominium.

(6) A description of the recreational and other commonly used facilities that will be used only by unit owners of the condominium, including, but not limited to, the following:

(a) Each room and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, approximate deck size and capacity, and whether heated.

(c) Additional facilities, as to the number of each facility, its approximate location, approximate size, and approximate capacity.

(d) A general description of the items of personal property and the approximate number of each item of personal property that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(e) The estimated date when each room or other facility will be available for use by the unit owners.

(f)1. An identification of each room or other facility to be used by unit owners that will not be owned by the unit owners or the association;

2. A reference to the location in the disclosure materials of the lease or other agreements providing for the use of those facilities; and

3. A description of the terms of the lease or other agreements, including the length of the term; the rent payable, directly or indirectly, by each unit owner, and the total rent payable to the lessor, stated in monthly and annual amounts for the entire term of the lease; and a description of any option to purchase the property leased under any such lease, including the time the option may be exercised, the purchase price or how it is to be determined, the manner of payment, and whether the option may be exercised for a unit owner's share or only as to the entire leased property.

(g) A statement as to whether the developer may provide additional facilities not described above; their general locations and types; improvements or changes that may be made; the approximate dollar amount to be expended; and the maximum additional common expense or cost to the individual unit owners that may be charged during the first annual period of operation of the modified or added facilities.

Descriptions as to locations, areas, capacities, numbers, volumes, or sizes may be stated as approximations or minimums.

(7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or planned developments which require the payment of the maintenance and expenses of such facilities, directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built and a summary description of the structural integrity of each building for which reserves are required pursuant to s. 718.112(2)(g).

(b) Facilities not committed to be built except under certain conditions, and a statement of those conditions or contingencies.

(c) As to each facility committed to be built, or which will be committed to be built upon the happening of one of the conditions in paragraph (b), a statement of whether it will be owned by the unit owners having the use thereof or by an association or other entity which will be controlled by them, or others, and the location in the exhibits of the lease or other document providing for use of those facilities.

(d) The year in which each facility will be available for use by the unit owners or, in the alternative, the maximum number of unit owners in the project at the time each of all of the facilities is committed to be completed.

(e) A general description of the items of personal property, and the approximate number of each item of personal property, that the developer is committing to furnish for each room or other facility or, in the alternative, a representation as to the minimum amount of expenditure that will be made to purchase the personal property for the facility.

(f) If there are leases, a description thereof, including the length of the term, the rent payable, and a description of any option to purchase.

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(8) Recreation lease or associated club membership:

(a) If any recreational facilities or other facilities offered by the developer and available to, or to be used by, unit owners are to be leased or have club membership associated, the following statement in conspicuous type shall be included: "THERE IS A RECREATIONAL FACILITIES LEASE ASSOCIATED WITH THIS CONDOMINIUM; or, THERE IS A CLUB MEMBERSHIP ASSOCIATED WITH THIS CONDOMINIUM." There shall be a reference to the location in the disclosure materials where the recreation lease or club membership is described in detail.

(b) If it is mandatory that unit owners pay a fee, rent, dues, or other charges under a recreational facilities lease or club membership for the use of facilities, there shall be in conspicuous type the applicable statement:

1. MEMBERSHIP IN THE RECREATIONAL FACILITIES CLUB IS MANDATORY FOR UNIT OWNERS; or

2. UNIT OWNERS ARE REQUIRED, AS A CONDITION OF OWNERSHIP, TO BE LESSEES UNDER THE RECREATIONAL FACILITIES LEASE; or

3. UNIT OWNERS ARE REQUIRED TO PAY THEIR SHARE OF THE COSTS AND EXPENSES OF MAINTENANCE, MANAGEMENT, UPKEEP, REPLACEMENT, RENT, AND FEES UNDER THE RECREATIONAL FACILITIES LEASE (OR THE OTHER INSTRUMENTS PROVIDING THE FACILITIES); or

4. A similar statement of the nature of the organization or the manner in which the use rights are created, and that unit owners are required to pay.

Immediately following the applicable statement, the location in the disclosure materials where the development is described in detail shall be stated.

(c) If the developer, or any other person other than the unit owners and other persons having use rights in the facilities, reserves, or is entitled to receive, any rent, fee, or other payment for the use of the facilities, then there shall be the following statement in conspicuous type: "THE UNIT OWNERS OR THE ASSOCIATION(S) MUST PAY RENT OR LAND USE FEES FOR RECREATIONAL OR OTHER COMMONLY USED FACILITIES." Immediately following this statement, the location in the disclosure materials where the rent or land use fees are described in detail shall be stated.

(d) If, in any recreation format, whether leasehold, club, or other, any person other than the association has the right to a lien on the units to secure the payment of assessments, rent, or other exactions, there shall appear a statement in conspicuous type in substantially the following form:

1. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF RENT AND OTHER EXACTIONS UNDER THE RECREATION LEASE. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN; or

2. THERE IS A LIEN OR LIEN RIGHT AGAINST EACH UNIT TO SECURE THE PAYMENT OF ASSESSMENTS OR OTHER EXACTIONS COMING DUE FOR THE USE, MAINTENANCE, UPKEEP, OR REPAIR OF THE RECREATIONAL OR COMMONLY USED FACILITIES. THE UNIT OWNER'S FAILURE TO MAKE THESE PAYMENTS MAY RESULT IN FORECLOSURE OF THE LIEN.

Immediately following the applicable statement, the location in the disclosure materials where the lien or lien right is described in detail shall be stated.

(9) If the developer or any other person has the right to increase or add to the recreational facilities at any time after the establishment of the condominium whose unit owners have use rights therein, without the consent of the unit owners or associations being required, there shall appear a statement in conspicuous type in substantially the following form: "RECREATIONAL FACILITIES MAY BE EXPANDED OR ADDED WITHOUT CONSENT OF UNIT OWNERS OR THE ASSOCIATION(S)." Immediately following this statement, the location in the disclosure materials where such reserved rights are described shall be stated.

(10) A statement of whether the developer's plan includes a program of leasing units rather than selling them, or leasing units and selling them subject to such leases. If so, there shall be a description of the plan, including the number and identification of the units and the provisions and term of the proposed leases, and a statement in boldfaced type that: "THE UNITS MAY BE TRANSFERRED SUBJECT TO A LEASE."

(11) The arrangements for management of the association and maintenance and operation of the condominium property and of other property that will serve the unit owners of the condominium property, and a description of the management contract and all other contracts for these purposes having a term in excess of 1 year, including the following:

(a) The names of contracting parties.

(b) The term of the contract.

(c) The nature of the services included.

(d) The compensation, stated on a monthly and annual basis, and provisions for increases in the compensation.

(e) A reference to the volumes and pages of the condominium documents and of the exhibits containing copies of such contracts.

Copies of all described contracts shall be attached as exhibits. If there is a contract for the management of the condominium property, then a statement in conspicuous type in substantially the following form shall appear, identifying the proposed or existing contract manager: "THERE IS (IS TO BE) A CONTRACT FOR THE MANAGEMENT OF THE CONDOMINIUM PROPERTY WITH (NAME OF THE CONTRACT MANAGER)." Immediately following this statement, the location in the disclosure materials of the contract for management of the condominium property shall be stated.

(12) If the developer or any other person or persons other than the unit owners has the right to retain control of the board of administration of the association for a period of time which can exceed 1 year after the closing of the sale of a majority of the units in that condominium to persons other than successors or alternate developers, then a statement in conspicuous type in substantially the following form shall be included: "THE DEVELOPER (OR OTHER PERSON) HAS THE RIGHT TO RETAIN CONTROL OF THE ASSOCIATION AFTER A MAJORITY OF THE UNITS HAVE BEEN SOLD." Immediately following this statement, the location in the disclosure materials where this right to control is described in detail shall be stated.

(13) If there are any restrictions upon the sale, transfer, conveyance, or leasing of a unit, then a statement in conspicuous type in substantially the following form shall be included: "THE SALE, LEASE, OR TRANSFER OF UNITS IS RESTRICTED OR CONTROLLED." Immediately following this statement, the location in the disclosure materials where the restriction, limitation, or control on the sale, lease, or transfer of units is described in detail shall be stated.

(14) If the condominium is part of a phase project, the following information shall be stated:

(a) A statement in conspicuous type in substantially the following form: "THIS IS A PHASE CONDOMINIUM. ADDITIONAL LAND AND UNITS MAY BE ADDED TO THIS CONDOMINIUM." Immediately following this statement, the location in the disclosure materials where the phasing is described shall be stated.

(b) A summary of the provisions of the declaration which provide for the phasing.

(c) A statement as to whether or not residential buildings and units which are added to the condominium may be substantially different from the residential buildings and units originally in the condominium. If the added residential buildings and units may be substantially different, there shall be a general description of the extent to which such added residential buildings and units may differ, and a statement in conspicuous type in substantially the following form shall be included: "BUILDINGS AND UNITS WHICH ARE ADDED TO THE CONDOMINIUM MAY BE SUBSTANTIALLY DIFFERENT FROM THE OTHER BUILDINGS AND UNITS IN THE CONDOMINIUM." Immediately following this statement, the location in the disclosure materials where the extent to which added residential buildings and units may substantially differ is described shall be stated.

(d) A statement of the maximum number of buildings containing units, the maximum and minimum numbers of units in each building, the maximum number of units, and the minimum and maximum square footage of the units that may be contained within each parcel of land which may be added to the condominium.

(15) If a condominium created on or after July 1, 2000, is or may become part of a multicondominium, the following information must be provided:

(a) A statement in conspicuous type in substantially the following form: "THIS CONDOMINIUM IS (MAY BE) PART OF A MULTICONDOMINIUM DEVELOPMENT IN WHICH OTHER CONDOMINIUMS WILL (MAY) BE OPERATED BY THE SAME ASSOCIATION." Immediately following this statement, the location in the prospectus or offering circular and its exhibits where the multicondominium aspects of the offering are described must be stated.

(b) A summary of the provisions in the declaration, articles of incorporation, and bylaws which establish and provide for the operation of the multicondominium, including a statement as to whether unit owners in the condominium will have the right to use recreational or other facilities located or planned to be located in other condominiums operated by the same association, and the manner of sharing the common expenses related to such facilities.

(c) A statement of the minimum and maximum number of condominiums, and the minimum and maximum number of units in each of those condominiums, which will or may be operated by the association, and the latest date by which the exact number will be finally determined.

(d) A statement as to whether any of the condominiums in the multicondominium may include units intended to be used for nonresidential purposes and the purpose or purposes permitted for such use.

(e) A general description of the location and approximate acreage of any land on which any additional condominiums to be operated by the association may be located.

(16) If the condominium is created by conversion of existing improvements, the following information shall be stated:

(a) The information required by s. 718.616.

(b) A caveat that there are no express warranties unless they are stated in writing by the developer.

(17) A summary of the restrictions, if any, to be imposed on units concerning the use of any of the condominium property, including statements as to whether there are restrictions upon children and pets, and reference to the volumes and pages of the condominium documents where such restrictions are found, or if such restrictions are contained elsewhere, then a copy of the documents containing the restrictions shall be attached as an exhibit.

(18) If there is any land that is offered by the developer for use by the unit owners and that is neither owned by them nor leased to them, the association, or any entity controlled by unit owners and other persons having the use rights to such land, a statement shall be made as to how such land will serve the condominium. If any part of such land will serve the condominium, the statement shall describe the land and the nature and term of service, and the declaration or other instrument creating such servitude shall be included as an exhibit.

(19) The manner in which utility and other services, including, but not limited to, sewage and waste disposal, water supply, and storm drainage, will be provided and the person or entity furnishing them.

(20) An explanation of the manner in which the apportionment of common expenses and ownership of the common elements has been determined.

(21) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(a) The estimated monthly and annual expenses of the condominium and the association that are collected from unit owners by assessments.

(b) The estimated monthly and annual expenses of each unit owner for a unit, other than common expenses paid by all unit owners, payable by the unit owner to persons or entities other than the association, as well as to the association, including fees assessed pursuant to s. 718.113(1) for maintenance of limited common elements where such costs are shared only by those entitled to use the limited common element, and the total estimated monthly and annual expense. There may be excluded from this estimate expenses which are not provided for or contemplated by the condominium documents, including, but not limited to, the costs of private telephone; maintenance of the interior of condominium units, which is not the obligation of the association; maid or janitorial services privately contracted for by the unit owners; utility bills billed directly to each unit owner for utility services to his or her unit; insurance premiums other than those incurred for policies obtained by the condominium; and similar personal expenses of the unit owner. A unit owner's estimated payments for assessments shall also be stated in the estimated amounts for the times when they will be due.

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:

a. Administration of the association.

b. Management fees.

c. Maintenance.

d. Rent for recreational and other commonly used facilities.

e. Taxes upon association property.

f. Taxes upon leased areas.

g. Insurance.

h. Security provisions.

i. Other expenses.

j. Operating capital.

k. Reserves for all applicable items referenced in s. 718.112(2)(g).

l. Fees payable to the division.

2. Expenses for a unit owner:

a. Rent for the unit, if subject to a lease.

b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

(d) The following statement in conspicuous type:

THE BUDGET CONTAINED IN THIS OFFERING CIRCULAR HAS BEEN PREPARED IN ACCORDANCE WITH THE CONDOMINIUM ACT AND IS A GOOD FAITH ESTIMATE ONLY AND REPRESENTS AN APPROXIMATION OF FUTURE EXPENSES BASED ON FACTS AND CIRCUMSTANCES EXISTING AT THE TIME OF ITS PREPARATION. ACTUAL COSTS OF SUCH ITEMS MAY EXCEED THE ESTIMATED COSTS. SUCH CHANGES IN COST DO NOT CONSTITUTE MATERIAL ADVERSE CHANGES IN THE OFFERING.

(e) Each budget for an association prepared by a developer consistent with this subsection shall be prepared in good faith and shall reflect accurate estimated amounts for the required items in paragraph (c) at the time of the filing of the offering circular with the division, and subsequent increased amounts of any item included in the association's estimated budget that are beyond the control of the developer shall not be considered an amendment that would give rise to rescission rights set forth in s. 718.503(1)(a) or (b), nor shall such increases modify, void, or otherwise affect any guarantee of the developer contained in the offering circular or any purchase contract. It is the intent of this paragraph to clarify existing law.

(f) The estimated amounts shall be stated for a period of at least 12 months and may distinguish between the period prior to the time unit owners other than the developer elect a majority of the board of administration and the period after that date.

(22) A schedule of estimated closing expenses to be paid by a buyer or lessee of a unit and a statement of whether title opinion or title insurance policy is available to the buyer and, if so, at whose expense.

(23) The identity of the developer and the chief operating officer or principal directing the creation and sale of the condominium and a statement of its and his or her experience in this field.

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

(a) The declaration of condominium, or the proposed declaration if the declaration has not been recorded.

(b) The articles of incorporation creating the association.

(c) The bylaws of the association.

(d) The ground lease or other underlying lease of the condominium.

(e) The management agreement and all maintenance 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.

(f) The estimated operating budget for the condominium, 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.

(g) 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.

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

(i) The lease of facilities used by owners and others.

(j) The form of unit lease, if the offer is of a leasehold.

(k) A declaration of servitude of properties serving the condominium but not owned by unit owners or leased to them or the association.

(l) The statement of condition of the existing building or buildings, if the offering is of units in an operation being converted to condominium ownership.

(m) The statement of inspection for termite damage and treatment of the existing improvements, if the condominium is a conversion.

(n) The form of agreement for sale or lease of units.

(o) A copy of the agreement for escrow of payments made to the developer prior to closing.

(p) A copy of the documents containing any restrictions on use of the property required by subsection (17).

(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.

(25) Any prospectus or offering circular complying, prior to the effective date of this act, with the provisions of former ss. 711.69 and 711.802 may continue to be used without amendment or may be amended to comply with this chapter.

(26) A brief narrative description of the location and effect of all existing and intended easements located or to be located on the condominium property other than those described in the declaration.

(27) 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.

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

Section 25. Paragraph (k) of subsection (1) of section 719.106, Florida Statutes, is amended 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:

(k) *Structural integrity reserve study.—*

1. A residential cooperative 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, as determined by the Florida Building Code, 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. Structure, including load-bearing walls and other primary structural members and primary structural systems as those terms are defined in s. 627.706.

c. Fireproofing and fire protection systems.

d. Plumbing.

e. Electrical systems.

f. Waterproofing and exterior painting.

g. Windows and exterior doors.

h. 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 sub-subparagraphs a.-g., as determined by the visual inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the cooperative property. 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 or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

3. At a minimum, a structural integrity reserve study must identify each item of the cooperative property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the cooperative property being visually inspected, and provide a reserve funding schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of cooperative property being visually inspected by the end of the estimated remaining useful life of the item. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item.

4. This paragraph does not apply to buildings less than three stories in height; single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; any portion or component of a building that has not been submitted to the cooperative form of ownership; or any portion or component of a building that is maintained by a party other than the association.

5. Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report in compliance with s. 719.301(4)(p) and (q) for each building on the cooperative property that is three stories or higher in height.

6. 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. An association that is required to complete a milestone inspection on or before December 31, 2026, in accordance with s. 553.899 may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.

7. If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.

8. If the officers or directors of an association willfully and knowingly fail 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(9).

9. Within 45 days after receiving the structural integrity reserve study, the association must distribute a copy of the study to each unit owner or deliver to each unit owner a notice that the completed study is available for inspection and copying upon a written request. Distribution of a copy of the study or notice must be made by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter, or by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission.

10. Within 45 days after receiving the structural integrity reserve study, the association must provide the division with a statement indicating that the study was completed and that the association provided or made available such study to each unit owner in accordance with this section. Such statement must be provided to the division in the manner established by the division using a form posted on the division's website.

Section 26. Section 719.129, Florida Statutes, is amended to read:

719.129 Electronic voting.—The association may conduct elections and other unit owner votes through an Internet-based online voting system if a unit owner consents, electronically or in writing, to online voting and if the following requirements are met:

(1) The association provides each unit owner with:

(a) A method to authenticate the unit owner's identity to the online voting system.

(b) For elections of the board, a method to transmit an electronic ballot to the online voting system that ensures the secrecy and integrity of each ballot.

(c) A method to confirm, at least 14 days before the voting deadline, that the unit owner's electronic device can successfully communicate with the online voting system.

(2) The association uses an online voting system that is:

(a) Able to authenticate the unit owner's identity.

(b) Able to authenticate the validity of each electronic vote to ensure that the vote is not altered in transit.

(c) Able to transmit a receipt from the online voting system to each unit owner who casts an electronic vote.

(d) For elections of the board of administration, able to permanently separate any authentication or identifying information from the electronic

election ballot, rendering it impossible to tie an election ballot to a specific unit owner.

(e) Able to store and keep electronic votes accessible to election officials for recount, inspection, and review purposes.

(3) A unit owner voting electronically pursuant to this section shall be counted as being in attendance at the meeting for purposes of determining a quorum. A substantive vote of the unit owners may not be taken on any issue other than the issues specifically identified in the electronic vote, when a quorum is established based on unit owners voting electronically pursuant to this section.

(4) This section applies to an association that provides for and authorizes an online voting system pursuant to this section by a board resolution. If the board authorizes online voting, the board must honor a unit owner's request to vote electronically at all subsequent elections, unless such unit owner opts out of online voting. The board resolution must provide that unit owners receive notice of the opportunity to vote through an online voting system, must establish reasonable procedures and deadlines for unit owners to consent, electronically or in writing, to online voting, and must establish reasonable procedures and deadlines for unit owners to opt out of online voting after giving consent. Written notice of a meeting at which the resolution will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property or association property at least 14 days before the meeting. Evidence of compliance with the 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association.

(5) A unit owner's consent to online voting is valid until the unit owner opts out of online voting pursuant to the procedures established by the board of administration pursuant to subsection (4).

(6) This section may apply to any matter that requires a vote of the unit owners who are not members of a timeshare cooperative association.

Section 27. Paragraph (p) of subsection (4) of section 719.301, Florida Statutes, is amended 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 turnover inspection report included in the official records, under seal of an architect or engineer authorized to practice in this state or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts, consisting of a structural integrity reserve study attesting to required maintenance, condition, useful life, and replacement costs of the following applicable cooperative property:

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. Plumbing.
5. Electrical systems.
6. Waterproofing and exterior painting.
7. Windows and exterior doors.

Section 28. The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation shall complete a review of the website or application requirements for official records under s. 718.111(12)(g), Florida Statutes, and make recommendations regarding any additional official records of a condominium association that should be included in the record maintenance requirements in the statute. The division shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives the findings of its review by January 1, 2025.

Section 29. By January 1, 2025, the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation shall create a database on its website of the associations that have reported the completion of the structural integrity reserve study under ss. 718.112(2)(g) and 719.106(1)(k), Florida Statutes.

Section 30. For the 2024-2025 fiscal year, the sums of $6,122,390 in recurring and $1,293,879 in nonrecurring funds from the General Revenue Fund are appropriated to the Department of Business and Professional Regulation, and 65 full-time equivalent positions with associated salary rate of 3,180,319 are authorized, for the purpose of implementing this act.

Section 31. The amendments made to ss. 718.103(14) and 718.202(3) and s. 718.407(1), (2), and (6), Florida Statutes, as created by this act, are intended to clarify existing law and shall apply retroactively. However, such amendments do not revive or reinstate any right or interest that has been fully and finally adjudicated as invalid before October 1, 2024.

Section 32. The Florida Building Commission shall perform a study on standards to prevent water intrusion through the tracks of sliding glass doors, including the consideration of devices designed to further prevent such water intrusion. By December 1, 2024, the Florida Building Commission must provide a written report of its recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees and appropriate substantive committees with jurisdiction over chapter 718, Florida Statutes.

D I R E C T O R Y A M E N D M E N T

Remove line 480 and insert:

Section 7. Paragraph (a) of subsection (1), paragraph (h) of subsection (11), and subsections

---

T I T L E A M E N D M E N T

Remove lines 58-249 and insert:

removed from office and a vacancy declared; requiring the Division of Florida Condominiums, Timeshares, and Mobile Homes to monitor an association's compliance with certain provisions, and issue fines and penalties if necessary, upon receipt of a complaint; revising the list of records that constitute the official records of an association; providing requirements relating to e-mail addresses and facsimile numbers of unit owners; requiring an association to redact certain personal information in certain documents; providing an exception to liability for the release of certain information; revising maintenance requirements for official records; revising requirements regarding requests to inspect or copy association records; requiring an association to provide a checklist in response to certain records requests; providing a rebuttable presumption and criminal penalties; requiring certain persons to be removed from office and a vacancy declared under certain circumstances; defining the term "repeatedly"; requiring copies of certain building permits be posted on an association's website or application; modifying the method of delivery of certain financial reports to unit owners; revising circumstances under which an association may prepare certain reports; revising criminal penalties for persons who unlawfully use a debit card issued in the name of an association; requiring certain persons to be removed from office and a vacancy declared under certain circumstances; defining the term "lawful obligation of the association"; revising the threshold for associations that must post certain documents on its website or through an application; amending s. 718.112, F.S.; requiring the boards of certain associations to meet at least once every quarter; requiring the meeting agenda to include an opportunity for members to ask questions of the board a certain number of times a year; providing that the right to attend meetings includes the right to ask questions relating to certain topics; revising requirements regarding notice of such meetings; requiring a director to complete an educational requirement within a specified time period before or after election or appointment to the board; providing requirements for the educational curriculum; providing transitional provisions; requiring a director to complete a certain amount of continuing education each year relating to changes in the law; requiring the secretary of the association to maintain certain information for inspection for a specified number of years;

authorizing members of an association to pause the contribution to reserves or reduce reserves under certain circumstances and for a limited time; authorizing the board to expend reserve account funds to make the condominium building and structures habitable; requiring an association to distribute or deliver copies of a structural integrity reserve study to unit owners within a specified timeframe; specifying the manner of distribution or delivery; requiring an association to provide a specified statement to the division within a specified timeframe; revising the circumstances under which a director or an officer must be removed from office after being charged by information or indictment of certain crimes; prohibiting such officers and directors with pending criminal charges from accessing the official records of any association; providing an exception; providing criminal penalties for certain fraudulent voting activities relating to association elections; amending s. 718.113, F.S.; providing applicability; specifying that certain actions are not material alterations or substantial additions; authorizing the boards of residential and mixed-use condominiums to install or require unit owners to install hurricane protection; requiring a vote of the unit owners for the installation of hurricane protection; requiring that such vote be attested to in a certificate and recorded in certain public records; requiring the board to provide, in various manners, to the unit owners a copy of the recorded certificate; providing that the validity or enforceability of a vote is not affected if the board fails to take certain actions; providing that a vote of the unit owners is not required under certain circumstances; prohibiting installation of the same type of hurricane protection previously installed; providing exceptions; prohibiting the boards of residential and mixed-use condominiums from refusing to approve certain hurricane protections; authorizing the board to require owners to adhere to certain guidelines regarding the external appearance of a condominium; revising responsibility for the cost of the removal or reinstallation of hurricane protection, including exterior windows, doors, or apertures; prohibiting the association from charging certain expenses to unit owners; requiring reimbursement or a credit toward future assessments to the unit owner in certain circumstances; authorizing the association to collect certain charges and specifying that such charges are enforceable as assessments under certain circumstances; amending s. 718.115, F.S.; specifying when the cost of installation of hurricane protection is not a common expense; authorizing certain expenses to be enforceable as assessments; requiring certain unit owners to be excused from certain assessments or to receive a credit for hurricane protection that has been installed; providing credit applicability under certain circumstances; providing for the amount of credit that a unit owner must receive; specifying that certain expenses are common expenses; amending s. 718.121, F.S.; conforming a cross-reference; amending s. 718.124, F.S.; providing the statute of limitations and repose for certain actions; amending s. 718.1224, F.S.; revising legislative findings and intent; revising the definition of the term "governmental entity"; prohibiting an association from filing strategic lawsuits, taking certain actions against unit owners, and expending funds to support certain actions; amending s. 718.128, F.S.; providing that a unit owner may consent to electronic voting electronically; providing that a board must honor a unit owner's request to vote electronically until the owner opts out; amending s. 718.202, F.S.; providing sales and reservation deposit requirements for nonresidential condominiums; amending s. 718.301, F.S.; requiring developers to deliver a structural integrity reserve report to an association upon relinquishing control of the association; amending s. 718.3027, F.S.; revising requirements regarding attendance at a board meeting in the event of a conflict of interest; modifying circumstances under which a contract may be voided; revising a cross-reference; amending s. 718.303, F.S.; requiring an association to provide certain notice to a unit owner by a specified time before an election; creating s. 718.407, F.S.; authorizing a condominium to be created within a portion of a building or within a multiple parcel building; specifying that the common elements are only those portions of the building submitted to the condominium form of ownership; providing requirements for the declaration of such condominiums and other certain recorded instruments; providing for the apportionment of expenses for such condominiums; authorizing the association to inspect and copy certain books and records; requiring a specified disclosure summary for contracts of sale for a unit in certain condominiums; providing that the creation of a multiple parcel building is not a subdivision of the land; amending s. 718.501, F.S.; revising circumstances under which the division has jurisdiction to investigate and enforce complaints relating to certain matters; requiring that the division provide official records, without charge, to a unit owner denied access; authorizing the division to issue certain citations; requiring the division to provide a division-approved training provider with the template for the certificate issued to certain directors of a board of administration; requiring that the division refer suspected criminal acts to the appropriate law enforcement authority; authorizing certain division officials to attend association meetings; authorizing the division to request access to an association's website or application to investigate complaints under certain circumstances; requiring the division to include certain information in its annual report to the Governor and Legislature after a specified date; specifying requirements for the annual certification; authorizing the division to adopt rules; providing applicability; amending s. 718.5011, F.S.; providing that the secretary of the Department of Business and Professional Regulation, rather than the Governor, appoints the condominium ombudsman; amending s. 718.503, F.S.; requiring nondeveloper unit owners to include an annual financial statement and annual budget in information provided to a prospective purchaser; revising information that must be included in contracts for the resale of a residential unit; requiring certain disclosures be made if a unit is located in a specified type of condominium; amending s. 718.504, F.S.; requiring certain information provided to prospective purchasers to state whether the condominium is created within a portion of a building or within a multiple parcel building; amending s. 719.106, F.S.; requiring an association to distribute or deliver copies of a structural integrity reserve study to unit owners within a specified timeframe; specifying the manner of distribution or delivery; requiring an association to provide a specified statement to the division within a specified timeframe; amending s. 719.129, F.S.; providing that a unit owner may consent electronically to electronic voting; amending s. 719.301, F.S.; requiring developers to deliver a structural integrity reserve study to a cooperative association upon relinquishing control of association property; requiring the division to conduct a review of statutory requirements regarding posting of official records on a condominium association's website or application; requiring the division to submit its findings, including any recommendations, to the Governor and the Legislature by a specified date; requiring the division to create a database on its website with certain information by a date certain; providing appropriations; providing construction and retroactive application; requiring the Florida Building Commission to perform a study for specified purposes; requiring the commission to submit a report of its recommendations to the Governor and Legislature by a date certain;

Rep. V. Lopez moved the adoption of the amendment.

Representative Lopez, V. offered the following:

(Amendment Bar Code: 040795)

Amendment 1 to Amendment 1 (119199)—Remove lines 2461-2474 of the amendment and insert:

RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, ~~YEAR-END FINANCIAL INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND ANSWERS DOCUMENT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; or

2. A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE DECLARATION OF CONDOMINIUM, ARTICLES OF INCORPORATION, BYLAWS AND RULES OF THE ASSOCIATION, A COPY OF THE MOST RECENT ANNUAL FINANCIAL STATEMENT AND ANNUAL BUDGET, ~~AND A COPY OF THE MOST RECENT YEAR-END FINANCIAL INFORMATION~~ AND FREQUENTLY ASKED QUESTIONS AND

Rep. V. Lopez moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **Amendment 1**, as amended, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/CS/CS/HB 1029—A bill to be entitled An act relating to the My Safe Florida Condominium Pilot Program; creating s. 215.5587, F.S.; establishing the My Safe Florida Condominium Pilot Program within the Department of Financial Services; providing legislative intent; providing definitions; providing requirements for associations and unit owners to participate in the pilot program; providing voting requirements; requiring the department to contract with specified entities for certain inspections; providing requirements for such entities; authorizing the department to conduct criminal record checks of certain inspectors; requiring inspectors to submit a full set of fingerprints to the department or other authorized entities; providing requirements for state and federal fingerprint processing; providing requirements for hurricane mitigation inspectors and inspections; requiring applications for inspections and grants to include specified statements; authorizing an association to receive an inspection without applying for a mitigation grant; providing mitigation grants for a specified purpose; providing requirements for an association receiving a mitigation grant; authorizing an association to select is own contractors if such contractors meet certain requirements; requiring the department to electronically verify a contractor's state license; requiring construction to be completed and the association to submit a request for a final inspection within a specified time period; providing requirements for funding grant projects; requiring mitigation grants to be matched by the association; providing maximum state contributions; authorizing associations to receive grant funds for multiple projects; prohibiting the department from accepting grant applications or maintaining a waiting list under certain circumstances, unless otherwise expressly authorized by the Legislature; providing requirements for mitigation projects; providing how mitigation grants may be used; requiring the department to develop a specified process to ensure efficiency; authorizing the department to contract for certain services; providing requirements for such contracts; requiring the department to implement a quality assurance and reinspection program; requiring the department to submit to the Legislature an annual report with specified information; authorizing the department to request additional information from an applicant; providing that an application is deemed withdrawn under certain circumstances; requiring the department to adopt specified rules; providing an effective date.

—was read the second time by title. On motion by Rep. V. Lopez, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 752

Representative Clemons in the Chair.

Yeas—116

Abbott	Borrero	Edmonds	Hinson
Altman	Botana	Eskamani	Holcomb
Alvarez	Brackett	Esposito	Hunschofsky
Amesty	Bracy Davis	Fabricio	Jacques
Anderson	Brannan	Fine	Joseph
Andrade	Busatta Cabrera	Franklin	Keen
Antone	Campbell	Gantt	Killebrew
Arrington	Canady	Garcia	Koster
Baker	Caruso	Garrison	LaMarca
Bankson	Cassel	Giallombardo	Leek
Barnaby	Chaney	Gonzalez Pittman	López, J.
Bartleman	Clemons	Gossett-Seidman	Lopez, V.
Basabe	Cross	Gottlieb	Maggard
Bell	Daley	Grant	Maney
Beltran	Daniels	Gregory	Massullo
Benjamin	Driskell	Griffitts	McClain
Berfield	Duggan	Harris	McClure
Black	Dunkley	Hart	McFarland
Melo	Rayner	Shoaf	Tomkow
Michael	Redondo	Silvers	Trabulsy
Mooney	Renner	Sirois	Tramont
Nixon	Rizo	Skidmore	Truenow
Overdorf	Roach	Smith	Tuck
Payne	Robinson, F.	Snyder	Valdés
Perez	Robinson, W.	Stark	Waldron
Persons-Mulicka	Rommel	Steele	Williams
Plakon	Roth	Stevenson	Woodson
Plasencia	Rudman	Tant	Yarkosky
Porras	Salzman	Temple	Yeager

Nays—None

Votes after roll call:
Yeas—Buchanan

So the bill passed and was immediately certified to the Senate.

CS/CS/HB 1503—A bill to be entitled An act relating to Citizens Property Insurance Corporation; amending s. 627.351, F.S.; revising circumstances under which certain insurers' association shall levy market equalization surcharges on policyholders; removing obsolete language; providing that certain accounts for Citizens Property Insurance Corporation revenues, assets, liability, losses, and expenses are now maintained as the Citizens account; revising the requirements for certain coverages by the corporation; requiring the inclusion of quota share primary insurance in certain policies; removing provisions relating to legislative goals; conforming provisions to changes made by the act; revising the definition of the term "assessments"; removing provisions relating to surcharges and regular assessments upon determination of certain accounts' projected deficits; removing provisions relating to funds available to the corporation as sources of revenue and bonds; removing definitions; removing provisions relating to the duties of the Florida Surplus Lines Service Office; removing provisions relating to disposition of excess amounts of assessments and surcharges; providing definitions; specifying that certain provisions apply to personal lines residential risks that are primary residences; providing that comparisons of comparable coverages under certain personal lines residential risks and commercial lines residential risks do not apply to policies that do not cover primary residences; providing that certain risks that could not be insured under standard policies are eligible for certain basic policies; authorizing policies that are removed from the corporation through assumption agreements to remain on the corporation's policy forms through the end of policy terms; providing duties of the insurers relating to producing agents of record under certain circumstances; revising the corporation's plan of operation; revising the required statements from applicants for coverage; revising the duties of the executive director of the corporation; authorizing the executive director to assign and appoint designees; removing a nonapplicability provision relating to bond requirements; removing obsolete language; authorizing insurers' assessable insureds to be relieved from assessments under certain circumstances; removing provisions relating to certain insurer assessment deferments; removing provisions relating to the intangibles of and coverage by the Florida Windstorm Underwriting Association and the corporation coastal account; authorizing the corporation and certain persons to make specified information obtained from underwriting files and confidential claims files available to licensed surplus lines agents; prohibiting such agents from using such information for specified purposes; authorizing the corporation to share its claims data with a specified entity; amending s. 627.3511, F.S.; conforming provisions to changes made by the act; conforming cross-references; providing the corporation authority relating to patents, copyrights, and trademarks; amending s. 627.3518, F.S.; providing nonapplicability of provisions relating to noneligibility for coverage by the corporation; providing effective dates.

—was read the second time by title.

Representative Esposito offered the following:

(Amendment Bar Code: 681737)

Amendment 1 (with title amendment)—Remove lines 1345-3089 and insert:

(I) "Approved surplus lines insurer" means an eligible surplus lines insurer that:

(A) Has a financial strength rating of "A-" or higher from A.M. Best Company;

(B) Has a personal lines residential risk program that is managed by a Florida resident surplus lines broker;

(C) Applies to the office to participate in the take-out process to offer coverage to applicants for new coverage from the corporation or current policyholders of the corporation through a take-out plan approved by the office;

(D) Files rates for review as part of a take-out plan with the office. The office shall review whether the premium is more than 20 percent greater than the premium for comparable coverage from the corporation; and

(E) Provides data to the office related to coverage and rates in a format adopted by the commission.

(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.

(III) "Primary residence" means the dwelling that is the policyholder's primary home or is a rental property that is the primary home of the tenant, and which the policyholder or tenant occupies for more than 9 months of each year.

(IV)~~(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 that are primary residences, 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 that is a primary residence 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 for policies that renew before April 1, 2023; for policies that renew on or after that date, the risk is not eligible for coverage with the corporation unless the premium for coverage from the authorized insurer is more than 20 percent greater than the corporation's renewal premium for comparable coverage. 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. 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. A policyholder removed from the corporation through an assumption agreement does not remain eligible for coverage from the corporation after the end of the policy term. However, any policy removed from the corporation through an assumption agreement remains on the corporation's policy forms through the end of the policy term. This sub-subparagraph applies only to risks that are primary residences.

(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-subparagraph (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-subparagraph (A).

b. Subject to s. 627.3517, with respect to personal lines residential risks that are not primary residences, if the risk is offered coverage from an authorized insurer at the insurer's approved rate or from an approved surplus lines insurer at the rate approved by the office as part of such surplus lines insurer's take-out plan 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 or approved surplus lines 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 that is not a primary residence is received for a policyholder of the corporation at renewal from an authorized insurer at the insurer's approved rate or an approved surplus lines insurer at the rate approved by the office as part of such insurer's take-out plan, the risk is not eligible for coverage with the corporation unless the premium for coverage from the authorized insurer or approved surplus lines insurer is more than 20 percent greater than the corporation's renewal premium for comparable coverage for policies that renew on or after July 1, 2024. 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. 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. 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. A policyholder removed from the corporation through an assumption agreement does not remain eligible for coverage from the corporation after the end of the policy term. However, any policy removed from the corporation through an assumption agreement remains on the corporation's policy forms through the end of the policy term.

(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 must:

(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 must pay the agent in accordance with sub-sub-sub-subparagraph (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-subparagraph (A).

c.~~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 20 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, the risk is not eligible for coverage with the corporation unless the premium for coverage from the authorized insurer is more than 20 percent greater than the corporation's renewal premium for comparable coverage. 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. A policyholder removed from the corporation through an assumption agreement remains eligible for coverage from the corporation until the end of the policy term. However, any policy removed from the corporation through an assumption agreement remains on the corporation's policy forms through the end of the policy term.

(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-subparagraph (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-subparagraph (A).

d.~~c.~~ For purposes of determining comparable coverage under sub-subparagraphs a. and c. ~~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. For purposes of comparing the premium for comparable coverage under sub-subparagraphs a. and c. ~~b.~~, premium includes any surcharge or assessment that is actually applied to such policy. 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 on a risk that is located in an area eligible for coverage by the Florida Windstorm Underwriting Association, as that area was defined on January 1, 2002, 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. However, notwithstanding any other provision of law, this sub-subparagraph does not apply to a policy that does not cover a primary residence.

e. 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. 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. A policyholder removed from the corporation through an assumption agreement does not remain eligible for coverage from the corporation after the end of the policy term for a period. However, any policy removed from the corporation through an assumption agreement remains on the corporation's policy forms through the end of the policy term.

(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-subparagraph (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-subparagraph (A).

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

7. Must provide that if premium and investment income~~:~~

~~a.~~ for the Citizens ~~an~~ account which are attributable to a particular calendar year are in excess of projected losses and expenses for the Citizens account attributable to that year, such excess shall be held in surplus in the Citizens account. Such surplus must be available to defray deficits in the Citizens ~~that~~ account as to future years and used for that purpose before assessing assessable insurers and assessable insureds as to any calendar year~~; or~~

~~b. For the Citizens account, if established by the corporation, which are attributable to a particular calendar year are in excess of projected losses and expenses for the Citizens account attributable to that year, such excess shall be held in surplus in the Citizens account. Such surplus must be available to defray deficits in the Citizens 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 corporation 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 in the policies issued by the corporation 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 in the corporation policies and applications 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:~~

~~a. 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.e. 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.e. may not be limited or deferred; or~~

~~b. With respect to the Citizens account, if established by the corporation pursuant to sub-subparagraph (b)2.b., any assessable insurer with a surplus as to policyholders of $25 million or less and 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 limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-subparagraph (b)5.e. An emergency assessment to be collected from policyholders under sub-subparagraph (b)5.e. may not be limited or deferred.~~

13.~~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 at least three insurers ~~an insurer~~ who are ~~is~~ authorized to write and are ~~is~~ actually writing or renewing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.

14.~~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.

15.~~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.

16.~~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.

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

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

19.~~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.

20.a.~~21.a.~~ ~~As of January 1, 2012, unless the Citizens account has been established pursuant to sub-subparagraph (b)2.b.,~~ Must require that the agent obtain from an applicant for coverage from the corporation the following ~~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 AND ASSESSMENTS, WHICH WILL BE DUE AND PAYABLE UPON RENEWAL, CANCELLATION, OR TERMINATION OF THE POLICY, AND THAT THE SURCHARGES AND ASSESSMENTS COULD BE AS HIGH AS 25 ~~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 15 ~~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.

~~b. The corporation must require, if it has established the Citizens account pursuant to sub-subparagraph (b)2.b., that the agent obtain from an applicant for coverage from the corporation the following 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 AND ASSESSMENTS, WHICH WILL BE DUE AND PAYABLE UPON RENEWAL, CANCELLATION, OR TERMINATION OF THE POLICY, AND THAT THE SURCHARGES AND ASSESSMENTS COULD BE AS HIGH AS 25 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 15 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.~~

b.~~c.~~ 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 sub-subparagraph a. ~~or sub-subparagraph b., as applicable~~.

c.~~d.~~ 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.

(d)1. All prospective employees for senior management positions, as defined by the plan of operation, are subject to background checks as a prerequisite for employment. The office shall conduct the background checks pursuant to ss. 624.34, 624.404(3), and 628.261.

2. On or before July 1 of each year, employees of the corporation must sign and submit a statement attesting that they do not have a conflict of interest, as defined in part III of chapter 112. As a condition of employment, all prospective employees must sign and submit to the corporation a conflict-of-interest statement.

3. The executive director, senior managers, and members of the board of governors are subject to part III of chapter 112, including, but not limited to, the code of ethics and public disclosure and reporting of financial interests, pursuant to s. 112.3145. For purposes of applying part III of chapter 112 to activities of the executive director, senior managers, and members of the board of governors, those persons shall be considered public officers or employees and the corporation shall be considered their agency. Notwithstanding s. 112.3143(2), a board member may not vote on any measure that would inure to his or her special private gain or loss; that he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312; or that he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Before the vote is taken, such member shall publicly state to the assembly the nature of his or her interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. Senior managers and board members are also required to file such disclosures with the Commission on Ethics and the Office of Insurance Regulation. The executive director of the corporation or his or her designee shall notify each existing and newly appointed member of the board of governors and senior managers of their duty to comply with the reporting requirements of part III of chapter 112. At least quarterly, the executive director or his or her designee shall submit to the Commission on Ethics a list of names of the senior managers and members of the board of governors who are subject to the public disclosure requirements under s. 112.3145.

4. Notwithstanding s. 112.3148, s. 112.3149, or any other provision of law, an employee or board member may not knowingly accept, directly or indirectly, any gift or expenditure from a person or entity, or an employee or representative of such person or entity, which has a contractual relationship with the corporation or who is under consideration for a contract. An employee or board member who fails to comply with subparagraph 3. or this subparagraph is subject to penalties provided under ss. 112.317 and 112.3173.

5. Any senior manager of the corporation who is employed on or after January 1, 2007, regardless of the date of hire, who subsequently retires or terminates employment is prohibited from representing another person or entity before the corporation for 2 years after retirement or termination of employment from the corporation.

6. The executive director, members of the board of governors, and senior managers of the corporation are prohibited from having any employment or contractual relationship for 2 years after retirement from or termination of service to the corporation with an insurer that has entered into a take-out bonus agreement with the corporation.

(e) The corporation is subject to s. 287.057 for the purchase of commodities and contractual services except as otherwise provided in this

paragraph. Services provided by tradepersons or technical experts to assist a licensed adjuster in the evaluation of individual claims are not subject to the procurement requirements of this section. Additionally, the procurement of financial services providers and underwriters must be made pursuant to s. 627.3513. Contracts for goods or services valued at or more than $100,000 are subject to approval by the board.

1. The corporation is an agency for purposes of s. 287.057, except that, for purposes of s. 287.057(24), the corporation is an eligible user.

a. The authority of the Department of Management Services and the Chief Financial Officer under s. 287.057 extends to the corporation as if the corporation were an agency.

b. The executive director of the corporation is the agency head under s. 287.057~~, except for resolution of bid protests for which the board would serve as the agency head~~. The executive director may assign or appoint a designee to act on his or her behalf.

2. The corporation must provide notice of a decision or intended decision concerning a solicitation, contract award, or exceptional purchase by electronic posting. Such notice must contain the following statement: "Failure to file a protest within the time prescribed in this section constitutes a waiver of proceedings."

a. A person adversely affected by the corporation's decision or intended decision to award a contract pursuant to s. 287.057(1) or (3)(c) who elects to challenge the decision must file a written notice of protest with the executive director of the corporation within 72 hours after the corporation posts a notice of its decision or intended decision. For a protest of the terms, conditions, and specifications contained in a solicitation, including provisions governing the methods for ranking bids, proposals, replies, awarding contracts, reserving rights of further negotiation, or modifying or amending any contract, the notice of protest must be filed in writing within 72 hours after posting the solicitation. Saturdays, Sundays, and state holidays are excluded in the computation of the 72-hour time period.

b. A formal written protest must be filed within 10 days after the date the notice of protest is filed. The formal written protest must state with particularity the facts and law upon which the protest is based. Upon receipt of a formal written protest that has been timely filed, the corporation must stop the solicitation or contract award process until the subject of the protest is resolved by final board action unless the executive director sets forth in writing particular facts and circumstances that require the continuance of the solicitation or contract award process without delay in order to avoid an immediate and serious danger to the public health, safety, or welfare.

(I) The corporation must provide an opportunity to resolve the protest by mutual agreement between the parties within 7 business days after receipt of the formal written protest.

(II) If the subject of a protest is not resolved by mutual agreement within 7 business days, the corporation's board must transmit the protest to the Division of Administrative Hearings and contract with the division to conduct a hearing to determine the merits of the protest and to issue a recommended order. The contract must provide for the corporation to reimburse the division for any costs incurred by the division for court reporters, transcript preparation, travel, facility rental, and other customary hearing costs in the manner set forth in s. 120.65(9). The division has jurisdiction to determine the facts and law concerning the protest and to issue a recommended order. The division's rules and procedures apply to these proceedings~~; the division's applicable bond requirements do not apply~~. The protest must be heard by the division at a publicly noticed meeting in accordance with procedures established by the division.

c. In a protest of an invitation-to-bid or request-for-proposals procurement, submissions made after the bid or proposal opening which amend or supplement the bid or proposal may not be considered. In protesting an invitation-to-negotiate procurement, submissions made after the corporation announces its intent to award a contract, reject all replies, or withdraw the solicitation that amends or supplements the reply may not be considered. Unless otherwise provided by law, the burden of proof rests with the party protesting the corporation's action. In a competitive-procurement protest, other than a rejection of all bids, proposals, or replies, the administrative law judge must conduct a de novo proceeding to determine whether the corporation's proposed action is contrary to the corporation's governing statutes, the corporation's rules or policies, or the solicitation specifications. The standard of proof for the proceeding is whether the corporation's action was clearly erroneous, contrary to competition, arbitrary, or capricious. In any bid-protest proceeding contesting an intended corporation action to reject all bids, proposals, or replies, the standard of review by the board is whether the corporation's intended action is illegal, arbitrary, dishonest, or fraudulent.

d. Failure to file a notice of protest or failure to file a formal written protest constitutes a waiver of proceedings.

3. The ~~board, acting as~~ agency head or his or her designee~~,~~ shall consider the recommended order of an administrative law judge ~~in a public meeting~~ and take final action on the protest. Any further legal remedy lies with the First District Court of Appeal.

(f) The corporation is subject to the provisions of chapter 255.

(g) The board shall determine whether it is more cost-effective and in the best interests of the corporation to use legal services provided by in-house attorneys employed by the corporation rather than contracting with outside counsel. In making such determination, the board shall document its findings and shall consider: the expertise needed; whether time commitments exceed in-house staff resources; whether local representation is needed; the travel, lodging and other costs associated with in-house representation; and such other factors that the board determines are relevant.

(h) The corporation may not retain a lobbyist to represent it before the legislative branch or executive branch. However, full-time employees of the corporation may register as lobbyists and represent the corporation before the legislative branch or executive branch.

(i)1. The Office of the Internal Auditor is established within the corporation to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency to the policyholders and to the taxpayers of this state. The internal auditor shall be appointed by the board of governors, shall report to and be under the general supervision of the board of governors, and is not subject to supervision by an employee of the corporation. Administrative staff and support shall be provided by the corporation. The internal auditor shall be appointed without regard to political affiliation. It is the duty and responsibility of the internal auditor to:

a. Provide direction for, supervise, conduct, and coordinate audits, investigations, and management reviews relating to the programs and operations of the corporation.

b. Conduct, supervise, or coordinate other activities carried out or financed by the corporation for the purpose of promoting efficiency in the administration of, or preventing and detecting fraud, abuse, and mismanagement in, its programs and operations.

c. Submit final audit reports, reviews, or investigative reports to the board of governors, the executive director, the members of the Financial Services Commission, and the President of the Senate and the Speaker of the House of Representatives.

d. Keep the board of governors informed concerning fraud, abuses, and internal control deficiencies relating to programs and operations administered or financed by the corporation, recommend corrective action, and report on the progress made in implementing corrective action.

e. Cooperate and coordinate activities with the corporation's inspector general.

2. On or before February 15, the internal auditor shall prepare an annual report evaluating the effectiveness of the internal controls of the corporation and providing recommendations for corrective action, if necessary, and summarizing the audits, reviews, and investigations conducted by the office during the preceding fiscal year. The final report shall be furnished to the board of governors and the executive director, the President of the Senate, the Speaker of the House of Representatives, and the Financial Services Commission.

(j) All records of the corporation, except as otherwise provided by law, are subject to the record retention requirements of s. 119.021.

(k)1. The corporation shall establish and maintain a unit or division to investigate possible fraudulent claims by insureds or by persons making claims for services or repairs against policies held by insureds; or it may contract with others to investigate possible fraudulent claims for services or repairs against policies held by the corporation pursuant to s. 626.9891. The

corporation must comply with reporting requirements of s. 626.9891. An employee of the corporation shall notify the corporation's Office of the Inspector General and the Division of Investigative and Forensic Services within 48 hours after having information that would lead a reasonable person to suspect that fraud may have been committed by any employee of the corporation.

2. The corporation shall establish a unit or division responsible for receiving and responding to consumer complaints, which unit or division is the sole responsibility of a senior manager of the corporation.

(l) The office shall conduct a comprehensive market conduct examination of the corporation every 2 years to determine compliance with its plan of operation and internal operations procedures. The first market conduct examination report shall be submitted to the President of the Senate and the Speaker of the House of Representatives no later than February 1, 2009. Subsequent reports shall be submitted on or before February 1 every 2 years thereafter.

(m) The Auditor General shall conduct an operational audit of the corporation every 3 years to evaluate management's performance in administering laws, policies, and procedures governing the operations of the corporation in an efficient and effective manner. The scope of the review shall include, but is not limited to, evaluating claims handling, customer service, take-out programs and bonuses, financing arrangements, procurement of goods and services, internal controls, and the internal audit function. The initial audit must be completed by February 1, 2009.

(n)1. Rates for coverage provided by the corporation must be actuarially sound pursuant to s. 627.062 and not competitive with approved rates charged in the admitted voluntary market so that the corporation functions as a residual market mechanism to provide insurance only when insurance cannot be procured in the voluntary market, except as otherwise provided in this paragraph. The office shall provide the corporation such information as would be necessary to determine whether rates are competitive. The corporation shall file its recommended rates with the office at least annually. The corporation shall provide any additional information regarding the rates which the office requires. The office shall consider the recommendations of the board and issue a final order establishing the rates for the corporation within 45 days after the recommended rates are filed. The corporation may not pursue an administrative challenge or judicial review of the final order of the office.

2. In addition to the rates otherwise determined pursuant to this paragraph, the corporation shall impose and collect an amount equal to the premium tax provided in s. 624.509 to augment the financial resources of the corporation.

3. After the public hurricane loss-projection model under s. 627.06281 has been found to be accurate and reliable by the Florida Commission on Hurricane Loss Projection Methodology, the model shall be considered when establishing the windstorm portion of the corporation's rates. The corporation may use the public model results in combination with the results of private models to calculate rates for the windstorm portion of the corporation's rates. This subparagraph does not require or allow the corporation to adopt rates lower than the rates otherwise required or allowed by this paragraph.

4. The corporation must make a recommended actuarially sound rate filing for each personal and commercial line of business it writes.

5. Notwithstanding the board's recommended rates and the office's final order regarding the corporation's filed rates under subparagraph 1., the corporation shall annually implement a rate increase which, except for sinkhole coverage, does not exceed the following for any single policy issued by the corporation, excluding coverage changes and surcharges:

~~a. Twelve percent for 2023.~~

a.~~b.~~ Thirteen percent for 2024.

b.~~c.~~ Fourteen percent for 2025.

c.~~d.~~ Fifteen percent for 2026 and all subsequent years.

6. The corporation may also implement an increase to reflect the effect on the corporation of the cash buildup factor pursuant to s. 215.555(5)(b).

7. The corporation's implementation of rates as prescribed in subparagraphs 5. and 8. shall cease for any line of business written by the corporation upon the corporation's implementation of actuarially sound rates. Thereafter, the corporation shall annually make a recommended actuarially sound rate filing that is not competitive with approved rates in the admitted voluntary market for each commercial and personal line of business the corporation writes.

8. The following new or renewal personal lines policies written on or after November 1, 2023, are not subject to the rate increase limitations in subparagraph 5., but may not be charged more than 50 percent above, and may not be charged ~~nor~~ less than, the prior year's established rate for the corporation:

a. Policies that do not cover a primary residence;

b. New policies under which the coverage for the insured risk, before the date of application with the corporation, was last provided by an insurer determined by the office to be unsound or an insurer placed in receivership under chapter 631; or

c. Subsequent renewals of those policies, including the new policies in sub-subparagraph b., under which the coverage for the insured risk, before the date of application with the corporation, was last provided by an insurer determined by the office to be unsound or an insurer placed in receivership under chapter 631.

9. As used in this paragraph, the term "primary residence" means the dwelling that is the policyholder's primary home or is a rental property that is the primary home of the tenant, and which the policyholder or tenant occupies for more than 9 months of each year.

(o) If coverage in ~~an account, or~~ the Citizens account ~~if established by the corporation,~~ is deactivated pursuant to paragraph (p), coverage through the corporation shall be reactivated by order of the office only under one of the following circumstances:

1. If the market assistance plan receives a minimum of 100 applications for coverage within a 3-month period, or 200 applications for coverage within a 1-year period or less for residential coverage, unless the market assistance plan provides a quotation from authorized ~~admitted~~ carriers at their approved ~~filed~~ rates for at least 90 percent of such applicants. Any market assistance plan application that is rejected because an individual risk is so hazardous as to be uninsurable using the criteria specified in subparagraph (c)8. shall not be included in the minimum percentage calculation provided herein. In the event that there is a legal or administrative challenge to a determination by the office that the conditions of this subparagraph have been met for eligibility for coverage in the corporation, any eligible risk may obtain coverage during the pendency of such challenge.

2. In response to a state of emergency declared by the Governor under s. 252.36, the office may activate coverage by order for the period of the emergency upon a finding by the office that the emergency significantly affects the availability of residential property insurance.

(p)1. The corporation shall file with the office quarterly statements of financial condition, an annual statement of financial condition, and audited financial statements in the manner prescribed by law. In addition, the corporation shall report to the office monthly on the types, premium, exposure, and distribution by county of its policies in force, and shall submit other reports as the office requires to carry out its oversight of the corporation.

2. The activities of the corporation shall be reviewed at least annually by the office to determine whether coverage shall be deactivated ~~in an account, or~~ in the Citizens account ~~if established by the corporation,~~ on the basis that the conditions giving rise to its activation no longer exist.

(q)1. The corporation shall certify to the office its needs for annual assessments as to a particular calendar year, and for any interim assessments that it deems to be necessary to sustain operations as to a particular year pending the receipt of annual assessments. Upon verification, the office shall approve such certification, and the corporation shall levy such annual or interim assessments. Such assessments shall be prorated, if authority to levy exists, as provided in paragraph (b). The corporation shall take all reasonable and prudent steps necessary to collect the amount of assessments due from each assessable insurer, including, if prudent, filing suit to collect the assessments, and the office may provide such assistance to the corporation it deems appropriate. If the corporation is unable to collect an assessment from any assessable insurer, the uncollected assessments shall be levied as an additional assessment against the assessable insurers and any assessable insurer required to pay an additional assessment as a result of such failure to pay shall have a cause of action against such nonpaying assessable insurer. Assessments shall be included as an appropriate factor in the making of rates.

The failure of a surplus lines agent to collect and remit any regular or emergency assessment levied by the corporation is considered to be a violation of s. 626.936 and subjects the surplus lines agent to the penalties provided in that section.

2. The governing body of any unit of local government, any residents of which are insured by the corporation, may issue bonds as defined in s. 125.013 or s. 166.101 from time to time to fund an assistance program, in conjunction with the corporation, for the purpose of defraying deficits of the corporation. In order to avoid needless and indiscriminate proliferation, duplication, and fragmentation of such assistance programs, any unit of local government, any residents of which are insured by the corporation, may provide for the payment of losses, regardless of whether or not the losses occurred within or outside of the territorial jurisdiction of the local government. Revenue bonds under this subparagraph may not be issued until validated pursuant to chapter 75, unless a state of emergency is declared by executive order or proclamation of the Governor pursuant to s. 252.36 making such findings as are necessary to determine that it is in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of residents of this state and declaring it an essential public purpose to permit certain municipalities or counties to issue such bonds as will permit relief to claimants and policyholders of the corporation. Any such unit of local government may enter into such contracts with the corporation and with any other entity created pursuant to this subsection as are necessary to carry out this paragraph. Any bonds issued under this subparagraph shall be payable from and secured by moneys received by the corporation from emergency assessments under sub-subparagraph (b)3.c. ~~(b)3.c.~~, and assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government shall not be pledged for the payment of such bonds.

3.a. The corporation shall adopt one or more programs subject to approval by the office for the reduction of both new and renewal writings in the corporation. Beginning January 1, 2008, any program the corporation adopts for the payment of bonuses to an insurer for each risk the insurer removes from the corporation shall comply with s. 627.3511(2) and may not exceed the amount referenced in s. 627.3511(2) for each risk removed. The corporation may consider any prudent and not unfairly discriminatory approach to reducing corporation writings, and may adopt a credit against assessment liability or other liability that provides an incentive for insurers to take risks out of the corporation and to keep risks out of the corporation by maintaining or increasing voluntary writings in counties or areas in which corporation risks are highly concentrated and a program to provide a formula under which an insurer voluntarily taking risks out of the corporation by maintaining or increasing voluntary writings will be relieved wholly or partially from assessments ~~under sub-subparagraph (b)3.a~~. In addition, in the event policies are taken out by an approved surplus lines insurer, such insurer's assessable insureds may also be relieved wholly or partially from assessments. However, any "take-out bonus" or payment to an insurer must be conditioned on the property being insured for at least 5 years by the insurer, unless canceled or nonrenewed by the policyholder. If the policy is canceled or nonrenewed by the policyholder before the end of the 5-year period, the amount of the take-out bonus must be prorated for the time period the policy was insured. When 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 such policy, and the insurer shall either:

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

(II) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the insurer's usual and customary commission for the type of policy written. If the producing agent is unwilling or unable to accept appointment by the new insurer, the new insurer shall pay the agent in accordance with sub-sub-subparagraph (I).

b. Any credit or exemption from regular assessments adopted under this subparagraph shall last no longer than the 3 years following the cancellation or expiration of the policy by the corporation. With the approval of the office, the board may extend such credits for an additional year if the insurer guarantees an additional year of renewability for all policies removed from the corporation, or for 2 additional years if the insurer guarantees 2 additional years of renewability for all policies so removed.

c. There shall be no credit, limitation, exemption, or deferment from emergency assessments to be collected from policyholders pursuant to sub-subparagraph (b)3.c. ~~(b)3.c. or sub-subparagraph (b)5.e~~.

~~4. The plan shall provide for the deferment, in whole or in part, of the assessment of an assessable insurer, other than an emergency assessment collected from policyholders pursuant to sub-subparagraph (b)3.c. or sub-subparagraph (b)5.c., if the office finds that payment of the assessment would endanger or impair the solvency of the insurer. In the event an assessment against an assessable insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other assessable insurers in a manner consistent with the basis for assessments set forth in paragraph (b).~~

4.~~5.~~ Effective July 1, 2007, in order to evaluate the costs and benefits of approved take-out plans, if the corporation pays a bonus or other payment to an insurer for an approved take-out plan, it shall maintain a record of the address or such other identifying information on the property or risk removed in order to track if and when the property or risk is later insured by the corporation.

5.~~6.~~ Any policy taken out, assumed, or removed from the corporation is, as of the effective date of the take-out, assumption, or removal, direct insurance issued by the insurer and not by the corporation, even if the corporation continues to service the policies. This subparagraph applies to policies of the corporation and not policies taken out, assumed, or removed from any other entity.

6.~~7.~~ For a policy taken out, assumed, or removed from the corporation, the insurer may, for a period of no more than 3 years, continue to use any of the corporation's policy forms or endorsements that apply to the policy taken out, removed, or assumed without obtaining approval from the office for use of such policy form or endorsement.

(r) Nothing in this subsection shall be construed to preclude the issuance of residential property insurance coverage pursuant to part VIII of chapter 626.

(s)1. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any assessable insurer or its agents or employees, the corporation or its agents or employees, members of the board of governors or their respective designees at a board meeting, corporation committee members, or the office or its representatives, for any action taken by them in the performance of their duties or responsibilities under this subsection. Such immunity does not apply to:

a. Any of the foregoing persons or entities for any willful tort;

b. The corporation or its producing agents for breach of any contract or agreement pertaining to insurance coverage;

c. The corporation with respect to issuance or payment of debt;

d. Any assessable insurer with respect to any action to enforce an assessable insurer's obligations to the corporation under this subsection; or

e. The corporation in any pending or future action for breach of contract or for benefits under a policy issued by the corporation.

2. The corporation shall manage its claim employees, independent adjusters, and others who handle claims to ensure they carry out the corporation's duty to its policyholders to handle claims carefully, timely, diligently, and in good faith, balanced against the corporation's duty to the state to manage its assets responsibly to minimize its assessment potential.

(t) For the purposes of s. 199.183(1), the corporation shall be considered a political subdivision of the state and shall be exempt from the corporate income tax. The premiums, assessments, investment income, and other revenue of the corporation are funds received for providing property insurance coverage as required by this subsection, paying claims for Florida citizens insured by the corporation, securing and repaying debt obligations issued by the corporation, and conducting all other activities of the corporation, and shall not be considered taxes, fees, licenses, or charges for services imposed by the Legislature on individuals, businesses, or agencies

outside state government. Bonds and other debt obligations issued by or on behalf of the corporation are not to be considered "state bonds" within the meaning of s. 215.58(8). The corporation is subject to the procurement provisions of chapter 287 as provided in paragraph (e), and policies and decisions of the corporation relating to incurring debt, levying of assessments and the sale, issuance, continuation, terms and claims under corporation policies, and all services relating thereto, are not subject to the provisions of chapter 120. The corporation is not required to obtain or to hold a certificate of authority issued by the office, nor is it required to participate as a member insurer of the Florida Insurance Guaranty Association. However, the corporation is required to pay, in the same manner as an authorized insurer, assessments levied by the Florida Insurance Guaranty Association. It is the intent of the Legislature that the tax exemptions provided in this paragraph will augment the financial resources of the corporation to better enable the corporation to fulfill its public purposes. Any debt obligations issued by the corporation, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation of every kind by the state and any political subdivision or local unit or other instrumentality thereof; however, this exemption does not apply to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations other than the corporation.

(u) Upon a determination by the office that the conditions giving rise to the establishment and activation of the corporation no longer exist, the corporation is dissolved. Upon dissolution, the assets of the corporation shall be applied first to pay all debts, liabilities, and obligations of the corporation, including the establishment of reasonable reserves for any contingent liabilities or obligations, and all remaining assets of the corporation shall become property of the state and shall be deposited in the Florida Hurricane Catastrophe Fund. However, no dissolution shall take effect as long as the corporation has bonds or other financial obligations outstanding unless adequate provision has been made for the payment of the bonds or other financial obligations pursuant to the documents authorizing the issuance of the bonds or other financial obligations.

(v)1. Effective July 1, 2002, policies of the Residential Property and Casualty Joint Underwriting Association become policies of the corporation. All obligations, rights, assets and liabilities of the association, including bonds, note and debt obligations, and the financing documents pertaining to them become those of the corporation as of July 1, 2002. The corporation is not required to issue endorsements or certificates of assumption to insureds during the remaining term of in-force transferred policies.

2. Effective July 1, 2002, policies of the Florida Windstorm Underwriting Association are transferred to the corporation and become policies of the corporation. All obligations, rights, assets, and liabilities of the association, including bonds, note and debt obligations, and the financing documents pertaining to them are transferred to and assumed by the corporation on July 1, 2002. The corporation is not required to issue endorsements or certificates of assumption to insureds during the remaining term of in-force transferred policies.

3. The Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association shall take all actions necessary to further evidence the transfers and provide the documents and instruments of further assurance as may reasonably be requested by the corporation for that purpose. The corporation shall execute assumptions and instruments as the trustees or other parties to the financing documents of the Florida Windstorm Underwriting Association or the Residential Property and Casualty Joint Underwriting Association may reasonably request to further evidence the transfers and assumptions, which transfers and assumptions, however, are effective on the date provided under this paragraph whether or not, and regardless of the date on which, the assumptions or instruments are executed by the corporation. ~~Subject to the relevant financing documents pertaining to their outstanding bonds, notes, indebtedness, or other financing obligations, the moneys, investments, receivables, choses in action, and other intangibles of the Florida Windstorm Underwriting Association shall be credited to the coastal account of the corporation, and those of the personal lines residential coverage account and the commercial lines residential coverage account of the Residential Property and Casualty Joint Underwriting Association shall be credited to the personal lines account and the commercial lines account, respectively, of the corporation.~~

4. Effective July 1, 2002, a new applicant for property insurance coverage who would otherwise have been eligible for coverage in the Florida Windstorm Underwriting Association is eligible for coverage from the corporation as provided in this subsection.

5. The transfer of all policies, obligations, rights, assets, and liabilities from the Florida Windstorm Underwriting Association to the corporation and the renaming of the Residential Property and Casualty Joint Underwriting Association as the corporation does not affect the coverage with respect to covered policies as defined in s. 215.555(2)(c) provided to these entities by the Florida Hurricane Catastrophe Fund. ~~The coverage provided by the fund to the Florida Windstorm Underwriting Association based on its exposures as of June 30, 2002, and each June 30 thereafter, unless the corporation has established the Citizens account, shall be redesignated as coverage for the coastal account of the corporation. Notwithstanding any other provision of law, the coverage provided by the fund to the Residential Property and Casualty Joint Underwriting Association based on its exposures as of June 30, 2002, and each June 30 thereafter, unless the corporation has established the Citizens account, shall be transferred to the personal lines account and the commercial lines account of the corporation. Notwithstanding any other provision of law, the coastal account, unless the corporation has established the Citizens account, shall be treated, for all Florida Hurricane Catastrophe Fund purposes, as if it were a separate participating insurer with its own exposures, reimbursement premium, and loss reimbursement. Likewise, the personal lines and commercial lines accounts, unless the corporation has established the Citizens account, shall be viewed together, for all fund purposes, as if the two accounts were one and represent a single, separate participating insurer with its own exposures, reimbursement premium, and loss reimbursement.~~ The coverage provided by the fund to the corporation shall constitute and operate as a full transfer of coverage from the Florida Windstorm Underwriting Association and Residential Property and Casualty Joint Underwriting Association to the corporation.

(w) Notwithstanding any other provision of law:

1. The pledge or sale of, the lien upon, and the security interest in any rights, revenues, or other assets of the corporation created or purported to be created pursuant to any financing documents to secure any bonds or other indebtedness of the corporation shall be and remain valid and enforceable, notwithstanding the commencement of and during the continuation of, and after, any rehabilitation, insolvency, liquidation, bankruptcy, receivership, conservatorship, reorganization, or similar proceeding against the corporation under the laws of this state.

2. The proceeding does not relieve the corporation of its obligation, or otherwise affect its ability to perform its obligation, to continue to collect, or levy and collect, assessments, policyholder surcharges or other surcharges ~~under sub-subparagraph (b)3.j.~~, or any other rights, revenues, or other assets of the corporation pledged pursuant to any financing documents.

3. Each such pledge or sale of, lien upon, and security interest in, including the priority of such pledge, lien, or security interest, any such assessments, policyholder surcharges or other surcharges, or other rights, revenues, or other assets which are collected, or levied and collected, after the commencement of and during the pendency of, or after, any such proceeding shall continue unaffected by such proceeding. As used in this subsection, the term "financing documents" means any agreement or agreements, instrument or instruments, or other document or documents now existing or hereafter created evidencing any bonds or other indebtedness of the corporation or pursuant to which any such bonds or other indebtedness has been or may be issued and pursuant to which any rights, revenues, or other assets of the corporation are pledged or sold to secure the repayment of such bonds or indebtedness, together with the payment of interest on such bonds or such indebtedness, or the payment of any other obligation or financial product, as defined in the plan of operation of the corporation related to such bonds or indebtedness.

4. Any such pledge or sale of assessments, revenues, contract rights, or other rights or assets of the corporation shall constitute a lien and security interest, or sale, as the case may be, that is immediately effective and attaches to such assessments, revenues, or contract rights or other rights or assets,

whether or not imposed or collected at the time the pledge or sale is made. Any such pledge or sale is effective, valid, binding, and enforceable against the corporation or other entity making such pledge or sale, and valid and binding against and superior to any competing claims or obligations owed to any other person or entity, including policyholders in this state, asserting rights in any such assessments, revenues, or contract rights or other rights or assets to the extent set forth in and in accordance with the terms of the pledge or sale contained in the applicable financing documents, whether or not any such person or entity has notice of such pledge or sale and without the need for any physical delivery, recordation, filing, or other action.

5. As long as the corporation has any bonds outstanding, the corporation may not file a voluntary petition under chapter 9 of the federal Bankruptcy Code or such corresponding chapter or sections as may be in effect, from time to time, and a public officer or any organization, entity, or other person may not authorize the corporation to be or become a debtor under chapter 9 of the federal Bankruptcy Code or such corresponding chapter or sections as may be in effect, from time to time, during any such period.

6. If ordered by a court of competent jurisdiction, the corporation may assume policies or otherwise provide coverage for policyholders of an insurer placed in liquidation under chapter 631, under such forms, rates, terms, and conditions as the corporation deems appropriate, subject to approval by the office.

(x)1. The following records of the corporation are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

a. Underwriting files, except that a policyholder or an applicant shall have access to his or her own underwriting files. Confidential and exempt underwriting file records may also be released to other governmental agencies upon written request and demonstration of need; such records held by the receiving agency remain confidential and exempt as provided herein.

b. Claims files, until termination of all litigation and settlement of all claims arising out of the same incident, although portions of the claims files may remain exempt, as otherwise provided by law. Confidential and exempt claims file records may be released to other governmental agencies upon written request and demonstration of need; such records held by the receiving agency remain confidential and exempt as provided herein.

c. Records obtained or generated by an internal auditor pursuant to a routine audit, until the audit is completed, or if the audit is conducted as part of an investigation, until the investigation is closed or ceases to be active. An investigation is considered "active" while the investigation is being conducted with a reasonable, good faith belief that it could lead to the filing of administrative, civil, or criminal proceedings.

d. Matters reasonably encompassed in privileged attorney-client communications.

e. Proprietary information licensed to the corporation under contract and the contract provides for the confidentiality of such proprietary information.

f. All information relating to the medical condition or medical status of a corporation employee which is not relevant to the employee's capacity to perform his or her duties, except as otherwise provided in this paragraph. Information that is exempt shall include, but is not limited to, information relating to workers' compensation, insurance benefits, and retirement or disability benefits.

g. Upon an employee's entrance into the employee assistance program, a program to assist any employee who has a behavioral or medical disorder, substance abuse problem, or emotional difficulty that affects the employee's job performance, all records relative to that participation shall be confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except as otherwise provided in s. 112.0455(11).

h. Information relating to negotiations for financing, reinsurance, depopulation, or contractual services, until the conclusion of the negotiations.

i. Minutes of closed meetings regarding underwriting files, and minutes of closed meetings regarding an open claims file until termination of all litigation and settlement of all claims with regard to that claim, except that information otherwise confidential or exempt by law shall be redacted.

2. If an authorized insurer is considering underwriting a risk insured by the corporation, relevant underwriting files and confidential claims files may be released to the insurer provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. If a file is transferred to an insurer, that file is no longer a public record because it is not held by an agency subject to the provisions of the public records law. Underwriting files and confidential claims files may also be released to staff and the board of governors of the market assistance plan established pursuant to s. 627.3515, who must retain the confidentiality of such files, except such files may be released to authorized insurers that are considering assuming the risks to which the files apply, provided the insurer agrees in writing, notarized and under oath, to maintain the confidentiality of such files. Finally, the corporation or the board or staff of the market assistance plan may make the following information obtained from underwriting files and confidential claims files available to an entity that has obtained a permit to become an authorized insurer, a reinsurer that may provide reinsurance under s. 624.610, a licensed reinsurance broker, a licensed rating organization, a modeling company, a licensed surplus lines agent, or a licensed general lines insurance agent: name, address, and telephone number of the residential property owner or insured; location of the risk; rating information; loss history; and policy type. The receiving person must retain the confidentiality of the information received and may use the information only for the purposes of developing a take-out plan or a rating plan to be submitted to the office for approval or otherwise analyzing the underwriting of a risk or risks insured by the corporation on behalf of the private insurance market. A licensed surplus lines agent or a licensed general lines insurance agent may not use such information for the direct solicitation of policyholders.

3. A policyholder who has filed suit against the corporation has the right to discover the contents of his or her own claims file to the same extent that discovery of such contents would be available from a private insurer in litigation as provided by the Florida Rules of Civil Procedure, the Florida Evidence Code, and other applicable law. Pursuant to subpoena, a third party has the right to discover the contents of an insured's or applicant's underwriting or claims file to the same extent that discovery of such contents would be available from a private insurer by subpoena as provided by the Florida Rules of Civil Procedure, the Florida Evidence Code, and other applicable law, and subject to any confidentiality protections requested by the corporation and agreed to by the seeking party or ordered by the court. The corporation may release confidential underwriting and claims file contents and information as it deems necessary and appropriate to underwrite or service insurance policies and claims, subject to any confidentiality protections deemed necessary and appropriate by the corporation.

4. Portions of meetings of the corporation are exempt from the provisions of s. 286.011 and s. 24(b), Art. I of the State Constitution wherein confidential underwriting files or confidential open claims files are discussed. All portions of corporation meetings which are closed to the public shall be recorded by a court reporter. The court reporter shall record the times of commencement and termination of the meeting, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of any closed meeting shall be off the record. Subject to the provisions hereof and s. 119.07(1)(d)-(f), the court reporter's notes of any closed meeting shall be retained by the corporation for a minimum of 5 years. A copy of the transcript, less any exempt matters, of any closed meeting wherein claims are discussed shall become public as to individual claims after settlement of the claim.

(y) It is the intent of the Legislature that the amendments to this subsection enacted in 2002 should, over time, reduce the probable maximum windstorm losses in the residual markets and the potential assessments to be levied on property insurers and policyholders statewide.

(z) In enacting the provisions of this section, the Legislature recognizes that both the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association have entered into financing arrangements that obligate each entity to service its debts and maintain the capacity to repay funds secured under these financing arrangements. It is the intent of the Legislature that nothing in this section be construed to compromise, diminish, or interfere with the rights of creditors under such financing arrangements. It is further the intent of the Legislature to preserve the obligations of the Florida Windstorm Underwriting Association and Residential Property and Casualty Joint Underwriting Association with regard to outstanding financing arrangements, with such

obligations passing entirely and unchanged to the corporation and, specifically, to the Citizens ~~applicable~~ account of the corporation. So long as any bonds, notes, indebtedness, or other financing obligations of the Florida Windstorm Underwriting Association or the Residential Property and Casualty Joint Underwriting Association are outstanding, under the terms of the financing documents pertaining to them, the governing board of the corporation shall have and shall exercise the authority to levy, charge, collect, and receive all premiums, assessments, surcharges, charges, revenues, and receipts that the associations had authority to levy, charge, collect, or receive under the provisions of subsection (2) and this subsection, respectively, as they existed on January 1, 2002, to provide moneys, without exercise of the authority provided by this subsection, in at least the amounts, and by the times, as would be provided under those former provisions of subsection (2) or this subsection, respectively, so that the value, amount, and collectability of any assets, revenues, or revenue source pledged or committed to, or any lien thereon securing such outstanding bonds, notes, indebtedness, or other financing obligations will not be diminished, impaired, or adversely affected by the amendments made by this act and to permit compliance with all provisions of financing documents pertaining to such bonds, notes, indebtedness, or other financing obligations, or the security or credit enhancement for them, and any reference in this subsection to bonds, notes, indebtedness, financing obligations, or similar obligations, of the corporation shall include like instruments or contracts of the Florida Windstorm Underwriting Association and the Residential Property and Casualty Joint Underwriting Association to the extent not inconsistent with the provisions of the financing documents pertaining to them.

(aa) Except as otherwise provided in this paragraph, the corporation shall require the securing and maintaining of flood insurance as a condition of coverage of a personal lines residential risk. The insured or applicant must execute a form approved by the office affirming that flood insurance is not provided by the corporation and that if flood insurance is not secured by the applicant or insured from an insurer other than the corporation and in addition to coverage by the corporation, the risk will not be eligible for coverage by the corporation. The corporation may deny coverage of a personal lines residential risk to an applicant or insured who refuses to secure and maintain flood insurance. The requirement to purchase flood insurance shall be implemented as follows:

1. Except as provided in subparagraphs 2. and 3., all personal lines residential policyholders must have flood coverage in place for policies effective on or after:

a. January 1, 2024, for a structure that has a dwelling replacement cost of $600,000 or more.

b. January 1, 2025, for a structure that has a dwelling replacement cost of $500,000 or more.

c. January 1, 2026, for a structure that has a dwelling replacement cost of $400,000 or more.

d. January 1, 2027, for all other personal lines residential property insured by the corporation.

2. All personal lines residential policyholders whose property insured by the corporation is located within the special flood hazard area defined by the Federal Emergency Management Agency must have flood coverage in place:

a. At the time of initial policy issuance for all new personal lines residential policies issued by the corporation on or after April 1, 2023.

b. By the time of the policy renewal for all personal lines residential policies renewing on or after July 1, 2023.

3. Policyholders are not required to purchase flood insurance as a condition for maintaining the following policies issued by the corporation:

a. Policies that do not provide coverage for the peril of wind.

b. Policies that provide coverage under a condominium unit owners form.

The flood insurance required under this paragraph must meet, at a minimum, the dwelling coverage available from the National Flood Insurance Program or the requirements of subparagraphs s. 627.715(1)(a)1., 2., and 3.

(bb) A salaried employee of the corporation who performs policy administration services subsequent to the effectuation of a corporation policy is not required to be licensed as an agent under the provisions of s. 626.112.

(cc) There shall be no liability on the part of, and no cause of action of any nature shall arise against, producing agents of record of the corporation or employees of such agents for insolvency of any take-out insurer.

(dd) The assets of the corporation may be invested and managed by the State Board of Administration.

(ee) The office may establish a pilot program to offer optional sinkhole coverage in one or more counties or other territories of the corporation for the purpose of implementing s. 627.706, as amended by s. 30, chapter 2007-1, Laws of Florida. Under the pilot program, the corporation is not required to issue a notice of nonrenewal to exclude sinkhole coverage upon the renewal of existing policies, but may exclude such coverage using a notice of coverage change.

(ff) In establishing replacement costs for coverage on a dwelling insured by the corporation, the corporation must accept a valuation from any of the following sources and must use the lowest valuation as the insured value of the dwelling, excluding land value, provided the valuation was completed within the 12 months before the application or renewal date of coverage:

1. A replacement cost valuation software that is specifically designed for use in establishing insurance replacement costs and that includes an itemized calculation of the cost of reconstruction;

2. A replacement cost valuation prepared by a certified or licensed real estate appraiser under part II of chapter 475 that is specifically formulated to establish insurance replacement cost, rather than market value, and which includes an itemized calculation of the cost of reconstruction; or

3. A replacement cost valuation prepared by a general, building, or residential contractor licensed under s. 489.113, or a professional engineer licensed under s. 471.015, which includes an itemized calculation of the total price of reconstruction.

(gg) The Office of Inspector General is established within the corporation to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency. The office shall be headed by an inspector general, which is a senior management position that involves planning, coordinating, and performing activities assigned to and assumed by the inspector general for the corporation.

1. The inspector general shall be appointed by the Financial Services Commission and may only be removed from office by the commission. The inspector general shall be appointed without regard to political affiliation.

a. At a minimum, the inspector general must possess a bachelor's degree from an accredited college or university and 8 years of professional experience related to the duties of an inspector general as described in this paragraph, of which 5 years must have been at a supervisory level.

b. The inspector general shall report to, and be under the supervision of, the chair of the board of governors. The executive director or corporation staff may not prevent or prohibit the inspector general from initiating, carrying out, or completing any audit, review, evaluation, study, or investigation.

2. The inspector general shall initiate, direct, coordinate, participate in, and perform audits, reviews, evaluations, studies, and investigations designed to assess management practices; compliance with laws, rules, and policies; and program effectiveness and efficiency. This includes:

a. Conducting internal examinations; investigating allegations of fraud, waste, abuse, malfeasance, mismanagement, employee misconduct, or violations of corporation policies; and conducting any other investigations as directed by the Financial Services Commission or as independently determined.

b. Evaluating and recommending actions regarding security, the ethical behavior of personnel and vendors, and compliance with rules, laws, policies, and personnel matters; and rendering ethics opinions.

c. Evaluating personnel and administrative policy compliance, management and operational matters, and human resources-related matters.

d. Evaluating the application of a corporation code of ethics, providing reviews and recommendations on the design and content of ethics-related policy training courses, educating employees on the code and on appropriate conduct, and checking for compliance.

e. Evaluating the activities of the senior management team and management's compliance with recommended solutions.

f. Cooperating and coordinating activities with the chief of internal audit.

g. Maintaining records of investigations and discipline in accordance with established policies, or as otherwise required.

h. Supervising and directing the tasks and assignments of the staff assigned to assist with the inspector general's projects, including regular review and feedback regarding work in progress and providing recommendations regarding relevant training and staff development activities.

i. Directing, planning, preparing, and presenting interim and final reports and oral briefings which communicate the results of studies, reviews, and investigations.

j. Providing the executive director with independent and objective assessments of programs and activities.

k. Completing special projects, assignments, and other duties as requested by the Financial Services Commission.

l. Reporting expeditiously to the Department of Law Enforcement or other law enforcement agencies, as appropriate, whenever the inspector general has reasonable grounds to believe there has been a violation of criminal law.

(hh) The corporation shall prepare a report for each calendar year outlining both the statewide average and county-specific details of the loss ratio attributable to losses that are not catastrophic losses for residential coverage provided by the corporation, which information must be presented to the office and available for public inspection on the Internet website of the corporation by March 1 of the following calendar year.

(ii) The corporation shall revise the programs adopted pursuant to sub-subparagraph (q)3.a. for personal lines residential policies to maximize policyholder options and encourage increased participation by insurers and agents. After January 1, 2017, a policy may not be taken out of the corporation unless the provisions of this paragraph are met.

1. The corporation must publish a periodic schedule of cycles during which an insurer may identify, and notify the corporation of, policies that the insurer is requesting to take out. A request must include a description of the coverage offered and an estimated premium and must be submitted to the corporation in a form and manner prescribed by the corporation.

2. The corporation must maintain and make available to the agent of record a consolidated list of all insurers requesting to take out a policy. The list must include a description of the coverage offered and the estimated premium for each take-out request.

3. If a policyholder receives a take-out offer from an authorized insurer, the risk is no longer eligible for coverage with the corporation unless the premium for coverage from the authorized insurer is more than 20 percent greater than the renewal premium for comparable coverage from the corporation pursuant to sub-subparagraph (c)5.d. ~~(c)5.c.~~ This subparagraph applies

---

T I T L E A M E N D M E N T

Remove line 27 and insert:
residences and to personal lines residential risks that are not primary residences; providing that comparisons of comparable

Rep. Esposito moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HB 1541—A bill to be entitled An act relating to transparency in social media; creating s. 501.20411, F.S.; providing a short title; providing legislative findings; providing definitions; requiring foreign-adversary-owned entities operating social media platforms in the state to publicly disclose specified information in a certain manner; requiring foreign-adversary-owned entities operating social media platforms to implement a user verification system for certain entities; providing penalties; requiring enforcement by the Department of Legal Affairs; providing an effective date.

—was read the second time by title.

Representative Fine offered the following:

(Amendment Bar Code: 619985)

Amendment 1 (with title amendment)—Remove lines 49-81 and insert:

(d) "Social or political advertising" means any advertisement on a social media platform that:

1. References, or advocates for or against, a candidate for political office, a political or executive official, a political party, or a political action committee;

2. References, or advocates for or against, an outcome or position in any election, referendum, ballot initiative, or voter registration campaign;

3. References, advocates, or discusses matters of public policy, including, but not limited to, matters of foreign policy or diplomacy, healthcare, civil rights, economic matters, governance structures, or any other matters that pertain to governmental policymaking;

4. Includes messaging, language, or graphics that a reasonable person might believe seeks to influence public opinion, debate, or discussion; or

5. Is otherwise regulated as political advertising.

(4)(a) Each foreign-adversary-owned entity operating a social media platform in the state must publicly disclose the core functional elements of the social media platform's content curation and algorithms.

(b) The disclosure must identify:

1. The factors that influence content ranking and visibility.

2. Measures taken to address misinformation and harmful content.

3. The process of personalization and targeting of content.

(5) Each foreign-adversary-owned entity operating a social media platform must make publicly available the source code of its algorithms through an open-source license.

(6)(a) Each foreign-adversary-owned entity operating a social media platform must implement a user verification system for each user and organization that purchases advertisements concerning social or political issues. The system must verify key identifying information, including citizenship, residency, and age of the user or the individuals that own the organization, as applicable.

(b) Once verified, the identity of the purchaser of each social or political advertisement must be disclosed with the advertisement.

(7)(a) A foreign-adversary-owned entity operating a social media platform that violates this section is liable up to $10,000 for each discrete violation.

(b) The Department of Legal Affairs shall enforce this section.

Section 2. If any provision of this act or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

T I T L E A M E N D M E N T

Remove line 12 and insert:
Legal Affairs; providing severability; providing an effective date.

Rep. Fine moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/CS/HB 1645—A bill to be entitled An act relating to energy resources; creating s. 163.3210, F.S.; providing legislative intent; providing definitions; allowing resiliency facilities in certain land use categories in local government comprehensive plans and specified districts if certain criteria are met; allowing local governments to adopt ordinances for resiliency facilities if certain requirements are met; prohibiting amendments to a local government's comprehensive plan, land use map, zoning districts, or land development regulations in a manner that would conflict with resiliency facility classification after a specified date; amending s. 286.29, F.S.; revising energy guidelines for public businesses; eliminating the requirement that the Department of Management Services develop and maintain the Florida Climate-Friendly Preferred Products List; eliminating the requirement that state agencies contract for meeting and conference space only with facilities that have a Green Lodging designations; eliminating the requirement that state agencies, state universities, community colleges, and local governments that procure new vehicles under a state purchasing plan select certain vehicles under a specified circumstance; requiring the Department of Management Services to develop a Florida Humane Preferred Energy Products List in consultation with the Department of Commerce and the Department of

Agriculture and Consumer Services; providing for assessment considerations in developing the list; defining the term "forced labor"; requiring state agencies and political subdivisions that procure energy products from state term contracts to consult the list and purchase or procure such products; prohibiting state agencies and political subdivisions from purchasing or procuring products not included in the list; amending s. 366.032, F.S.; including development districts as a type of political subdivision for purposes of preemption over utility service restrictions; creating s. 366.042, F.S.; requiring electric cooperatives and municipal electric utilities to enter into and maintain at least one mutual aid agreement or pre-event agreement with certain entities for purposes of restoring power after a natural disaster; requiring electric cooperatives and municipal electric utilities to annually submit attestations of compliance to the Public Service Commission; providing construction; requiring the commission to compile the attestations and annually submit a copy of such attestations to the Division of Emergency Management; providing that the submission of such attestations makes electric cooperatives and municipal electric utilities eligible to receive state financial assistance; providing that if such attestations are not submitted, electric cooperatives and municipal electric utilities are not eligible to receive state financial assistance; providing construction; creating s. 366.057, F.S.; requiring public utilities to provide notice to the commission of certain power plant retirements within a specified timeframe; authorizing the commission to schedule hearings within a specified timeframe to make certain determinations on such plant retirements; specifying information to be provided by public utilities at the hearing; amending s. 366.94, F.S.; removing terminology; authorizing the commission to approve voluntary electric vehicle charging programs upon petition of a public utility, to become effective on or after a specified date, if certain requirements are met; providing applicability; creating s. 366.99, F.S.; providing definitions; authorizing public utilities to submit to the commission a petition for a proposed cost recovery for certain natural gas facilities relocation costs; requiring the commission to conduct annual proceedings to determine each utility's prudently incurred natural gas facilities relocation costs and to allow for the recovery of such costs; providing requirements for the commission's review; providing requirements for the allocation of such recovered costs; requiring the commission to adopt rules; providing a timeframe for such rulemaking; amending s. 377.601, F.S.; revising legislative intent; amending s. 377.6015, F.S.; revising the powers and duties of the Department of Agriculture and Consumer Services; conforming provisions to changes made by the act; amending s. 377.703, F.S.; revising additional functions of the department relating to energy resources; conforming provisions to changes made by the act; creating s. 377.708, F.S.; providing definitions; prohibiting the construction, operation, or expansion of certain wind energy facilities and wind turbines in the state; requiring the Department of Environmental Protection to review applications for federal wind energy leases in territorial waters of the United States adjacent to water of this state and signify its approval or objection to such applications; authorizing the department to seek injunctive relief for violations; repealing s. 377.801, F.S., relating to the Florida Energy and Climate Protection Act; repealing s. 377.802, F.S., relating to the purpose of the act; repealing s. 377.803, F.S., relating to definitions under the act; repealing s. 377.804, F.S., relating to the Renewable Energy and Energy-Efficient Technologies Grants Program; repealing s. 377.808, F.S., relating to the Florida Green Government Grants Act; repealing s. 377.809, F.S., relating to the Energy Economic Zone Pilot Program; repealing s. 377.816, F.S., relating to the Qualified Energy Conservation Bond Allocation Program; prohibiting the approval of new or additional applications, certifications, or allocations under such programs; prohibiting new contracts, agreements, and awards under such programs; rescinding all certifications or allocations issued under such programs; providing an exception; providing application relating to existing contracts or agreements under such programs; amending ss. 220.193, 288.9606, and 380.0651, F.S.; conforming provisions to changes made by the act; amending s. 403.9405, F.S.; revising the applicability of the Natural Gas Transmission Pipeline Siting Act; amending s. 720.3075, F.S.; prohibiting certain homeowners' association documents from precluding certain types or fuel sources of energy production and the use of certain appliances; requiring the commission to conduct an assessment of the security and resiliency of the state's electric grid and natural gas facilities against physical threats and cyber threats; requiring the commission to consult with the Division of Emergency Management and the Florida Digital Service; requiring cooperation from all operating facilities in the state relating to such assessment; requiring the commission to submit by a specified date a report of such assessment to the Governor and the Legislature; providing additional content requirements for such report; requiring the commission to study and evaluate the technical and economic feasibility of using advanced nuclear power technologies to meet the electrical power needs of the state; requiring the commission to research means to encourage and foster the installation and use of such technologies at military installations in partnership with public utilities; requiring the commission to consult with the Department of Environmental Protection and the Division of Emergency Management; requiring the commission to submit by a specified date a report to the Governor and the Legislature that contains its findings and any additional recommendations for potential legislative or administrative actions; requiring the Department of Transportation, in consultation with the Office of Energy within the Department of Agriculture and Consumer Services, to study and evaluate the potential development of hydrogen fueling infrastructure to support hydrogen-powered vehicles; requiring the department to submit by a specified date a report to the Governor and the Legislature that contains its findings and recommendations for specified actions that may accommodate the future development of hydrogen fueling infrastructure; providing effective dates.

—was read the second time by title.

Representative Payne offered the following:

(Amendment Bar Code: 794403)

Amendment 1—Remove lines 287-306 and insert:
products that are made free from forced labor. For purposes of this subsection, the term "forced labor" means work or service exacted from any person, including a minor, under the menace of a penalty for nonperformance and for which the worker does not offer himself or herself voluntarily or an activity that violates s. 787.06.

Rep. Payne moved the adoption of the amendment, which was adopted.

Representative Payne offered the following:

(Amendment Bar Code: 353313)

Amendment 2 (with title amendment)—Remove lines 739-771 and insert:

(e) "Vessel" has the same meaning as provided in s. 327.02.

(f) "Waters of this state" has the same meaning as provided in s. 327.02, except the term also includes all state submerged lands.

(g) "Wind energy facility" means an electrical wind generation facility or expansion thereof comprised of one or more wind turbines and including substations; meteorological data towers; aboveground, underground, and electrical transmission lines; and transformers, control systems, and other buildings or structures under common ownership or operating control used to support the operation of the facility the primary purpose of which is to offer electricity supply for sale.

(h) "Wind turbine" means a device or apparatus that has the capability to convert kinetic wind energy into rotational energy that drives an electrical generator, consisting of a tower body and rotator with two or more blades and capable of producing more than 10 kilowatts of electrical power. The term includes both horizontal and vertical axis turbines. The term does not include devices used to measure wind speed and direction, such as an anemometer.

(2) PROHIBITED ACTIVITIES.-

(a) Construction or expansion of the following is prohibited:

1. An offshore wind energy facility.

2. A wind turbine or wind energy facility on real property within 1 mile of coastline in this state.

3. A wind turbine or wind energy facility on real property within 1 mile of the Atlantic Intracoastal Waterway or Gulf Intracoastal Waterway.

4. A wind turbine or wind energy facility on waters of this state and any submerged lands.

(b) This subsection does not prohibit:

1. Affixation of a wind turbine directly to a vessel solely for the purpose of providing power to electronic equipment located onboard the vessel.

2. Operation of a wind turbine installed before July 1, 2024.

(3) REVIEW.-The department shall review all applications for federal wind energy leases in the territorial waters of the United States adjacent to waters of this state and shall signify its approval of or objection to each application.

(4) INJUNCTIVE RELIEF.-The department may bring an action for injunctive relief against any person who constructs or expands an offshore wind energy facility or a wind turbine in this state in violation of this section.

T I T L E A M E N D M E N T

Remove line 91 and insert:
construction or expansion of certain wind

Rep. Payne moved the adoption of the amendment, which was adopted.

Representative Payne offered the following:

(Amendment Bar Code: 522597)

Amendment 3 (with title amendment)—Remove lines 898-915 and insert:

Section 19. (1) The Public Service Commission shall coordinate, develop, and recommend a plan under which an assessment of the security and resiliency of the state's electric grid and natural gas facilities against both physical threats and cyber threats may be conducted. In developing this plan, the commission shall consult with the Division of Emergency Management and, in its assessment of cyber threats, shall consult with the Florida Digital Service. All electric utilities, natural gas utilities, and natural gas pipelines operating in this state shall cooperate with the commission in developing the plan. The plan must address the manner in which information needed to conduct a security and resiliency assessment may be communicated, collected, shared, stored, and adequately protected from disclosure to avoid adverse impacts on the safe and reliable operation of the state's electric grid and natural gas facilities.

(2) By January 31, 2025, the commission shall submit its recommended plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The plan must include any recommendations for legislation and may include other recommendations as determined by the commission.

T I T L E A M E N D M E N T

Remove lines 126-136 and insert:
coordinate, develop, and recommend a plan under which an assessment of the security and resiliency of the state's electric grid and natural gas facilities against physical threats and cyber threats may be conducted; requiring the commission to consult with the Division of Emergency Management and the Florida Digital Service; requiring cooperation from all operating facilities in the state relating to such plan; providing additional content requirements for such plan; requiring the commission to submit by a recommended plan by a specified date to the Governor and the Legislature; providing additional content requirements for such plan; requiring the commission to study and

Rep. Payne moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

Consideration of **CS/CS/HB 1647** was temporarily postponed.

CS/CS/HB 1639—A bill to be entitled An act relating to gender and biological sex; amending s. 322.01, F.S.; defining the term "sex"; amending ss. 322.051, 322.08, and 322.14, F.S.; requiring applications for driver licenses and identification cards, as well as printed driver licenses, to indicate a person's sex instead of his or her gender; creating s. 627.6411, F.S.; requiring health insurance policies that include coverage for sex-reassignment prescriptions or procedures to also provide coverage for certain detransition treatments; requiring health insurers providing such coverage to also offer insurance policies that do not provide such coverage; prohibiting health insurance policies from prohibiting coverage of certain mental health and therapeutic services; providing applicability; amending ss. 627.657, 627.6699, and 641.31, F.S.; requiring group health insurance policies, health benefit plans, and health maintenance contracts that include coverage for sex-reassignment prescriptions or procedures to also provide coverage for certain detransition treatments; requiring group health insurers, carriers, and health maintenance organizations providing such coverage to also offer insurance policies that do not provide such coverage; prohibiting group health insurance policies, health benefit plans, and health maintenance contracts from prohibiting coverage of certain mental health and therapeutic services; providing applicability; providing an effective date.

—was read the second time by title.

REPRESENTATIVE PAYNE IN THE CHAIR

Representative Nixon offered the following:

(Amendment Bar Code: 755937)

Amendment 1 (with title amendment)—Remove lines 33-149 and insert:

T I T L E A M E N D M E N T

Remove lines 2-7 and insert:
An act relating to gender and biological sex; creating

Rep. Nixon moved the adoption of the amendment, which failed of adoption.

Representative Harris offered the following:

(Amendment Bar Code: 980525)

Amendment 2 (with title amendment)—Remove lines 41-149 and insert:

Section 2. Paragraph (a) of subsection (1) of section 322.051, Florida Statutes, is amended, and subsection (11) is added to that section, to read:

322.051 Identification cards.—

(1) Any person who is 5 years of age or older, or any person who has a disability, regardless of age, who applies for a disabled parking permit under s. 320.0848, may be issued an identification card by the department upon completion of an application and payment of an application fee.

(a) The application must include the following information regarding the applicant:

1. Full name (first, middle or maiden, and last), sex ~~gender~~, proof of social security card number satisfactory to the department, which may include a military identification card, county of residence, mailing address, proof of residential address satisfactory to the department, country of birth, and a brief description.

2. Proof of birth date satisfactory to the department.

3. Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:

a. A driver license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under sub-subparagraph b., sub-subparagraph c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph f., sub-subparagraph g., or sub-subparagraph h.;

b. A certified copy of a United States birth certificate;

c. A valid, unexpired United States passport;

d. A naturalization certificate issued by the United States Department of Homeland Security;

e. A valid, unexpired alien registration receipt card (green card);

f. A Consular Report of Birth Abroad provided by the United States Department of State;

g. An unexpired employment authorization card issued by the United States Department of Homeland Security; or

h. Proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original identification card. In order to prove nonimmigrant classification, an applicant must provide at least one of the following documents. In addition, the department may require applicants to produce United States Department of Homeland Security documents for the sole purpose of establishing the maintenance of, or efforts to maintain, continuous lawful presence:

(I) A notice of hearing from an immigration court scheduling a hearing on any proceeding.

(II) A notice from the Board of Immigration Appeals acknowledging pendency of an appeal.

(III) A notice of the approval of an application for adjustment of status issued by the United States Citizenship and Immigration Services.

(IV) An official documentation confirming the filing of a petition for asylum or refugee status or any other relief issued by the United States Citizenship and Immigration Services.

(V) A notice of action transferring any pending matter from another jurisdiction to Florida, issued by the United States Citizenship and Immigration Services.

(VI) An order of an immigration judge or immigration officer granting relief that authorizes the alien to live and work in the United States, including, but not limited to, asylum.

(VII) Evidence that an application is pending for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States, if a visa number is available having a current priority date for processing by the United States Citizenship and Immigration Services.

(VIII) On or after January 1, 2010, an unexpired foreign passport with an unexpired United States Visa affixed, accompanied by an approved I-94, documenting the most recent admittance into the United States.

An identification card issued based on documents required in sub-subparagraph g. or sub-subparagraph h. is valid for a period not to exceed the expiration date of the document presented or 1 year, whichever occurs first.

(11) This section does not prohibit the department from issuing an identification card that fulfills the federal identity document requirements established by the REAL ID Act of 2005.

Section 3. Paragraph (a) of subsection (2) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license; requirements for license and identification card forms.—

(2) Each such application shall include the following information regarding the applicant:

(a) Full name (first, middle or maiden, and last), sex ~~gender~~, proof of social security card number satisfactory to the department, which may include a military identification card, county of residence, mailing address, proof of residential address satisfactory to the department, country of birth, and a brief description.

Section 4. Paragraph (a) of subsection (1) of section 322.14, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

322.14 Licenses issued to drivers.—

(1)(a) The department shall, upon successful completion of all required examinations and payment of the required fee, issue to every qualified applicant a printed driver license that must bear a color photograph or digital image of the licensee; the name of the state; a distinguishing number assigned to the licensee, which, beginning November 1, 2023, must have a minimum of four randomly generated digits on each original, renewal, or replacement driver license; and the licensee's full name, date of birth, and residence address; a brief description of the licensee, including, but not limited to, the licensee's sex ~~gender~~ and height; and the dates of issuance and expiration of the license. A space shall be provided upon which the licensee shall affix his or her usual signature. A license is invalid until it has been signed by the licensee except that the signature of the licensee is not required if it appears thereon in facsimile or if the licensee is not present within the state at the time of issuance.

(3) This section does not prohibit the department from issuing a driver license that fulfills the federal identity document requirements established by the REAL ID Act of 2005.

T I T L E A M E N D M E N T

Remove lines 4-7 and insert:

322.051 and 322.14, F.S.; requiring applications for identification cards and driver licenses, as well as printed driver licenses, to indicate a person's sex instead of his or her gender; providing that the Department of Highway Safety and Motor Vehicles may issue identification cards and driver licenses that fulfill certain federal requirements; amending s. 322.08, F.S.; requiring applications for driver licenses and identification cards, as well as printed driver licenses, to indicate a person's sex instead of his or her gender; creating

Rep. Harris moved the adoption of the amendment, which failed of adoption.

Representative Skidmore offered the following:

(Amendment Bar Code: 037901)

Amendment 3—Remove lines 155-222 and insert:

to a person in the state may offer coverage for sex-reassignment prescriptions or procedures, as defined in s. 456.001, only if the same health insurance policy also provides coverage for treatment to detransition from the sex-reassignment prescriptions or procedures.

(2) A health insurer that delivers or issues a health insurance policy that provides coverage described under subsection (1) must also offer a health insurance policy that does not provide such coverage.

(3) A health insurance policy that is delivered or issued to a person in the state may not prohibit the coverage of mental health or therapeutic services to treat a person's perception that his or her sex, as defined in s. 456.001, is inconsistent with such person's sex at birth by affirming the insured's sex.

Section 6. Subsections (4) and (5) are added to section 627.657, Florida Statutes, to read:

627.657 Provisions of group health insurance policies.—

(4)(a) A group health insurance policy that is delivered or issued to any group in the state may offer coverage for sex-reassignment prescriptions or procedures, as defined in s. 456.001, only if the same group health insurance policy also provides coverage for treatment to detransition from the sex-reassignment prescriptions or procedures.

(b) A group health insurer that delivers or issues a group health insurance policy that provides coverage described under paragraph (a) must also offer a group health insurance policy that does not provide such coverage.

(5) A group health insurance policy that is delivered or issued to any group in the state may not prohibit the coverage of mental health or therapeutic services to treat a person's perception that his or her sex, as defined in s. 456.001, is inconsistent with such person's sex at birth by affirming the insured's sex.

Section 7. Paragraphs (h) and (i) are added to subsection (5) of section 627.6699, Florida Statutes, to read:

627.6699 Employee Health Care Access Act.—

(5) AVAILABILITY OF COVERAGE.—

(h)1. A health benefit plan that is delivered or issued to an individual or a group in the state may offer coverage for sex-reassignment prescriptions or procedures, as defined in s. 456.001, only if the same health benefit plan also provides coverage for treatment to detransition from the sex-reassignment prescriptions or procedures.

2. A carrier that delivers or issues a health benefit plan that provides coverage described under subparagraph 1. must also offer a health benefit plan that does not provide such coverage.

(i) A health benefit plan that is delivered or issued to an individual or a group in the state may not prohibit the coverage of mental health or therapeutic services to treat a person's perception that his or her sex, as defined in s. 456.001, is inconsistent with such person's sex at birth by affirming the insured's sex.

Section 8. Subsections (48) and (49) are added to section 641.31, Florida Statutes, to read:

641.31 Health maintenance contracts.—

(48)(a) A health maintenance contract that is delivered or issued to a subscriber or group in the state may offer coverage for sex-reassignment

Rep. Skidmore moved the adoption of the amendment, which failed of adoption.

Representative Eskamani offered the following:

(Amendment Bar Code: 135825)

Amendment 4 (with title amendment)—Remove lines 165-237 and insert:

(3) This section applies to health insurance policies delivered, issued, or renewed on or after January 1, 2025.

Section 6. Subsection (4) is added to section 627.657, Florida Statutes, to read:

627.657 Provisions of group health insurance policies.—

(4)(a) A group health insurance policy that is delivered or issued to any group in the state may offer, for an appropriate additional premium, coverage for sex-reassignment prescriptions or procedures, as defined in s. 456.001, only if the same group health insurance policy also provides coverage for treatment to detransition from the sex-reassignment prescriptions or procedures.

(b) A group health insurer that delivers or issues a group health insurance policy that provides coverage described under paragraph (a) must also offer a group health insurance policy that does not provide such coverage.

(c) This subsection applies to group health insurance policies delivered, issued, or renewed on or after January 1, 2025.

Section 7. Paragraph (h) is added to subsection (5) of section 627.6699, Florida Statutes, to read:

627.6699 Employee Health Care Access Act.—

(5) AVAILABILITY OF COVERAGE.—

(h)1. A health benefit plan that is delivered or issued to an individual or a group in the state may offer, for an appropriate additional premium, coverage for sex-reassignment prescriptions or procedures, as defined in s. 456.001, only if the same health benefit plan also provides coverage for treatment to detransition from the sex-reassignment prescriptions or procedures.

2. A carrier that delivers or issues a health benefit plan that provides coverage described under subparagraph 1. must also offer a health benefit plan that does not provide such coverage.

3. This paragraph applies to health benefit plans delivered, issued, or renewed on or after January 1, 2025.

Section 8. Subsection (48) is added to section 641.31, Florida Statutes, to read:

641.31 Health maintenance contracts.—

(48)(a) A health maintenance contract that is delivered or issued to a subscriber or group in the state may offer, for an appropriate additional premium, coverage for sex-reassignment prescriptions or procedures, as defined in s. 456.001, only if the same health maintenance contract also provides coverage for treatment to detransition from the sex-reassignment prescriptions or procedures.

(b) A health maintenance organization that delivers or issues a health maintenance contract that provides coverage described under paragraph (a) must also offer a health maintenance contract that does not provide such coverage.

(c) This subsection applies to health maintenance

T I T L E A M E N D M E N T

Remove lines 14-28 and insert:

providing applicability; amending ss. 627.657, 627.6699, and 641.31, F.S.; requiring group health insurance policies, health benefit plans, and health maintenance contracts that include coverage for sex-reassignment prescriptions or procedures to also provide coverage for certain detransition treatments; requiring group health insurers, carriers, and health maintenance organizations providing such coverage to also offer insurance policies that do not provide such coverage; providing applicability;

Rep. Eskamani moved the adoption of the amendment, which failed of adoption.

Representative Harris offered the following:

(Amendment Bar Code: 901105)

Amendment 5 (with title amendment)—Remove line 240 and insert:

Section 9. This act shall take effect after the Legislature receives a copy of the social and financial impact report submitted to the Agency for Health Care Administration, as required under s. 624.215, Florida Statutes, stating that this act does not increase the cost of health care.

T I T L E A M E N D M E N T

Remove line 29 and insert:

providing a contingent effective date.

Rep. Harris moved the adoption of the amendment, which failed of adoption.

Under Rule 10.10(b), the was referred to the Engrossing Clerk.

CS/CS/HB 437—A bill to be entitled An act relating to anchoring limitation areas; amending s. 327.4108, F.S.; revising anchoring limitation areas in certain sections of Biscayne Bay in Miami-Dade County; revising documentation and evidence criteria for proving the location of a vessel within an anchoring limitation area; providing an effective date.

—was read the second time by title.

Representative Porras offered the following:

(Amendment Bar Code: 699785)

Amendment 1—Remove lines 25-30 and insert:

(c) The sections of Biscayne Bay in Miami-Dade County-lying between:

1. Palm Island and State Road A1A.

2. Rivo Alto Island and Di Lido Island.

3. San Marino Island and Di Lido Island.

4.~~2.~~ San Marino Island and San Marco Island.

5.~~3.~~ San Marco Island and Biscayne Island.

Rep. Porras moved the adoption of the amendment, which was adopted.

On motion by Rep. Porras, the rules were waived and **CS/CS/HB 437** was read the third time by title. On passage, the vote was:

Session Vote Sequence: 753

Representative Payne in the Chair.

Yeas—105

Abbott	Antone	Basabe	Borrero
Altman	Arrington	Bell	Botana
Alvarez	Baker	Benjamin	Brackett
Amesty	Bankson	Berfield	Bracy Davis
Anderson	Bartleman	Black	Brannan

Buchanan	Gossett-Seidman	Melo	Skidmore
Busatta Cabrera	Gottlieb	Mooney	Smith
Campbell	Grant	Nixon	Snyder
Canady	Gregory	Overdorf	Stark
Caruso	Griffitts	Payne	Steele
Chaney	Harris	Perez	Stevenson
Clemons	Hart	Persons-Mulicka	Tant
Cross	Holcomb	Plasencia	Temple
Daley	Jacques	Porras	Tomkow
Driskell	Keen	Rayner	Trabulsy
Duggan	Killebrew	Redondo	Tramont
Dunkley	Koster	Renner	Truenow
Eskamani	LaMarca	Rizo	Tuck
Esposito	Leek	Roach	Valdés
Fabricio	López, J.	Robinson, F.	Waldron
Fine	Lopez, V.	Robinson, W.	Williams
Franklin	Maggard	Rommel	Woodson
Gantt	Maney	Roth	Yarkosky
Garcia	Massullo	Rudman	Yeager
Garrison	McClain	Salzman	
Giallombardo	McClure	Shoaf	
Gonzalez Pittman	McFarland	Silvers	

Nays—2

Andrade	Sirois

Votes after roll call:
Yeas—Cassel, Edmonds, Hunschofsky, Michael

So the bill passed, as amended, and was immediately certified to the Senate after engrossment.

Consideration of **CS/CS/HB 1051** was temporarily postponed.

CS/CS/CS/HB 287—A bill to be entitled An act relating to transportation; amending s. 206.46, F.S.; limiting the amount of certain revenues in the State Transportation Trust Fund which the Department of Transportation may annually commit to public transit projects; providing exceptions; amending s. 288.9606, F.S.; conforming provisions to changes made by the act; amending s. 316.003, F.S.; revising the definition of the term "teleoperation system"; amending s. 316.303, F.S.; authorizing a motor vehicle with a teleoperation system engaged to be operated while the vehicle is actively displaying certain television or video content while the vehicle is in motion; amending s. 316.85, F.S.; providing construction and requirements for a remote human operator of a motor vehicle when the teleoperation system is engaged; limiting liability of such remote human operator; providing automobile insurance requirements for a motor vehicle while a teleoperation system is engaged; revising legislative intent to preempt specified local government regulations relating to teleoperation systems, motor vehicles equipped with such systems, and remote human operators of such motor vehicles; amending s. 318.14, F.S.; increasing the number of times a driver may elect to attend a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles in lieu of a court appearance; amending ss. 318.1451 and 322.095, F.S.; requiring the department to annually review changes made to certain laws and to require course content for specified driving courses to be modified in accordance with relevant changes; amending s. 334.30, F.S.; authorizing the Department of Transportation to enter into comprehensive agreements with private entities for certain purposes; revising provisions relating to a traffic and revenue study provided by a private entity; revising the time period during which the department will accept additional proposals after receiving an unsolicited proposal, based on project complexity; authorizing the department to enter into an interim agreement with a private entity before or in connection with negotiating a comprehensive agreement; providing requirements; authorizing the department secretary to authorize an agreement term of up to 75 years for certain projects; requiring the department to notify the Division of Bond Finance before entering into an interim or comprehensive agreement; amending s. 336.044, F.S.; prohibiting a local governmental entity from deeming reclaimed asphalt pavement material as solid waste; amending s. 337.11, F.S.; requiring the department to receive at least three letters of interest in order to proceed with a request for proposals for design-build contracts and phased design-build contracts; requiring a motor vehicle used for specified work on a department project to be registered in compliance with certain provisions; amending s. 337.18, F.S.; authorizing the department to allow the issuance of certain contract performance and payment bonds for phased design-build contracts; authorizing the department to determine whether to reduce bonding requirements; revising the time periods within which certain actions must be instituted by a claimant; amending s. 337.195, F.S.; providing definitions; providing a presumption that if a death, injury, or damage results from a motor vehicle crash within a construction zone in which the driver of a vehicle was under the influence of certain marijuana, the driver's operation of such vehicle was the proximate cause of his or her own death, injury, or damage; revising conditions under which a contractor is immune from liability; conforming provisions to changes made by the act; amending s. 337.25, F.S.; requiring the department to issue a right of first refusal to the previous owner of certain property acquired by the department if such previous owner provides written notice to the department, within a specified timeframe, of his or her interest in reacquiring such property; requiring the department to acknowledge receipt of such notice in writing within a specified timeframe; amending s. 338.26, F.S.; removing the term of an interlocal agreement for a certain fire station; increasing the amount of reimbursement to the local governmental entity for operating the fire station; providing for an increase in such amount based on the Consumer Price Index; providing requirements for the replacement and surplus of fire apparatus; prohibiting fire apparatus purchased with state funds from being used at another fire station; requiring ownership and title of certain equipment purchased with state funds to transfer to the state at the end of the term of the interlocal agreement; creating s. 339.28201, F.S.; creating a Local Agency Program within the department for certain funding purposes; requiring oversight by the department; providing requirements for the department's project cost estimate; providing for prioritization and budget of certain local projects; providing funding eligibility requirements; providing contract requirements; amending ss. 339.2825 and 627.06501, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Representative Esposito offered the following:

(Amendment Bar Code: 699193)

Amendment 1 (with title amendment)—Remove lines 158-240

T I T L E A M E N D M E N T

Remove lines 8-24 and insert:
by the act; amending s. 318.14, F.S.;

Rep. Esposito moved the adoption of the amendment, which was adopted.

Representative Esposito offered the following:

(Amendment Bar Code: 481975)

Amendment 2 (with title amendment)—Remove lines 779-787 and insert:

(5)~~(4)~~ If, in any civil action for death, injury, or damages, ~~against~~ the Department of Transportation or a contractor or design engineer is determined to be ~~its agents, consultants, engineers, or contractors for work performed on a highway, road, street, bridge, or other transportation facility, if the department, its agents, consultants, engineers, or contractors are~~ immune from liability pursuant to this section ~~or are not parties to the litigation~~, the department, contractor, or design engineer ~~they~~ may not be named on the jury verdict form or be found to be at fault or responsible for the injury, death, or damage that gave rise to the damages for the theory of liability from which the department, contractor, or design engineer was found to be immune.

T I T L E A M E N D M E N T

Remove line 73 and insert:

changes made by the act; revising provisions relating to a prohibition against naming the department or certain entities on a jury verdict form if determined to be immune from liability for injury, death, or damage; amending s. 337.25, F.S.;

Rep. Esposito moved the adoption of the amendment, which was adopted.

Representative Esposito offered the following:

(Amendment Bar Code: 502925)

Amendment 3 (with title amendment)—Remove lines 891-910 and insert:
of the direct actual operating costs.

a. The interlocal agreement effective July 1, 2019, through no later than June 30, 2027, shall control until such time that the local governmental entity and the department enter into a new agreement or agree to extend the existing agreement. For the 2024-2025 fiscal year, the amount of reimbursement shall not exceed $2 million.

b. By December 31, 2024, and every 5 years thereafter, the local governmental entity shall provide a maintenance and operations comprehensive plan to the department. The comprehensive plan must include a current inventory of assets, including their projected service life, and area service needs; the call and response history for emergency services provided in the preceding 5 years on Alligator Alley, including costs; and future projections for assets and equipment, including replacement or purchase needs, and operating costs.

c. The local governmental entity and the department shall review and adopt the comprehensive plan as part of the interlocal agreement.

d. In accordance with projected incoming toll revenues for Alligator Alley, the department shall include the corresponding funding needs of the comprehensive plan in the department's work program, and the local governmental entity shall include the same in its capital comprehensive plan and the appropriate fiscal year budget ~~The amount of reimbursement to the local governmental entity may not exceed $1.4 million in any state fiscal year.~~

e. At the end of the term of the interlocal

T I T L E A M E N D M E N T

Remove lines 82-90 and insert:
providing that a certain interlocal agreement for the fire station on the Alligator Alley toll road controls until the local governmental entity and the department extend the agreement or enter into a new agreement; limiting the amount of reimbursement; requiring the local governmental entity to provide a specified periodic comprehensive plan to the department; requiring the local governmental entity and the department to adopt such plan as part of the interlocal agreement; requiring certain funding needs to be included in the department's work program and in the local governmental entity's capital comprehensive plan and budget; requiring ownership and title of certain

Rep. Esposito moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/CS/HB 1363—A bill to be entitled An act relating to traffic enforcement; creating s. 316.0077, F.S.; prohibiting contracts awarded by certain entities outside this state from being used to procure contracts with manufacturers or vendors of camera systems used for traffic enforcement; providing applicability; creating s. 316.0078, F.S.; defining the terms "controlling interest" and "foreign country of concern"; prohibiting a governmental entity from knowingly entering into or renewing certain contracts for camera systems used for traffic enforcement; amending s. 316.0083, F.S.; requiring certain counties or municipalities to enact an ordinance to authorize placement or installation of traffic infraction detectors; requiring the county or municipality to consider certain evidence and make a certain determination at a public hearing; requiring a county or municipality to place a specified annual report on the agenda of a regular or special meeting of its governing body; requiring approval by the governing body at a regular or special meeting before contracting or renewing a contract to place or install traffic infraction detectors; providing for public comment; prohibiting such report, contract, or contract renewal from being considered as part of a consent agenda; providing requirements for a written summary of such report; requiring a report to the Department of Highway Safety and Motor Vehicles; prohibiting compliance with certain provisions from being raised in a proceeding challenging a violation; providing for suspension of a noncompliant county or municipality from operating traffic infraction detectors until such noncompliance is corrected; providing requirements for reports submitted to the department by counties and municipalities regarding use of and enforcement by traffic infraction detectors; requiring the department to publish such reports on its website; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

Consideration of **CS/HB 1517** was temporarily postponed.

Consideration of **CS/SB 1350** was temporarily postponed.

Consideration of **CS/HB 7049** was temporarily postponed.

Consideration of **CS/CS/HB 1195** was temporarily postponed.

CS/HB 7073—A bill to be entitled An act relating to taxation; amending s. 125.0104, F.S.; requiring specified ordinances to expire after a certain amount of time; authorizing the adoption of a new ordinance; requiring certain taxes to be renewed by a certain date to remain in effect; providing applicability; providing an exception; amending s. 192.001, F.S.; revising the definition of the term "tangible personal property" to specify the conditions under which certain work is deemed substantially completed; providing applicability; providing for retroactive operation; amending s. 193.624, F.S.; revising the definition of the term "renewable energy source device"; providing applicability; amending s. 194.037, F.S.; revising obsolete provisions; amending s. 201.08, F.S.; providing applicability; defining the term "principal limit"; requiring certain taxes to be calculated based on the principal limit at a specified event; providing retroactive operation; providing construction; amending s. 212.0306, F.S.; specifying the type of vote necessary for a certain tax levy; amending s. 212.031, F.S.; providing a temporary reduction in a specified tax rate; amending s. 212.05, F.S.; providing a sales tax exemption for certain leases and rentals; amending s. 212.055, F.S.; revising the number of years that certain taxes may be levied; requiring approval of certain taxes in a referendum; removing a restriction on counties that may levy a specified tax; revising the date when a certain tax may expire; amending s. 212.11, F.S.; authorizing an automatic extension for filing returns and remitting sales and use tax when specified states of emergency are declared; amending s. 212.20, F.S.; extending the date a certain distribution will be repealed; amending s. 220.02, F.S.; revising the order in which credits may be taken to include a specified credit; amending s. 220.03, F.S.; revising the date of adoption of the Internal Revenue Code and other federal income tax statutes for purposes of the state corporate income tax; providing retroactive operation; creating s. 220.1992, F.S.; defining the terms "qualified employee" and "qualified taxpayer"; establishing a credit against specified taxes for taxpayers that employ specified individuals; providing the maximum amount of such credit; providing how such credit is determined; providing application requirements; requiring credits to be approved prior to being used; requiring credits to be approved in a specified manner; providing the maximum credit that may be claimed by a single taxpayer; authorizing carryforward of credits in a specified manner; providing the maximum amount of credit that may be granted during specified fiscal years; authorizing the Department of Revenue to consult with specified entities for a certain purpose; authorizing rulemaking; amending s. 220.222, F.S.; providing an automatic extension of the due date for a specified tax return in certain circumstances; amending s. 374.986, F.S.; revising obsolete provisions; amending s. 402.62, F.S.; increasing the Strong Families Tax Credit cap; providing when applications may be submitted to the Department of Revenue; amending s. 413.4021, F.S.; increasing the distribution for a specified program; amending s. 571.265, F.S.; extending the date of a future repeal; creating s. 624.5108, F.S.; requiring certain insurers to

provide a specified deduction on certain policies; providing applicability; providing requirements for such deduction on certain policy declarations; requiring insurers to use certain information to determine eligibility; requiring policy premiums be reported in a specified manner; authorizing certain policyholders to apply for a refund from the insurer using specified evidence; providing a credit against the insurance premium tax; prohibiting certain insurers from being required to pay a specified tax; authorizing credits to be carried forward for a certain amount of time; requiring certain insurers to report specified information; authorizing the Department of Revenue to audit and investigate certain parties; requiring the Office of Insurance Regulation provide certain assistance; authorizing the office to examine certain deduction information for a specified purpose; authorizing the department and the office to adopt emergency rules; providing an expiration date; exempting from sales and use tax specified disaster preparedness supplies during specified timeframes; defining terms; specifying locations where the tax exemptions do not apply; exempting from sales and use tax admissions to certain events, performances, and facilities, certain season tickets, and the retail sale of certain boating and water activity, camping, fishing, general outdoor, and residential pool supplies and sporting equipment during specified timeframes; providing definitions; specifying locations where the tax exemptions do not apply; authorizing the Department of Revenue to adopt emergency rules; exempting from sales and use tax the retail sale of certain clothing, wallets, bags, school supplies, learning aids and jigsaw puzzles, and personal computers and personal computer-related accessories during specified timeframes; providing definitions; specifying locations where the tax exemptions do not apply; authorizing certain dealers to opt out of participating in the tax holiday, subject to certain requirements; authorizing the Department of Revenue to adopt emergency rules; exempting from the sales and use tax the retail sale of certain tools during a specified timeframe; specifying locations where the tax exemptions do not apply; authorizing the Department of Revenue to adopt emergency rules; requiring certain counties to use specified tax revenue for affordable housing; providing requirements for housing financed with such revenue; providing for distribution of such funds; authorizing the Department of Revenue to adopt emergency rules for specified provisions; providing for future repeal; providing effective dates.

—was read the second time by title.

Representative Eskamani offered the following:

(Amendment Bar Code: 346991)

Amendment 1 (with title amendment)—Remove lines 942-966 and insert:

Section 16. Effective upon this act becoming a law, paragraphs (n) and (z) of subsection (1) and paragraph (c) of subsection (2) of section 220.03, Florida Statutes, are amended and paragraph (gg) is added to subsection (1) of that section, to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(n) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended and in effect on January 1, 2024 ~~2023~~, except as provided in subsection (3).

(z) "Taxpayer" means any corporation subject to the tax imposed by this code, and includes all corporations that are members of a unitary combined group ~~for which a consolidated return is filed under s. 220.131~~. However, the term ~~"taxpayer"~~ does not include a corporation having no individuals, ~~(~~including individuals employed by an affiliate,~~)~~ receiving compensation in this state as defined in s. 220.15 when the only property owned or leased by the ~~said~~ corporation, ~~(~~including an affiliate,~~)~~ in this state is located at the premises of a printer with which it has contracted for printing, if such property consists of the final printed product, property which becomes a part of the final printed product, or property from which the printed product is produced.

(gg) "Unitary combined group" means a group of corporations related through common ownership whose business activities are integrated with, dependent upon, or contribute to a flow of value among members of the group.

(2) DEFINITIONAL RULES.—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(c) Any term used in this code has the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on January 1, 2024 ~~2023~~. However, if subsection (3) is implemented, the meaning of a term shall be taken at the time the term is applied under this code.

Section 17. (1) The amendments made by this act to paragraph (n) of subsection (1) and paragraph (c) or subsection (2) of s. 220.03, Florida Statutes, operate retroactively to January 1, 2024.

(2) This section shall take effect upon becoming a law.

Section 18. Subsection (1) and paragraph (f) of subsection (2) of section 220.13, Florida Statutes, are amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of a unitary combined group ~~more than one taxpayer~~ as provided in s. 220.1363 ~~s. 220.131~~, for the taxable year, adjusted as follows:

(a) Additions.—There shall be added to such taxable income:

1.a. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

b. Notwithstanding sub-subparagraph a., if a credit taken under s. 220.1875, s. 220.1876, s. 220.1877, or s. 220.1878 is added to taxable income in a previous taxable year under subparagraph 11. and is taken as a deduction for federal tax purposes in the current taxable year, the amount of the deduction allowed shall not be added to taxable income in the current year. The exception in this sub-subparagraph is intended to ensure that the credit under s. 220.1875, s. 220.1876, s. 220.1877, or s. 220.1878 is added in the applicable taxable year and does not result in a duplicate addition in a subsequent year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

6. The amount taken as a credit under s. 220.195 which is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. Any amount taken as a credit for the taxable year under s. 220.1875, s. 220.1876, s. 220.1877, or s. 220.1878. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. This addition is not intended to result in adding the same expense back to income more than once.

12. The amount taken as a credit for the taxable year under s. 220.193.

13. The amount taken as a credit for the taxable year under s. 220.196. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. The addition is not intended to result in adding the same expense back to income more than once.

14. The amount taken as a credit for the taxable year pursuant to s. 220.198.

15. The amount taken as a credit for the taxable year pursuant to s. 220.1915.

16. The amount taken as a credit for the taxable year pursuant to s. 220.199.

17. The amount taken as a credit for the taxable year pursuant to s. 220.1991.

(b) Subtractions.—

1. There shall be subtracted from such taxable income:

a. The net operating loss deduction allowable for federal income tax purposes under s. 172 of the Internal Revenue Code for the taxable year,

b. The net capital loss allowable for federal income tax purposes under s. 1212 of the Internal Revenue Code for the taxable year,

c. The excess charitable contribution deduction allowable for federal income tax purposes under s. 170(d)(2) of the Internal Revenue Code for the taxable year, and

d. The excess contributions deductions allowable for federal income tax purposes under s. 404 of the Internal Revenue Code for the taxable year.

However, a net operating loss and a capital loss shall never be carried back as a deduction to a prior taxable year, but all deductions attributable to such losses shall be deemed net operating loss carryovers and capital loss carryovers, respectively, and treated in the same manner, to the same extent, and for the same time periods as are prescribed for such carryovers in ss. 172 and 1212, respectively, of the Internal Revenue Code. A deduction is not allowed for net operating losses, net capital losses, or excess contribution deductions under 26 U.S.C. ss. 170(d)(2), 172, 1212, and 404 for a member of a unitary combined group which is not a United States member. Carryovers of net operating losses, net capital losses, or excess contribution deductions under 26 U.S.C. ss. 170(d)(2), 172, 1212, and 404 may be subtracted only by the member of the unitary combined group which generates a carryover.

2. There shall be subtracted from such taxable income any amount to the extent included therein the following:

a. Dividends treated as received from sources without the United States, as determined under s. 862 of the Internal Revenue Code.

b. All amounts included in taxable income under s. 78, s. 951, or s. 951A of the Internal Revenue Code.

However, any amount subtracted under this subparagraph is allowed only to the extent such amount is not deductible in determining federal taxable income. As to any amount subtracted under this subparagraph, there shall be added to such taxable income all expenses deducted on the taxpayer's return for the taxable year which are attributable, directly or indirectly, to such subtracted amount. Further, no amount shall be subtracted with respect to dividends paid or deemed paid by a Domestic International Sales Corporation.

3. Amounts received by a member of a unitary combined group as dividends paid by another member of the unitary combined group must be subtracted from the taxable income to the extent that the dividends are included in the taxable income.

4.~~3.~~ In computing "adjusted federal income" for taxable years beginning after December 31, 1976, there shall be allowed as a deduction the amount of wages and salaries paid or incurred within this state for the taxable year for which no deduction is allowed pursuant to s. 280C(a) of the Internal Revenue Code (relating to credit for employment of certain new employees).

5.~~4.~~ There shall be subtracted from such taxable income any amount of nonbusiness income included therein.

6.~~5.~~ There shall be subtracted any amount of taxes of foreign countries allowable as credits for taxable years beginning on or after September 1, 1985, under s. 901 of the Internal Revenue Code to any corporation which derived less than 20 percent of its gross income or loss for its taxable year ended in 1984 from sources within the United States, as described in s. 861(a)(2)(A) of the Internal Revenue Code, not including credits allowed under ss. 902 and 960 of the Internal Revenue Code, withholding taxes on dividends within the meaning of sub-subparagraph 2.a., and withholding taxes on royalties, interest, technical service fees, and capital gains.

7.~~6.~~ Notwithstanding any other provision of this code, except with respect to amounts subtracted pursuant to subparagraphs 1. and 3., any increment of any apportionment factor which is directly related to an increment of gross receipts or income which is deducted, subtracted, or otherwise excluded in determining adjusted federal income shall be excluded from both the numerator and denominator of such apportionment factor. Further, all valuations made for apportionment factor purposes shall be made on a basis consistent with the taxpayer's method of accounting for federal income tax purposes.

(c) Installment sales occurring after October 19, 1980.—

1. In the case of any disposition made after October 19, 1980, the income from an installment sale shall be taken into account for the purposes of this code in the same manner that such income is taken into account for federal income tax purposes.

2. Any taxpayer who regularly sells or otherwise disposes of personal property on the installment plan and reports the income therefrom on the installment method for federal income tax purposes under s. 453(a) of the Internal Revenue Code shall report such income in the same manner under this code.

(d) Nonallowable deductions.—A deduction for net operating losses, net capital losses, or excess contributions deductions under ss. 170(d)(2), 172, 1212, and 404 of the Internal Revenue Code which has been allowed in a prior taxable year for Florida tax purposes shall not be allowed for Florida tax purposes, notwithstanding the fact that such deduction has not been fully utilized for federal tax purposes.

(e) Adjustments related to federal acts.—Taxpayers shall be required to make the adjustments prescribed in this paragraph for Florida tax purposes with respect to certain tax benefits received pursuant to the Economic Stimulus Act of 2008; the American Recovery and Reinvestment Act of 2009; the Small Business Jobs Act of 2010; the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010; the American Taxpayer Relief Act of 2012; the Tax Increase Prevention Act of 2014; the Consolidated Appropriations Act, 2016; the Tax Cuts and Jobs Act of 2017; and the Coronavirus Aid, Relief, and Economic Security Act of 2020.

1.a. There shall be added to such taxable income an amount equal to 100 percent of any amount deducted for federal income tax purposes as bonus depreciation for the taxable year pursuant to ss. 167 and 168(k) of the Internal Revenue Code of 1986, as amended by s. 103 of Pub. L. No. 110-185; s. 1201 of Pub. L. No. 111-5; s. 2022 of Pub. L. No. 111-240; s. 401 of Pub. L. No. 111-312; s. 331 of Pub. L. No. 112-240; s. 125 of Pub. L. No. 113-295; s. 143 of Division Q of Pub. L. No. 114-113; and s. 13201 of Pub. L. No. 115-97, for property placed in service after December 31, 2007, and before January 1, 2027.

b. For the taxable year and for each of the 6 subsequent taxable years, there shall be subtracted from such taxable income an amount equal to one-seventh of the amount by which taxable income was increased pursuant to this subparagraph, notwithstanding any sale or other disposition of the property that is the subject of the adjustments and regardless of whether such property remains in service in the hands of the taxpayer.

c. The provisions of sub-subparagraph b. do not apply to amounts by which taxable income was increased pursuant to this subparagraph for amounts deducted for federal income tax purposes as bonus depreciation for qualified improvement property as defined in s. 168(e)(6) of the Internal Revenue Code of 1986, as amended by s. 13204 of Pub. L. No. 115-97.

2. There shall be added to such taxable income an amount equal to 100 percent of any amount in excess of $128,000 deducted for federal income tax purposes for the taxable year pursuant to s. 179 of the Internal Revenue Code of 1986, as amended by s. 102 of Pub. L. No. 110-185; s. 1202 of Pub. L. No. 111-5; s. 2021 of Pub. L. No. 111-240; s. 402 of Pub. L. No. 111-312; s. 315 of Pub. L. No. 112-240; and s. 127 of Pub. L. No. 113-295, for taxable years beginning after December 31, 2007, and before January 1, 2015. For the taxable year and for each of the 6 subsequent taxable years, there shall be subtracted from such taxable income one-seventh of the amount by which taxable income was increased pursuant to this subparagraph, notwithstanding any sale or other disposition of the property that is the subject of the adjustments and regardless of whether such property remains in service in the hands of the taxpayer.

3. There shall be added to such taxable income an amount equal to the amount of deferred income not included in such taxable income pursuant to s. 108(i)(1) of the Internal Revenue Code of 1986, as amended by s. 1231 of Pub. L. No. 111-5. There shall be subtracted from such taxable income an amount equal to the amount of deferred income included in such taxable income pursuant to s. 108(i)(1) of the Internal Revenue Code of 1986, as amended by s. 1231 of Pub. L. No. 111-5.

4. For taxable years beginning after December 31, 2018, and before January 1, 2021, there shall be added to such taxable income an amount equal to the excess, if any, of:

a. One hundred percent of any amount deducted for federal income tax purposes as business interest expense for the taxable year pursuant to s. 163(j) of the Internal Revenue Code of 1986, as amended by s. 2306 of Pub. L. No. 116-136; over

b. One hundred percent of the amount that would be deductible for federal income tax purposes as business interest expense for the taxable year if calculated pursuant to s. 163(j) of the Internal Revenue Code of 1986, as amended by s. 13301 of Pub. L. No. 115-97.

Any expense added back pursuant to this subparagraph shall be treated as a disallowed business expense carryforward from prior years for the year or years following the addition, until such time as the expense has been used.

5. With respect to qualified improvement property as defined in s. 168(e)(6) of the Internal Revenue Code of 1986, as amended by s. 13204 of Pub. L. No. 115-97, that was placed in service on or after January 1, 2018:

a. There shall be added to such taxable income an amount equal to 100 percent of any amount deducted for federal income tax purposes under s. 167(a) of the Internal Revenue Code of 1986. There shall be subtracted an amount equal to the amount of depreciation that would have been deductible pursuant to s. 167(a) of the Internal Revenue Code of 1986 in effect on January 1, 2020 and without regard to s. 2307 of Pub. L. No. 116-136, notwithstanding any sale or other disposition of the property that is the subject of the adjustments and regardless of whether such property remains in service in the hands of the taxpayer.

b. The department may adopt rules necessary to administer the provisions of this subparagraph, including rules, forms, and guidelines for computing depreciation on qualified improvement property, as defined in s. 168(e)(6) of the Internal Revenue Code of 1986.

6. For taxable years beginning after December 31, 2020, and before January 1, 2026, the changes made to the Internal Revenue Code by Pub. L. No. 116-260, Division EE, Title I, s. 116 and Title II, s. 210 shall not apply to this chapter. Taxable income under this section shall be calculated as though changes made by those sections were not made to the Internal Revenue Code. The Department of Revenue may adopt rules necessary to administer the provisions of this subparagraph, including rules, forms, and guidelines for treatment of expenses and depreciation related to these changes.

7. Subtractions available under this paragraph may be transferred to the surviving or acquiring entity following a merger or acquisition and used in the same manner and with the same limitations as specified by this paragraph.

8. The additions and subtractions specified in this paragraph are intended to adjust taxable income for Florida tax purposes, and, notwithstanding any other provision of this code, such additions and subtractions shall be permitted to change a taxpayer's net operating loss for Florida tax purposes.

(2) For purposes of this section, a taxpayer's taxable income for the taxable year means taxable income as defined in s. 63 of the Internal Revenue Code and properly reportable for federal income tax purposes for the taxable year, but subject to the limitations set forth in paragraph (1)(b) with respect to the deductions provided by ss. 172 (relating to net operating losses), 170(d)(2) (relating to excess charitable contributions), 404(a)(1)(D) (relating to excess pension trust contributions), 404(a)(3)(A) and (B) (to the extent relating to excess stock bonus and profit-sharing trust contributions), and 1212 (relating to capital losses) of the Internal Revenue Code, except that, subject to the same limitations, the term:

(f) "Taxable income," in the case of a corporation which is a member of an affiliated group of corporations filing a consolidated income tax return for the taxable year for federal income tax purposes, means taxable income of such corporation for federal income tax purposes as if such corporation had filed a separate federal income tax return for the taxable year and each preceding taxable year for which it was a member of an affiliated group~~, unless a consolidated return for the taxpayer and others is required or elected under s. 220.131~~;

Section 19. Section 220.131, Florida Statutes, is repealed.

Section 20. Section 220.136, Florida Statutes, is created to read:

220.136 Determination of the members of a unitary combined group.—A corporation having 50 percent or more of its outstanding voting stock directly or indirectly owned or controlled by a unitary combined group is a member of the unitary combined group. A corporation having less than 50 percent of its outstanding voting stock directly or indirectly owned or controlled by a unitary combined group is a member of the unitary combined group if the business activities of the corporation show that the corporation is a member of the unitary combined group. All of the income of a corporation that is a member of a unitary combined group is unitary. For purposes of this section, the attribution rules of 26 U.S.C. s. 318 must be used to determine whether voting stock is indirectly owned.

Section 21. Section 220.1363, Florida Statutes, is created to read:

220.1363 Unitary combined groups; special requirements.—

(1) For purposes of this section, the term "unitary combined reporting method" means a method used to determine the taxable business profits of a group of entities conducting a unitary business. Under this method, the net income of the entities must be added together, along with the additions and subtractions under s. 220.13, and apportioned to this state as a single taxpayer under ss. 220.15 and 220.151. However, each special industry member included in a unitary combined group return, which would otherwise be permitted to use a special method of apportionment under s. 220.151, shall convert its single-factor apportionment to a three-factor apportionment of property, payroll, and sales. The special industry member shall calculate the denominator of its property, payroll, and sales factors in the same manner as those denominators are calculated by members that are not special industry members. The numerator of its sales, property, and payroll factors is the product of the denominator of each factor multiplied by the premiums or revenue-miles-factor ratio otherwise applicable under s. 220.151.

(2) All members of a unitary combined group must use the unitary combined reporting method, under which:

(a) Adjusted federal income, for purposes of s. 220.12, means the sum of adjusted federal income of all members of the unitary combined group as determined for a concurrent taxable year.

(b) The numerators and denominators of the apportionment factors must be calculated for all members of the unitary combined group combined.

(c) Intercompany sales transactions between members of the unitary combined group are not included in the numerator or denominator of the sales factor under ss. 220.15 and 220.151, regardless of whether indicia of a sale exist.

(d) For sales of intangibles, including, but not limited to, accounts receivable, notes, bonds, and stock, which are made to entities outside the group, only the net proceeds are included in the numerator and denominator of the sales factor.

As used in this subsection, the term "sale" includes, but is not limited to, loans, payments for the use of intangibles, dividends, and management fees.

(3)(a) If a parent corporation is a member of the unitary combined group and has nexus with this state, a single unitary combined group return must be filed in the name and under the federal employer identification number of the parent corporation. If the unitary combined group does not have a parent corporation, if the parent corporation is not a member of the unitary combined group, or if the parent corporation does not have nexus with this state, the members of the unitary combined group must choose a member subject to the tax imposed by this chapter to file the return. The members of the unitary combined group may not choose another member to file a corporate income tax return in subsequent years unless the filing member does not maintain nexus with this state or does not remain a member of the unitary combined group. The return must be signed by an authorized officer of the filing member as the agent for the unitary combined group.

(b) If members of a unitary combined group have different taxable years, the taxable year of a majority of the members of the unitary combined group is the taxable year of the unitary combined group. If the taxable years of a majority of the members of a unitary combined group do not correspond, the taxable year of the member that must file the return for the unitary combined group is the taxable year of the unitary combined group.

(c)1. A member of a unitary combined group having a taxable year that does not correspond to the taxable year of the unitary combined group shall determine its income for inclusion on the tax return for the unitary combined group. The member shall use:

a. The precise amount of taxable income received during the months corresponding to the taxable year of the unitary combined group, if the precise amount can be readily determined from the member's books and records.

b. The taxable income of the member converted to conform to the taxable year of the unitary combined group on the basis of the number of months falling within the taxable year of the unitary combined group. For example, if the taxable year of the unitary combined group is a calendar year and a member operates on a fiscal year ending on April 30, the income of the member must include 8/12 of the income from the current taxable year and 4/12 of the income from the preceding taxable year. This method to determine the income of a member may be used only if the return can be timely filed after the end of the taxable year of the unitary combined group.

c. The taxable income of the member during its taxable year that ends within the taxable year of the unitary combined group.

2. The method of determining the income of a member of a unitary combined group whose taxable year does not correspond to the taxable year of the unitary combined group may not change as long as the member remains a member of the unitary combined group. The apportionment factors for the member must be applied to the income of the member for the taxable year of the unitary combined group.

(4)(a) A unitary combined group return must include a computational schedule that:

1. Combines the federal income of all members of the unitary combined group;

2. Shows all intercompany eliminations;

3. Shows Florida additions and subtractions under s. 220.13; and

4. Shows the calculation of the combined apportionment factors.

(b) In addition to its return, a unitary combined group shall also file a domestic disclosure spreadsheet. The spreadsheet must fully disclose:

1. The income reported to each state;

2. The state tax liability;

3. The method used for apportioning or allocating income to the various states; and

4. Other information required by department rule in order to determine the proper amount of tax due to each state and to identify the unitary combined group.

(5) The director may take any of the following actions if he or she believes that such action is necessary to prevent substantial tax avoidance by the unitary combined group:

(a) Add the income or apportionment factors of a related entity to the unitary combined group return if the related entity is not subject to corporate income tax.

(b) Adjust the income or apportionment factor of a member of the unitary combined group if such member is subject to industry-specific apportionment rules.

(6) The department may adopt rules and forms to administer this section. The Legislature intends to grant the department extensive authority to adopt rules and forms describing and defining principles for determining the existence of a unitary combined business, definitions of common control, methods of reporting, and related forms, principles, and other definitions.

Section 22. Subsections (2), (3), and (4) of section 220.14, Florida Statutes, are amended to read:

220.14 Exemption.—

(2) In the case of a taxable year for a period of less than 12 months, the exemption allowed by this section must ~~shall~~ be prorated on the basis of the number of days in such year to 365 days, or, in a leap year, 366 days.

(3) Only one exemption shall be allowed to taxpayers filing a unitary combined group ~~consolidated~~ return under this code.

(4) Notwithstanding any other provision of this code, not more than one exemption under this section may be allowed to the Florida members of a controlled group of corporations, as defined in s. 1563 of the Internal Revenue Code with respect to taxable years ending on or after December 31, 1970, filing separate returns under this code. The exemption described in this section shall be divided equally among such Florida members of the group~~,~~ unless all of such members consent, at such time and in such manner as the department shall by regulation prescribe, to an apportionment plan providing for an unequal allocation of such exemption.

Section 23. Paragraphs (b) and (c) of subsection (5) of section 220.15, Florida Statutes, are amended to read:

220.15 Apportionment of adjusted federal income.—

(5) The sales factor is a fraction the numerator of which is the total sales of the taxpayer in this state during the taxable year or period and the denominator of which is the total sales of the taxpayer everywhere during the taxable year or period.

(b)1. Sales of tangible personal property occur in this state if:

a. The property is delivered or shipped to a purchaser, other than the United States Government, within this state, regardless of the f.o.b. point, other conditions of the sale, or ultimate destination of the property, unless shipment is made via a common or contract carrier; or

b. The property is shipped from an office, a store, a warehouse, a factory, or other place of storage in this state, and the purchaser is the United States Government or the taxpayer is not taxable in the purchaser's state.

However, for industries in NAICS National Number 311411, if the ultimate destination of the product is to a location outside this state, regardless of the method of shipment or f.o.b. point, the sale shall not be deemed to occur in this state. As used in this paragraph, "NAICS" means those classifications contained in the North American Industry Classification System, as published in 2007 by the Office of Management and Budget, Executive Office of the President.

2. When citrus fruit is delivered by a cooperative for a grower-member, by a grower-member to a cooperative, or by a grower-participant to a Florida processor, the sales factor for the growers for such citrus fruit delivered to such processor shall be the same as the sales factor for the most recent taxable year of that processor. That sales factor, expressed only as a percentage and not in terms of the dollar volume of sales, so as to protect the confidentiality of the sales of the processor, shall be furnished on the request of such a grower promptly after it has been determined for that taxable year.

3. Reimbursement of expenses under an agency contract between a cooperative, a grower-member of a cooperative, or a grower and a processor is not a sale within this state.

(c) Sales of a financial organization, including, but not limited to, banking and savings institutions, investment companies, real estate investment trusts, and brokerage companies, occur in this state if derived from:

1. Fees, commissions, or other compensation for financial services rendered within this state;

2. Gross profits from trading in stocks, bonds, or other securities managed within this state;

3. Interest received within this state, other than interest from loans secured by mortgages, deeds of trust, or other liens upon real or tangible personal property located without this state, and dividends received within this state;

4. Interest charged to customers at places of business maintained within this state for carrying debit balances of margin accounts, without deduction of any costs incurred in carrying such accounts;

5. Interest, fees, commissions, or other charges or gains from loans secured by mortgages, deeds of trust, or other liens upon real or tangible personal property located in this state or from installment sale agreements originally executed by a taxpayer or the taxpayer's agent to sell real or tangible personal property located in this state;

6. Rents from real or tangible personal property located in this state; or

7. Any other gross income, including other interest, resulting from the operation as a financial organization within this state.

~~In computing the amounts under this paragraph, any amount received by a member of an affiliated group (determined under s. 1504(a) of the Internal Revenue Code, but without reference to whether any such corporation is an "includable corporation" under s. 1504(b) of the Internal Revenue Code) from another member of such group shall be included only to the extent such amount exceeds expenses of the recipient directly related thereto.~~

Section 24. Paragraph (f) of subsection (1) of section 220.183, Florida Statutes, is amended to read:

220.183 Community contribution tax credit.—

(1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

~~(f) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis.~~

Section 25. Paragraphs (e) through (k) of subsection (2) of section 220.1845, Florida Statutes, are redesignated as paragraphs (d) through (j), respectively, and paragraphs (b) and (c) and present paragraph (d) of that subsection are amended to read:

220.1845 Contaminated site rehabilitation tax credit.—

(2) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.—

(b) A tax credit applicant, or multiple tax credit applicants working jointly to clean up a single site, may not be granted more than $500,000 per year in tax credits for each site voluntarily rehabilitated. Multiple tax credit applicants shall be granted tax credits in the same proportion as their contribution to payment of cleanup costs. Subject to the same conditions and limitations as provided in this section, a municipality, county, or other tax credit applicant which voluntarily rehabilitates a site may receive not more than $500,000 per year in tax credits which it can subsequently transfer subject to ~~the provisions in~~ paragraph (f)~~(g)~~.

(c) If the credit granted under this section is not fully used in any one year because of insufficient tax liability on the part of the corporation, the unused amount may be carried forward for up to 5 years. The carryover credit may be used in a subsequent year if the tax imposed by this chapter for that year exceeds the credit for which the corporation is eligible in that year after applying the other credits and unused carryovers in the order provided by s. 220.02(8). If during the 5-year period the credit is transferred, in whole or in part, pursuant to paragraph (f)~~(g)~~, each transferee has 5 years after the date of transfer to use its credit.

~~(d) A taxpayer that files a consolidated return in this state as a member of an affiliated group under s. 220.131(1) may be allowed the credit on a consolidated return basis up to the amount of tax imposed upon the consolidated group.~~

Section 26. Subsection (2) of section 220.1875, Florida Statutes, is amended to read:

220.1875 Credit for contributions to eligible nonprofit scholarship-funding organizations.—

~~(2) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under subsection (1).~~

Section 27. Subsection (2) of section 220.1876, Florida Statutes, is amended to read:

220.1876 Credit for contributions to the New Worlds Reading Initiative.—

~~(2) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under subsection (1).~~

Section 28. Subsection (2) of section 220.1877, Florida Statutes, is amended to read:

220.1877 Credit for contributions to eligible charitable organizations.—

~~(2) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under subsection (1).~~

Section 29. Subsection (2) of section 220.1878, Florida Statutes, is amended to read:

220.1878 Credit for contributions to the Live Local Program.—

~~(2) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis; however, the total credit taken by the affiliated group is subject to the limitation established under subsection (1).~~

Section 30. Paragraphs (a) and (c) of subsection (3) of section 220.191, Florida Statutes, are amended to read:

220.191 Capital investment tax credit.—

(3)(a) Notwithstanding subsection (2), an annual credit against the tax imposed by this chapter shall be granted to a qualifying business which establishes a qualifying project pursuant to subparagraph (1)(h)3., in an amount equal to the lesser of $15 million or 5 percent of the eligible capital costs made in connection with a qualifying project, for a period not to exceed 20 years beginning with the commencement of operations of the project. The tax credit shall be granted against the corporate income tax liability of the qualifying business ~~and as further provided in paragraph (c)~~. The total tax credit provided pursuant to this subsection shall be equal to no more than 100 percent of the eligible capital costs of the qualifying project.

(c) The credit granted under this subsection may be used in whole or in part by the qualifying business ~~or any corporation that is either a member of that qualifying business's affiliated group of corporations, is a related entity taxable as a cooperative under subchapter T of the Internal Revenue Code, or, if the qualifying business is an entity taxable as a cooperative under subchapter T of the Internal Revenue Code, is related to the qualifying business. Any entity related to the qualifying business may continue to file as a member of a Florida-nexus consolidated group pursuant to a prior election made under s. 220.131(1), Florida Statutes (1985), even if the parent of the group changes due to a direct or indirect acquisition of the former common parent of the group. Any credit can be used by any of the affiliated companies or related entities referenced in this paragraph to the same extent as it could have been used by the qualifying business. However, any such use shall not operate to increase the amount of the credit or extend the period within which the credit must be used~~.

Section 31. Paragraphs (f) through (j) of subsection (3) of section 220.193, Florida Statutes, are redesignated as paragraphs (e) through (i), respectively, and paragraph (c) and present paragraph (e) of that subsection are amended to read:

220.193 Florida renewable energy production credit.—

(3) An annual credit against the tax imposed by this section shall be allowed to a taxpayer, based on the taxpayer's production and sale of electricity from a new or expanded Florida renewable energy facility. For a new facility, the credit shall be based on the taxpayer's sale of the facility's entire electrical production. For an expanded facility, the credit shall be based on the increases in the facility's electrical production that are achieved after May 1, 2012.

(c) If the amount of credits applied for each year exceeds the amount authorized in paragraph (f)~~(g)~~, the Department of Agriculture and Consumer Services shall allocate credits to qualified applicants based on the following priority:

1. An applicant who places a new facility in operation after May 1, 2012, shall be allocated credits first, up to a maximum of $250,000 each, with any

remaining credits to be granted pursuant to subparagraph 3., but if the claims for credits under this subparagraph exceed the state fiscal year cap in paragraph (f)~~(g)~~, credits shall be allocated pursuant to this subparagraph on a prorated basis based upon each applicant's qualified production and sales as a percentage of total production and sales for all applicants in this category for the fiscal year.

2. An applicant who does not qualify under subparagraph 1. but who claims a credit of $50,000 or less shall be allocated credits next, but if the claims for credits under this subparagraph, combined with credits allocated in subparagraph 1., exceed the state fiscal year cap in paragraph (f)~~(g)~~, credits shall be allocated pursuant to this subparagraph on a prorated basis based upon each applicant's qualified production and sales as a percentage of total qualified production and sales for all applicants in this category for the fiscal year.

3. An applicant who does not qualify under subparagraph 1. or subparagraph 2. and an applicant whose credits have not been fully allocated under subparagraph 1. shall be allocated credits next. If there is insufficient capacity within the amount authorized for the state fiscal year in paragraph (f)~~(g)~~, and after allocations pursuant to subparagraphs 1. and 2., the credits allocated under this subparagraph shall be prorated based upon each applicant's unallocated claims for qualified production and sales as a percentage of total unallocated claims for qualified production and sales of all applicants in this category, up to a maximum of $1 million per taxpayer per state fiscal year. If, after application of this $1 million cap, there is excess capacity under the state fiscal year cap in paragraph (f)~~(g)~~ in any state fiscal year, that remaining capacity shall be used to allocate additional credits with priority given in the order set forth in this subparagraph and without regard to the $1 million per taxpayer cap.

~~(e) A taxpayer that files a consolidated return in this state as a member of an affiliated group under s. 220.131(1) may be allowed the credit on a consolidated return basis up to the amount of tax imposed upon the consolidated group.~~

Section 32. Subsection (4) of section 220.1991, Florida Statutes, is amended to read:

220.1991 Credit for manufacturing of human breast milk derived human milk fortifiers.—

(4)~~(a) A taxpayer who files a Florida consolidated return as a member of an affiliated group pursuant to s. 220.131(1) may be allowed the credit on a consolidated return basis.~~

(a)~~(b)~~ A taxpayer may not convey, transfer, or assign an approved tax credit or a carryforward tax credit to another entity unless all of the assets of the taxpayer are conveyed, transferred, or assigned in the same transaction. However, a tax credit under this section may be conveyed, transferred, or assigned between members of an affiliated group of corporations. A taxpayer shall notify the department of its intent to convey, transfer, or assign a tax credit to another member within an affiliated group of corporations. The amount conveyed, transferred, or assigned is available to another member of the affiliated group of corporations upon approval by the department.

(b)~~(c)~~ Within 10 days after approving or denying the conveyance, transfer, or assignment of a tax credit under paragraph (a)~~(b)~~, the department shall provide a copy of its approval or denial letter to the corporation.

Section 33. Section 220.51, Florida Statutes, is amended to read:

220.51 Adoption ~~Promulgation~~ of rules and regulations.—In accordance with the Administrative Procedure Act, chapter 120, the department is authorized to make, adopt ~~promulgate~~, and enforce such reasonable rules and regulations, and to prescribe such forms relating to the administration and enforcement of ~~the provisions of~~ this code, as it may deem appropriate, including:

(1) Rules for initial implementation of this code and for taxpayers' transitional taxable years commencing before and ending after January 1, 1972; and

(2) Rules or regulations to clarify whether certain groups, organizations, or associations formed under the laws of this state or any other state, country, or jurisdiction shall be deemed "taxpayers" for the purposes of this code, in accordance with the legislative declarations of intent in s. 220.02~~; and~~

~~(3) Regulations relating to consolidated reporting for affiliated groups of corporations, in order to provide for an equitable and just administration of this code with respect to multicorporate taxpayers~~.

Section 34. Section 220.64, Florida Statutes, is amended to read:

220.64 Other provisions applicable to franchise tax.—To the extent that they are not manifestly incompatible with ~~the provisions of~~ this part, parts I, III, IV, V, VI, VIII, IX, and X of this code and ss. 220.12, 220.13, 220.136, 220.1363, 220.15, and 220.16 apply to the franchise tax imposed by this part. Under rules prescribed by the department ~~in s. 220.131~~, a consolidated return may be filed by any affiliated group of corporations composed of one or more banks or savings associations, ~~its or~~ their Florida parent corporations ~~corporation~~, and any nonbank or nonsavings subsidiaries of such parent corporations ~~corporation~~.

Section 35. Subsections (9) and (10) of section 376.30781, Florida Statutes, are amended to read:

376.30781 Tax credits for rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; application process; rulemaking authority; revocation authority.—

(9) On or before May 1, the Department of Environmental Protection shall inform each tax credit applicant that is subject to the January 31 annual application deadline of the applicant's eligibility status and the amount of any tax credit due. The department shall provide each eligible tax credit applicant with a tax credit certificate that must be submitted with its tax return to the Department of Revenue to claim the tax credit or be transferred pursuant to s. 220.1845(2)(f) ~~s. 220.1845(2)(g)~~. The May 1 deadline for annual site rehabilitation tax credit certificate awards shall not apply to any tax credit application for which the department has issued a notice of deficiency pursuant to subsection (8). The department shall respond within 90 days after receiving a response from the tax credit applicant to such a notice of deficiency. Credits may not result in the payment of refunds if total credits exceed the amount of tax owed.

(10) For solid waste removal, new health care facility or health care provider, and affordable housing tax credit applications, the Department of Environmental Protection shall inform the applicant of the department's determination within 90 days after the application is deemed complete. Each eligible tax credit applicant shall be informed of the amount of its tax credit and provided with a tax credit certificate that must be submitted with its tax return to the Department of Revenue to claim the tax credit or be transferred pursuant to s. 220.1845(2)(f) ~~s. 220.1845(2)(g)~~. Credits may not result in the payment of refunds if total credits exceed the amount of tax owed.

Section 36. Transitional rules.—

(1) For the first taxable year beginning on or after January 1, 2025, a taxpayer that filed a Florida corporate income tax return in the preceding taxable year and that is a member of a unitary combined group shall compute its income together with all members of its unitary combined group and file a combined Florida corporate income tax return with all members of its unitary combined group.

(2) An affiliated group of corporations that filed a Florida consolidated corporate income tax return pursuant to an election in former s. 220.131, Florida Statutes, shall cease filing a Florida consolidated return for taxable years beginning on or after January 1, 2025, and shall file a combined Florida corporate income tax return with all members of its unitary combined group.

(3) An affiliated group of corporations that filed a Florida consolidated corporate income tax return pursuant to the election in s. 220.131(1), Florida Statutes (1985), which allowed the affiliated group to make an election within 90 days after December 20, 1984, or upon filing the taxpayer's first return after December 20, 1984, whichever was later, shall cease filing a Florida consolidated corporate income tax return using that method for taxable years beginning on or after January 1, 2025, and shall file a combined Florida corporate income tax return with all members of its unitary combined group.

(4) A taxpayer that is not a member of a unitary combined group remains subject to chapter 220, Florida Statutes, and shall file a separate Florida corporate income tax return as previously required.

(5) For taxable years beginning on or after January 1, 2025, a tax return for a member of a unitary combined group must be a combined Florida corporate income tax return that includes tax information for all members of the unitary

combined group. The tax return must be filed by a member that has a nexus with this state.

Section 37. Any additional revenue received as a result of the enactment of this act must be deposited into the General Revenue Fund.

T I T L E A M E N D M E N T

Remove lines 37-40 and insert:

credit; amending s. 220.03, F.S.; revising the date of adoption of the Internal Revenue Code and other federal income tax statutes for purposes of the state corporate income tax; revising and providing definitions; providing retroactive operation; amending s. 220.13, F.S.; revising the definition of the term "adjusted federal income" to prohibit specified deductions, limit certain carryovers, and require subtractions of certain dividends paid and received within a unitary combined group to determine subtractions from taxable income; conforming provisions to changes made by the act; repealing s. 220.131, F.S., relating to the adjusted federal income of affiliated groups; creating s. 220.136, F.S.; specifying circumstances under which a corporation is a member of a unitary combined group; providing construction; creating s. 220.1363, F.S.; defining the term "unitary combined reporting method"; specifying requirements for, limitations on, and prohibitions in calculating and reporting income in a unitary combined group return; requiring all members of a unitary combined group to use the unitary combined reporting method; defining the term "sale"; specifying requirements for designating the filing member and the taxable year of the unitary combined group; specifying income reporting requirements for certain members of the unitary combined group; requiring that a unitary combined group return include a specified computational schedule and domestic disclosure spreadsheet; authorizing the executive director of the Department of Revenue to undertake certain actions in specified circumstances; authorizing the Department of Revenue to adopt rules; providing legislative intent regarding the adoption of rules; amending s. 220.14, F.S.; revising the calculation for prorating a certain corporate income tax exemption to reflect leap years; conforming a provision to changes made by the act; amending s. 220.15, F.S.; revising provisions determining when certain sales are considered to have occurred in this state; amending ss. 220.183, 220.1845, 220.1875, 220.1876, 220.1877, 220.1878, 220.191, 220.193, 220.1991, and 220.51, F.S.; conforming provisions to changes made by the act; amending s. 220.64, F.S.; providing applicability of unitary combined group provisions to the franchise tax; conforming provisions to changes made by the act; amending s. 376.30781, F.S.; conforming provisions to changes made by the act; providing, beginning on a specified date, requirements for corporate income tax return filings for certain taxpayers; requiring that recaptured funds be deposited into the General Revenue Fund;

Rep. Eskamani moved the adoption of the amendment, which failed of adoption.

Representative Nixon offered the following:

(Amendment Bar Code: 765439)

Amendment 2 (with title amendment)—Between lines 1546 and 1547, insert:

Section 32. Paragraph (vvv) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(vvv) Children's books.—The sale of any children's books are exempt from the tax imposed by this chapter. As used in this paragraph the term "children's book" means any fiction or nonfiction book primarily indented for children age 12 or younger, including board book, picture book, beginning reader book, juvenile chapter book, middle grade book, or audiobook on CD or tape.

T I T L E A M E N D M E N T

Remove line 118 and insert:

for future repeal; amending s. 212.08, F.S.; providing an exemption from sales tax for certain books; providing effective dates.

Rep. Nixon moved the adoption of the amendment, which failed of adoption.

Representative Nixon offered the following:

(Amendment Bar Code: 328313)

Amendment 3 (with title amendment)—Between lines 1546 and 1547, insert:

Section 32. Paragraph (vvv) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(vvv) Tents.—The sale of tents are exempt from the tax imposed by this chapter.

T I T L E A M E N D M E N T

Remove line 118 and insert:

for future repeal; amending s. 212.08, F.S.; providing an exemption from sales tax for tents; providing effective dates.

Rep. Nixon moved the adoption of the amendment, which failed of adoption.

Representative Valdés offered the following:

(Amendment Bar Code: 164711)

Amendment 4 (with title amendment)—Between lines 1546 and 1547, insert:

Section 32. Paragraph (vvv) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(vvv) Reusable water bottles.—The sale of reusable water bottles are exempt from the tax imposed by this chapter.

T I T L E A M E N D M E N T

Remove line 118 and insert:
for future repeal; amending s. 212.08, F.S.; providing an exemption from sales tax for certain water bottles; providing effective dates.

Rep. Valdés moved the adoption of the amendment, which failed of adoption.

Representative Gantt offered the following:

(Amendment Bar Code: 305937)

Amendment 5 (with title amendment)—Between lines 1546 and 1547, insert:

Section 32. The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall study the potential impact of creating a program to provide low-income to moderate- income residents relief on sales taxes, fuel taxes, property taxes, or other taxes and fees they pay in this state during the year by allowing residents of the state who receive the federal Earned Income Tax Credit to receive funds through the program. OPPAGA shall submit a report on its findings to the President of the Senate and the Speaker of the House of Representatives by February 1, 2025.

T I T L E A M E N D M E N T

Remove line 118 and insert:
for future repeal; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study and submit a report to the Legislature by a specified date; providing effective dates.

Rep. Gantt moved the adoption of the amendment, which failed of adoption.

Representative Hinson offered the following:

(Amendment Bar Code: 122247)

Amendment 6 (with title amendment)—Between lines 1546 and 1547, insert:

Section 32. Paragraph (vvv) is added to subsection (7) of section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(vvv) Firearm safety storage.—The sale of devices used for the safe storage of firearms are exempt from the tax imposed by this chapter.

T I T L E A M E N D M E N T

Remove line 118 and insert:
for future repeal; amending s. 212.08, F.S.; providing an exemption from sales tax for certain firearm storage devices; providing effective dates.

Rep. Hinson moved the adoption of the amendment, which failed of adoption.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

CS/HB 7049 was taken up, having been temporarily postponed earlier today.

CS/HB 7049—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; requiring the Secretary of Transportation to establish certain annual performance and production measures and publish a report; requiring such measures to be developed by a working group comprised of certain members; revising duties of the Florida Transportation Commission; amending s. 110.205, F.S.; conforming cross-references; amending s. 316.1575, F.S.; revising provisions requiring a person approaching a railroad-highway grade crossing to stop within a certain distance from the nearest rail; revising penalties; amending s. 316.1576, F.S.; revising circumstances under which a person is prohibited from driving a vehicle through a railroad-highway grade crossing; revising penalties; amending s. 316.20655, F.S.; authorizing a local government to adopt certain ordinances and provide certain training relating to the operation of electric bicycles; amending s. 316.2128, F.S.; authorizing a local government to adopt certain ordinances and provide certain training relating to the operation of motorized scooters or micromobility devices; amending s. 318.18, F.S.; revising and providing penalties for certain violations; amending s. 334.044, F.S.; revising the amount and use of specified funds; amending s. 334.065, F.S.; revising membership of the Center for Urban Transportation Research advisory board; requiring reports to the Governor, Legislature, and department; amending s. 334.066, F.S.; revising membership of the I-STREET advisory board; requiring reports to the Governor, Legislature, and department; amending s. 339.135, F.S.; conforming provisions to changes made by the act; amending s. 339.175, F.S.; revising legislative intent; revising M.P.O. voter membership under certain circumstances; requiring each M.P.O. to be involved in prioritization of transportation facilities and to timely amend certain plans and programs; revising projects and strategies to be considered in developing an M.P.O.'s long-range transportation plan and transportation improvement program; revising representation required on a citizens' advisory committee; requiring certain M.P.O.'s to submit a feasibility report to the Governor and Legislature regarding consolidation; specifying goals thereof; requiring the

department to convene M.P.O.'s of similar size to exchange best practices; authorizing such M.P.O.'s to develop committees or working groups; requiring training for new M.P.O. governing board members to be provided by the department and another specified entity; removing provisions relating to M.P.O. coordination mechanisms; requiring M.P.O.'s within the same urbanized area to develop a regional long-range transportation plan and pool resources for certain projects; deleting obsolete provisions; conforming provisions to changes made by the act; including public-private partnerships in authorized financing techniques; revising proposed transportation enhancement activities that must be indicated by the long-range transportation plan; providing M.P.O. and department responsibilities regarding transportation improvement programs; removing provisions authorizing the department and an M.P.O. to vary the submittal date of a list of project priorities to the department district; revising selection criteria upon which the list of project priorities must be based; requiring projects in the transportation improvement program to be consistent with the Strategic Intermodal System plan; requiring reprogramming of funds for certain projects within the list of project priorities; authorizing each M.P.O. to execute a written agreement with the department regarding state and federal transportation planning requirements; requiring the department and M.P.O.'s to establish certain quality performance metrics and develop certain performance targets; requiring the department to evaluate and post on its website whether each M.P.O. has made significant progress toward such targets; removing provisions relating to the Metropolitan Planning Organization Advisory Council; amending ss. 28.37, 142.01, 316.1951, 316.306, 316.622, 318.121, 318.21, 322.27, 331.3051, 331.310, and 395.4036, F.S.; conforming cross-references and provisions to changes made by the act; requiring a report to the Governor and Legislature; requiring the Department of Highway Safety and Motor Vehicles to begin implementation of a redesigned registration license plate by a specified date; providing redesign requirements; providing an effective date.

—was read the second time by title. On motion by Rep. McFarland, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 754

Representative Payne in the Chair.

Yeas—114

Abbott	Clemons	Killebrew	Robinson, W.
Altman	Cross	Koster	Rommel
Alvarez	Daley	LaMarca	Roth
Amesty	Driskell	Leek	Rudman
Anderson	Duggan	López, J.	Salzman
Andrade	Dunkley	Lopez, V.	Shoaf
Antone	Edmonds	Maggard	Silvers
Arrington	Eskamani	Maney	Sirois
Baker	Esposito	Massullo	Skidmore
Bankson	Fabricio	McClain	Smith
Barnaby	Fine	McClure	Snyder
Bartleman	Franklin	McFarland	Stark
Basabe	Gantt	Melo	Steele
Bell	Garcia	Michael	Stevenson
Beltran	Garrison	Mooney	Tant
Benjamin	Giallombardo	Nixon	Temple
Berfield	Gonzalez Pittman	Overdorf	Tomkow
Borrero	Gossett-Seidman	Payne	Trabulsy
Botana	Gottlieb	Perez	Tramont
Brackett	Grant	Persons-Mulicka	Truenow
Bracy Davis	Gregory	Plakon	Tuck
Brannan	Griffitts	Plasencia	Valdés
Buchanan	Harris	Porras	Waldron
Busatta Cabrera	Hart	Rayner	Williams
Campbell	Hinson	Redondo	Woodson
Canady	Holcomb	Renner	Yarkosky
Caruso	Hunschofsky	Rizo	Yeager
Cassel	Jacques	Roach	
Chaney	Keen	Robinson, F.	

Nays—None

So the bill passed and was immediately certified to the Senate.

CS/CS/HB 1195 was taken up, having been temporarily postponed earlier today.

CS/CS/HB 1195—A bill to be entitled An act relating to millage rates; amending s. 200.065, F.S.; prohibiting certain increases in the millage rate from going into effect until it has been approved by a specified vote; providing an effective date.

—was read the second time by title.

Representative Garrison offered the following:

(Amendment Bar Code: 907897)

Amendment 1 (with title amendment)—Remove lines 13-31 and insert:

(c) Except as provided in subparagraph (a)2., the prior year adopted millage rate may only be increased if approved by a two-thirds vote of the membership of the governing body of the county, municipality, or independent district.

Any unit of government operating under a home rule charter adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII of the State Constitution, which is granted the authority in the State Constitution to exercise all the powers conferred now or hereafter by general law upon municipalities and which exercises such powers in the unincorporated area shall be recognized as a municipality under this subsection. For a downtown development authority established before the effective date of the State Constitution which has a millage that must be approved by a municipality, the governing body of that municipality shall be considered the governing body of the downtown development authority for purposes of this subsection.

Section 2. (1) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, to implement the amendments made by this act to s. 200.065, Florida Statutes. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection 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.

(2) This section shall take effect upon this act becoming a law and expires July 1, 2026.

Section 3. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2024.

T I T L E A M E N D M E N T

Remove line 5 and insert:

by a specified vote; authorizing the Department of Revenue to adopt emergency rules; providing for future expiration of such authority; providing effective dates.

Rep. Garrison moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

HJR 7075—A joint resolution proposing an amendment to Section 3 of Article VII and the creation of a new section in Article XII of the State Constitution requiring an increase in the ad valorem tax exemption on the assessed value of tangible personal property from twenty-five thousand dollars to fifty thousand dollars and to provide an effective date.

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

That the following amendment to Section 3 of Article VII and the creation of a new section in Article XII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII
FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.—

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less than one thousand dollars, and to every widow or widower or person who is blind or totally and permanently disabled, property to the value fixed by general law not less than five hundred dollars.

(c) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant community and economic development ad valorem tax exemptions to new businesses and expansions of existing businesses, as defined by general law. Such an exemption may be granted only by ordinance of the county or municipality, and only after the electors of the county or municipality voting on such question in a referendum authorize the county or municipality to adopt such ordinances. An exemption so granted shall apply to improvements to real property made by or for the use of a new business and improvements to real property related to the expansion of an existing business and shall also apply to tangible personal property of such new business and tangible personal property related to the expansion of an existing business. The amount or limits of the amount of such exemption shall be specified by general law. The period of time for which such exemption may be granted to a new business or expansion of an existing business shall be determined by general law. The authority to grant such exemption shall expire ten years from the date of approval by the electors of the county or municipality, and may be renewable by referendum as provided by general law.

(d) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

(e) By general law and subject to conditions specified therein:

(1) Fifty ~~Twenty-five~~ thousand dollars of the assessed value of property subject to tangible personal property tax shall be exempt from ad valorem taxation.

(2) The assessed value of solar devices or renewable energy source devices subject to tangible personal property tax may be exempt from ad valorem taxation, subject to limitations provided by general law.

(f) There shall be granted an ad valorem tax exemption for real property dedicated in perpetuity for conservation purposes, including real property encumbered by perpetual conservation easements or by other perpetual conservation protections, as defined by general law.

(g) By general law and subject to the conditions specified therein, each person who receives a homestead exemption as provided in section 6 of this article; who was a member of the United States military or military reserves, the United States Coast Guard or its reserves, or the Florida National Guard; and who was deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature shall receive an additional exemption equal to a percentage of the taxable value of his or her homestead property. The applicable percentage shall be calculated as the number of days during the preceding calendar year the person was deployed on active duty outside the continental United States, Alaska, or Hawaii in support of military operations designated by the legislature divided by the number of days in that year.

ARTICLE XII
SCHEDULE

Increase in the ad valorem tax exemption for tangible personal property.—This section and the amendment to Section 3 of Article VII, requiring an increase in the ad valorem tax exemption on the assessed value of tangible personal property from twenty-five thousand dollars to fifty thousand dollars, shall take effect January 1, 2025.

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

CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 3
ARTICLE XII

INCREASING THE EXEMPTION ON TANGIBLE PERSONAL PROPERTY FROM TWENTY-FIVE THOUSAND DOLLARS TO FIFTY THOUSAND DOLLARS.—Proposing an amendment to the State Constitution to increase the ad valorem tax exemption on the assessed value of tangible personal property from twenty-five thousand dollars to fifty thousand dollars. This amendment shall take effect January 1, 2025.

—was read the second time by title.

On motion by Rep. Alvarez, the rules were waived and **HJR 7075** was read the third time by title. On passage, the vote was:

Session Vote Sequence: 755

Representative Payne in the Chair.

Yeas—88

Abbott	Clemons	Leek	Roach
Altman	Driskell	López, J.	Robinson, W.
Alvarez	Duggan	Lopez, V.	Rommel
Amesty	Dunkley	Maggard	Roth
Anderson	Esposito	Maney	Rudman
Andrade	Fabricio	Massullo	Salzman
Baker	Fine	McClain	Shoaf
Bankson	Garcia	McClure	Silvers
Barnaby	Garrison	McFarland	Sirois
Basabe	Giallombardo	Melo	Smith
Bell	Gonzalez Pittman	Michael	Snyder
Beltran	Gossett-Seidman	Mooney	Stark
Berfield	Gottlieb	Overdorf	Steele
Borrero	Grant	Payne	Stevenson
Botana	Gregory	Perez	Temple
Brackett	Griffitts	Persons-Mulicka	Tomkow
Brannan	Holcomb	Plakon	Trabulsy
Buchanan	Jacques	Plasencia	Tramont
Busatta Cabrera	Keen	Porras	Truenow
Canady	Killebrew	Redondo	Tuck
Caruso	Koster	Renner	Yarkosky
Chaney	LaMarca	Rizo	Yeager

Nays—23

Antone	Cassel	Harris	Tant
Arrington	Cross	Hunschofsky	Valdés
Bartleman	Edmonds	Nixon	Waldron
Benjamin	Eskamani	Rayner	Williams
Bracy Davis	Franklin	Robinson, F.	Woodson
Campbell	Gantt	Skidmore	

Votes after roll call:
Nays to Yeas—Skidmore

So the joint resolution passed by the required constitutional three-fifths vote of the membership and was immediately certified to the Senate.

HB 7077—A bill to be entitled An act relating to tangible personal property taxation; amending s. 196.183, F.S.; increasing the amount of a

certain tax exemption; creating s. 218.126, F.S.; requiring the Legislature to appropriate funds beginning in a specified fiscal year for a specified purpose; providing requirements for the distribution of such funds; requiring specified counties to apply for such distribution; providing requirements for application; providing a specified calculation to be used to determine funding; authorizing reversion of funds in specified circumstances; authorizing the Department of Revenue to adopt emergency rules; providing applicability; providing a contingent effective date.

—was read the second time by title. On motion by Rep. Alvarez, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 756

Representative Payne in the Chair.

Yeas—88

Abbott	Clemons	Lopez, V.	Rommel
Altman	Duggan	Maggard	Roth
Alvarez	Dunkley	Maney	Rudman
Amesty	Esposito	Massullo	Salzman
Anderson	Fabricio	McClain	Shoaf
Andrade	Fine	McClure	Silvers
Baker	Franklin	McFarland	Sirois
Bankson	Garcia	Melo	Skidmore
Barnaby	Garrison	Michael	Smith
Basabe	Giallombardo	Mooney	Snyder
Bell	Gonzalez Pittman	Overdorf	Stark
Beltran	Gossett-Seidman	Payne	Steele
Berfield	Gottlieb	Perez	Stevenson
Borrero	Grant	Persons-Mulicka	Tant
Botana	Gregory	Plakon	Temple
Brackett	Griffitts	Plasencia	Tomkow
Brannan	Holcomb	Porras	Trabulsy
Buchanan	Jacques	Redondo	Tramont
Busatta Cabrera	Killebrew	Renner	Truenow
Canady	Koster	Rizo	Tuck
Caruso	LaMarca	Roach	Yarkosky
Chaney	Leek	Robinson, W.	Yeager

Nays—25

Antone	Cross	Hinson	Valdés
Arrington	Daley	Hunschofsky	Waldron
Bartleman	Driskell	Keen	Williams
Benjamin	Edmonds	López, J.	Woodson
Bracy Davis	Eskamani	Nixon	
Campbell	Gantt	Rayner	
Cassel	Harris	Robinson, F.	

So the bill passed and was immediately certified to the Senate.

Consideration of **CS/HB 135** was temporarily postponed.

HB 7043—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides an exemption from public records requirements for certain personal identifying and location information of specified agency personnel and the spouses and children thereof; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title. On motion by Rep. Arrington, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 757

Representative Payne in the Chair.

Yeas—114

Abbott	Amesty	Antone	Bankson
Altman	Anderson	Arrington	Barnaby
Alvarez	Andrade	Baker	Bartleman
Basabe	Fabricio	Maggard	Rudman
Bell	Fine	Maney	Salzman
Beltran	Franklin	Massullo	Shoaf
Benjamin	Gantt	McClain	Silvers
Berfield	Garcia	McClure	Sirois
Borrero	Garrison	McFarland	Skidmore
Botana	Giallombardo	Melo	Smith
Brackett	Gonzalez Pittman	Michael	Snyder
Bracy Davis	Gossett-Seidman	Mooney	Stark
Brannan	Gottlieb	Nixon	Steele
Buchanan	Grant	Overdorf	Stevenson
Busatta Cabrera	Gregory	Payne	Tant
Campbell	Griffitts	Perez	Temple
Canady	Harris	Persons-Mulicka	Tomkow
Caruso	Hinson	Plakon	Trabulsy
Cassel	Holcomb	Plasencia	Tramont
Chaney	Hunschofsky	Porras	Truenow
Clemons	Jacques	Rayner	Tuck
Cross	Joseph	Redondo	Valdés
Daley	Keen	Renner	Waldron
Driskell	Killebrew	Rizo	Williams
Duggan	Koster	Roach	Woodson
Dunkley	LaMarca	Robinson, F.	Yarkosky
Edmonds	Leek	Robinson, W.	Yeager
Eskamani	López, J.	Rommel	
Esposito	Lopez, V.	Roth	

Nays—None

So the bill passed and was immediately certified to the Senate.

CS/HB 1517 was taken up having been temporarily postponed earlier today. On motion by Rep. Tramont, the House agreed to substitute CS for SB 1350 for CS/HB 1517 and read CS for SB 1350 the second time by title. Under Rule 5.17, the House bill was laid on the table.

CS for SB 1350—A bill to be entitled An act relating to salvage; amending s. 319.30, F.S.; revising and defining terms; revising provisions relating to obtaining a salvage certificate of title or certificate of destruction; exempting the Department of Highway Safety and Motor Vehicles from liability to certain persons as a result of the issuance of such certificates; providing requirements for an independent entity's release of a damaged or dismantled vessel to the owner; authorizing the independent entity to apply for certain certificates for an unclaimed vessel; providing requirements for such application; specifying provisions to which the independent entity is subject; prohibiting the independent entity from charging vessel storage fees; reenacting ss. 319.14(1)(b) and 319.141(1)(b), F.S., relating to the sale of motor vehicles registered or used as specified vehicles and the definition of the term "rebuilt inspection services" as used in the rebuilt motor vehicle inspection program, respectively, to incorporate the amendment made to s. 319.30, F.S., in references thereto; providing an effective date.

—was read the second time by title. On motion by Rep. Tramont, the rules were waived and the bill was read the third time by title. On passage, the vote was:

Session Vote Sequence: 758

Representative Payne in the Chair.

Yeas—114

Abbott	Bell	Cassel	Franklin
Altman	Beltran	Chaney	Gantt
Alvarez	Berfield	Clemons	Garcia
Amesty	Borrero	Cross	Garrison
Anderson	Botana	Daley	Giallombardo
Andrade	Brackett	Driskell	Gonzalez Pittman
Antone	Bracy Davis	Duggan	Gossett-Seidman
Arrington	Brannan	Dunkley	Gottlieb
Baker	Buchanan	Edmonds	Grant
Bankson	Busatta Cabrera	Eskamani	Gregory
Barnaby	Campbell	Esposito	Griffitts
Bartleman	Canady	Fabricio	Harris
Basabe	Caruso	Fine	Hart

Hinson	McClure	Rizo	Stevenson
Holcomb	McFarland	Roach	Tant
Hunschofsky	Melo	Robinson, F.	Temple
Jacques	Michael	Robinson, W.	Tomkow
Joseph	Mooney	Rommel	Trabulsy
Keen	Nixon	Roth	Tramont
Killebrew	Overdorf	Rudman	Truenow
Koster	Payne	Salzman	Tuck
LaMarca	Perez	Shoaf	Valdés
Leek	Persons-Mulicka	Silvers	Waldron
López, J.	Plakon	Sirois	Williams
Lopez, V.	Plasencia	Skidmore	Woodson
Maggard	Porras	Smith	Yarkosky
Maney	Rayner	Snyder	Yeager
Massullo	Redondo	Stark	
McClain	Renner	Steele	

Nays—None

So the bill passed and was immediately certified to the Senate.

THE SPEAKER IN THE CHAIR

Motion to Adjourn

Rep. Perez moved that the House, after receiving reports, adjourn for the purpose of holding committee and subcommittee meetings and conducting other House business, to reconvene at 10:00 a.m., Friday, March 1, 2024, or upon call of the Chair. The motion was agreed to.

Messages from the Senate

Final Action

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for CS for HB 1065.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Bell:

Yeas—February 28: 716

Rep. Borrero:

Yeas—February 28: 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734

Rep. Bracy Davis:

Nays—February 28: 720

Rep. Gregory:

Yeas—February 28: 721

Rep. V. Lopez:

Yeas—February 28: 709

First-named Sponsors

CS/CS/HB 975—Campbell

HB 1451—Jacques

Cosponsors

CS/HB 1—Duggan, Roth

CS/HB 21—Abbott, Arrington, Bankson, Bartleman, Cross, Daniels, Eskamani, Garcia, Giallombardo, Harris, V. Lopez, Mooney, Persons-Mulicka, Rayner, Redondo, Skidmore, Steele, Tramont, Williams, Woodson

CS/CS/HB 23—Abbott, Bartleman, Caruso, Cross, Daniels, Jacques, Joseph

CS/HB 135—Melo

CS/HB 141—J. López

HB 187—Abbott, Anderson, Baker, Botana, Buchanan, Cross, Harris, Hunschofsky, J. López, Melo, Mooney, Persons-Mulicka, Redondo, W. Robinson, Rommel, Smith, Tomkow

CS/HB 293—Barnaby, J. López, Mooney

HB 297—Benjamin

CS/HB 305—Bell

CS/HB 309—Barnaby, J. López

CS/CS/HB 341—Bartleman, Basabe, Buchanan, Canady, Caruso, Cassel, Daniels, Garcia, Gonzalez Pittman, V. Lopez, Redondo, Woodson

CS/CS/HB 389—Rayner

CS/CS/HB 473—J. López

CS/HB 479—J. López

CS/HB 497—Rizo

CS/CS/HB 537—J. López, Mooney, Plasencia, Williams

CS/HB 583—Leek

HB 601—Holcomb, Rizo

CS/CS/CS/HB 613—J. López

HB 631—Harris, J. López

CS/CS/HB 637—Eskamani

HCR 693—Bell

HCR 703—Bell

CS/HB 707—Driskell

CS/HB 715—J. López

CS/HB 761—J. López

CS/HB 801—Driskell

HB 859—Arrington

CS/HB 865—Eskamani

CS/CS/HB 885—Bartleman, Basabe, Benjamin, Berfield, Cross, J. López, Mooney, Williams

CS/CS/HB 917—Fabricio, Tramont

CS/CS/CS/HB 927—J. López

CS/CS/HB 975—Basabe, Cassel, Eskamani, Joseph, J. López, V. Lopez

CS/CS/CS/HB 1021—Mooney, Redondo

CS/CS/CS/HB 1029—Anderson, Berfield, Buchanan, Chaney, Fabricio, Harris, LaMarca, F. Robinson, Williams

CS/CS/HB 1051—J. López

CS/CS/HB 1063—Bartleman

CS/CS/CS/HB 1065—Bartleman, Basabe, Cassel, Cross, Woodson

CS/CS/HB 1073—Barnaby

CS/CS/CS/HB 1083—Basabe, J. López, Mooney

CS/CS/HB 1133—J. López, Mooney

CS/CS/HB 1171—Barnaby, Basabe, Garcia

CS/CS/HB 1195—Tramont

HB 1223—Abbott, Buchanan, Gregory, Maggard, Melo, Rommel, Tramont, Yeager

CS/CS/HB 1235—Basabe, J. López

CS/CS/HB 1241—J. López

CS/HB 1259—Basabe

CS/HB 1291—Rizo, Roth, Tramont

CS/HB 1317—Holcomb, J. López, Rizo

CS/CS/HB 1329—Driskell, W. Robinson, Roth

CS/CS/HB 1363—J. López, Mooney

CS/CS/HB 1365—Chaney, Mooney, Rizo, Tramont

HB 1393—Arrington, Harris

CS/CS/HB 1403—Bell

CS/HM 1411—Bartleman, Casello, Dunkley, Eskamani, Harris, Keen, J. López, Stevenson, Tant

CS/CS/HB 1447—Black

CS/HB 1501—J. López

CS/CS/HB 1509—J. López, Mooney

HB 1529—Driskell

HB 1531—Driskell

CS/HB 1541—Tramont

CS/CS/HB 1549—Garcia, J. López, Trabulsy

CS/HB 1551—J. López

CS/HB 1561—J. López

CS/CS/HB 1565—Basabe, Caruso, J. López, Mooney, W. Robinson, Skidmore, Stevenson

CS/CS/HB 1567—Roth

CS/HB 1569—Stevenson, Tramont

HB 1581—Caruso, Eskamani, Silvers

HB 1615—Buchanan, Melo, Overdorf, Payne, Roach, Roth, Tramont, Yeager

CS/HB 1653—J. López, Mooney

CS/HB 7025—J. López, Mooney, Rizo

HB 7085—Bankson, Barnaby, Bartleman, Berfield, Harris, J. López, Mooney

Withdrawal as Cosponsor

CS/CS/HB 975—Gantt

House Resolutions Adopted by Publication

At the request of Rep. Anderson—

HR 8023—A resolution recognizing August 10, 2024, as "Tay-Sachs Disease Awareness Day" in Florida.

WHEREAS, Tay-Sachs disease is a genetic disorder caused by the absence of beta-hexosaminidase A (Hex A), which causes cells to become damaged, resulting in progressive neurological disorders, and

WHEREAS, infants with Tay-Sachs disease often fail to achieve milestones such as rolling over and sitting up, and develop muscle weakness, which gradually leads to paralysis, and

WHEREAS, these infants also lose mental functions and become increasingly unresponsive to their surroundings, in some cases developing blindness, seizures, and difficulty swallowing by 12 months of age, and

WHEREAS, children with Tay-Sachs disease often die by 4 years of age, and

WHEREAS, the carrier rate of Tay-Sachs disease for the general population is 1 in 250 people, and a child has a 25 percent chance of having the disease when both parents are carriers, and

WHEREAS, there is currently no treatment or cure for Tay-Sachs disease, rather only ways to manage symptoms, and

WHEREAS, increasing awareness and education of Tay-Sachs disease may lead to significant progress in the research to determine the cause of the gene mutation that results in the disease, and eventually a cure, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That August 10, 2024, is recognized as "Tay-Sachs Disease Awareness Day" in Florida.

—was read and adopted by publication pursuant to Rule 10.17.

At the request of Rep. Anderson—

HR 8039—A resolution recognizing February 29, 2024, as "Rare Disease Day" in Florida.

WHEREAS, the National Institutes of Health reports that there are nearly 7,000 diseases and conditions that affect fewer than 200,000 Americans, meaning that they are considered rare, and

WHEREAS, while each of these diseases may affect small numbers of people, rare diseases as a group affect nearly 30 million Americans, 50 percent of whom are children, and

WHEREAS, many rare diseases are serious and debilitating conditions that have a significant impact on the lives of those affected, and

WHEREAS, while the Food and Drug Administration has approved drugs and biologics for more than 1,000 rare disease indications, millions of Americans have rare diseases for which there is no approved treatment, and

WHEREAS, individuals and families affected by rare diseases often experience problems, such as diagnosis delay, difficulty finding a medical expert, and lack of access to treatments or ancillary services, and

WHEREAS, while the public is familiar with some rare diseases, such as muscular dystrophy and amyotrophic lateral sclerosis, better known as Lou Gehrig's disease, and is sympathetic to those affected, many patients and families affected by lesser-known rare diseases bear a large share of the burden of funding research and raising public awareness to support the search for treatments, and

WHEREAS, thousands of Floridians are among those affected by rare diseases, since nearly 1 in 10 Americans has a rare disease, and were given a voice in 2021 with the establishment in this state of the Rare Disease Advisory Council, and

WHEREAS, the Orphan Drug Act, championed in Congress by Florida Representative Gus Bilirakis, has encouraged and promoted the discovery and development of biopharmaceuticals designed to treat and potentially cure rare diseases, and

WHEREAS, many of the world's leading academic institutions, academic medical centers, biotech companies, and pharmaceutical companies that are conducting research and seeking cures for rare diseases are doing so in this state, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That February 29, 2024, is recognized as "Rare Disease Day" in Florida.

—was read and adopted by publication pursuant to Rule 10.17.

At the request of Rep. Bracy Davis—

HR 8073—A resolution designating November 2, 2024, as "Ocoee Remembrance Day" in Florida.

WHEREAS, the events of November 2, 1920, in Ocoee, represent a significant and tragic chapter in the history of the state and the United States, marked by racial violence and the suppression of African-American voting rights, and

WHEREAS, the Ocoee Massacre, as it has come to be known, resulted in the loss of African-American lives and the displacement of the African-American population from Ocoee for several decades, and

WHEREAS, the events of that day in Ocoee reflect the struggle for civil rights in the United States, and

WHEREAS, acknowledging, remembering, and learning from the past, including the most painful parts, can help to prevent such injustices from being repeated, and

WHEREAS, the remembrance of the Ocoee Massacre serves not only as a tribute to the victims but also as a solemn reminder of the ongoing journey towards racial equality and justice in our state and nation, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That November 2, 2024, is designated as "Ocoee Remembrance Day" and that the significance of democratic participation and civil rights, particularly the right to vote, are recognized as fundamental tenets of our society.

—was read and adopted by publication pursuant to Rule 10.17.

Communications

The Governor advised that he had filed in the Office of the Secretary of State the following bill which he approved:

February 29, 2024—CS/HB 117

The Honorable Cord Byrd February 29, 2024
Secretary of State

Dear Secretary Byrd:

Enclosed for filing is an act that originated in the House during the 2024 Legislative Session, which I have approved today:

CS/HB 117 – Disclosure of Grand Jury Testimony

Sincerely,
RON DESANTIS
Governor

Excused

Rep. Basabe until 10:40 a.m.; Reps. Casello, Chamberlin, Chambliss; Rep. Melo until 10:24 a.m.

The following Conference Committee Managers were excused in order to conduct business with their Senate counterparts: Conference Committee on HB 5001, HB 5003, HB 5005, HB 5007, and CS/HB 151 to serve with Rep. Leek, Chair; Managers At-Large: Reps. Altman, Andrade, Benjamin, Brannan, Busatta Cabrera, Canady, Chambliss, Clemons, Driskell, Fine, Garrison, Gottlieb, Grant, Gregory, Hunschofsky, Massullo, McClain, McClure, Payne, Perez, F. Robinson, Rommel, Shoaf, Skidmore, Stevenson, Tomkow, Valdés, Williams, and Woodson; House Agriculture & Natural Resources/Senate Agriculture, Environment and General Government—Rep. Altman, Chair; Reps. Bell, Black, Botana, Brackett, Buchanan, Cassel, Chambliss, Cross, Daley, Overdorf, Stevenson, and Truenow; HB 5301 and SB 2518, House Health Care/Senate Health and Human Services—Rep. Garrison, Chair; Reps. Abbott, Amesty, Bartleman, Berfield, Jacques, Melo, Rayner, Salzman, Tant, Trabulsy, Tramont, and Woodson; House Higher Education/Senate Education—Rep. Shoaf, Chair; Reps. Anderson, Basabe, Benjamin, Eskamani, Franklin, Garcia, Gonzalez Pittman, Griffitts, J. López, Maggard, Melo, and Rizo; House Infrastructure & Tourism/Senate Transportation, Tourism and Economic Development—Rep. Andrade, Chair; Reps. Antone, Berfield, Brackett, Campbell, Daley, Esposito, Gantt, Giallombardo, LaMarca, Plakon, Tuck, and Yeager; HB 5401, SB 2510, and SB 2512, House Justice/Senate Criminal and Civil Justice—Rep. Brannan, Chair; Reps. Beltran, Fabricio, Gottlieb, Hart, Holcomb, Jacques, Redondo, Snyder, Stark, Smith, Valdés, and Waldron; HB 5101, House PreK-12/Senate Education—Rep. Tomkow, Chair; Reps. Anderson, Bracy Davis, Gonzalez Pittman, Gossett-Seidman, Hinson, Keen, V. Lopez, Michael, Rizo, Temple, Trabulsy, and Williams; House State Administration & Technology/Senate Agriculture, Environment and General Government—Rep. Busatta Cabrera, Chair; Reps. Alvarez, Arrington, Bankson, Chamberlin, Edmonds, Harris, Holcomb, Maney, Mooney, F. Robinson, Stevenson, and Yarkosky.

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 7:53 p.m., to reconvene at 10:00 a.m., Friday, March 1, 2024, or upon call of the Chair.

CHAMBER ACTIONS ON BILLS

Thursday, February 29, 2024

CS/HB 21 — Read 2nd time; Amendment 049243 adopted; Read 3rd time; CS passed as amended; YEAS 116, NAYS 0

CS/CS/HB 23 — Read 2nd time; Read 3rd time; CS passed; YEAS 117, NAYS 0

CS/HB 135 — Temporarily postponed, on 2nd Reading

CS/HB 141 — Read 2nd time; Placed on 3rd reading

HB 187 — Amendment 114680 Concur; Passed as amended; YEAS 115, NAYS 0

CS/HB 229 — Substituted SB 364; Laid on Table, refer to SB 364

CS/CS/CS/HB 287 — Read 2nd time; Amendment 699193 adopted; Amendment 481975 adopted; Amendment 502925 adopted; Placed on 3rd reading

CS/HB 309 — Temporarily postponed, on 2nd Reading

CS/CS/HB 311 — Temporarily postponed, on 2nd Reading

SB 364 — Substituted for CS/HB 229; Read 2nd time; Amendment 281177 adopted; Placed on 3rd reading

CS/HB 405 — Temporarily postponed, on 3rd Reading

CS/CS/HB 433 — Read 2nd time; Amendment 615961 Failed; Amendment 884917 Failed; Amendment 702461 Failed; Amendment 957329 Failed; Amendment 354735 Failed; Amendment 252721 Failed; Amendment 590295 Failed; Placed on 3rd reading

CS/CS/HB 437 — Read 2nd time; Amendment 699785 adopted; Read 3rd time; CS passed as amended; YEAS 105, NAYS 2

CS/CS/HB 449 — Read 2nd time; Placed on 3rd reading

CS/HB 453 — Temporarily postponed, on 2nd Reading

CS/CS/HB 473 — Read 2nd time; Placed on 3rd reading

CS/HB 485 — Temporarily postponed, on 2nd Reading

CS/HB 497 — Temporarily postponed, on 2nd Reading

CS/CS/HB 537 — Read 2nd time; Read 3rd time; CS passed; YEAS 116, NAYS 0

CS/CS/HB 607 — Temporarily postponed, on 2nd Reading

CS/HB 611 — Read 2nd time; Read 3rd time; CS passed; YEAS 76, NAYS 36

CS/CS/CS/HB 613 — Read 2nd time; Placed on 3rd reading

CS/CS/HB 621 — Read 2nd time; Placed on 3rd reading

HB 631 — Temporarily postponed, on 2nd Reading

CS/CS/HB 665 — Temporarily postponed, on 2nd Reading

CS/HB 715 — Read 2nd time; Read 3rd time; CS passed; YEAS 117, NAYS 0

CS/HB 761 — Read 2nd time; Placed on 3rd reading

CS/CS/HB 885 — Read 2nd time; Amendment 718117 adopted; Read 3rd time; CS passed as amended; YEAS 114, NAYS 0

CS/CS/HB 975 — Read 2nd time; Amendment 583751 adopted; Read 3rd time; CS passed as amended; YEAS 116, NAYS 0

CS/CS/CS/HB 989 — Read 2nd time; Amendment 009191 adopted; Amendment 530611 adopted; Placed on 3rd reading

CS/HB 991 — Temporarily postponed, on 2nd Reading

CS/CS/HB 1007 — Read 2nd time; Placed on 3rd reading

CS/CS/CS/HB 1021 — Read 2nd time; Amendment 040795 adopted; Amendment 119199 adopted as amended; Placed on 3rd reading

CS/CS/CS/HB 1029 — Read 2nd time; Read 3rd time; CS passed; YEAS 116, NAYS 0

CS/CS/HB 1051 — Temporarily postponed, on 2nd Reading

CS/CS/HB 1063 — Read 2nd time; Amendment 584941 adopted; Read 3rd time; CS passed as amended; YEAS 114, NAYS 1

CS/CS/CS/HB 1065 — Read 2nd time; Read 3rd time; CS passed; YEAS 116, NAYS 0

CS/CS/HB 1077 — Read 2nd time; Amendment 652249 adopted; Placed on 3rd reading

CS/CS/CS/HB 1083 — Read 2nd time; Amendment 256807 adopted; Placed on 3rd reading

CS/CS/HB 1133 — Read 2nd time; Read 3rd time; CS passed; YEAS 109, NAYS 0

CS/CS/HB 1195 — Temporarily postponed, on 2nd Reading; Read 2nd time; Amendment 907897 adopted; Placed on 3rd reading

HB 1223 — Read 2nd time; Amendment 875043 Failed; Amendment 046825 Failed; Placed on 3rd reading

CS/CS/HB 1241 — Read 2nd time; Read 3rd time; CS passed; YEAS 111, NAYS 0

CS/HB 1291 — Read 2nd time; Amendment 070441 Failed; Amendment 927129 Failed; Amendment 862751 Failed; Amendment 487835 Failed; Amendment 258727 Failed; Placed on 3rd reading

CS/CS/HB 1337 — Read 2nd time; Read 3rd time; CS passed; YEAS 110, NAYS 0

CS for SB 1350 — Temporarily postponed, on 2nd Reading; Substituted for CS/HB 1517; Read 2nd time; Read 3rd time; CS passed; YEAS 114, NAYS 0

CS/CS/HB 1363 — Read 2nd time; Placed on 3rd reading

CS/CS/HB 1365 — Read 2nd time; Amendment 127573 Failed; Amendment 961175 Failed; Amendment 913847 Failed; Amendment 632725 Failed; Amendment 495667 Failed; Amendment 776855 Failed; Amendment 178341 Failed; Amendment 055905 adopted; Placed on 3rd reading

CS/CS/HB 1503 — Read 2nd time; Amendment 681737 adopted; Placed on 3rd reading

CS/CS/HB 1509 — Read 2nd time; Read 3rd time; CS passed; YEAS 111, NAYS 0

CS/HB 1517 — Temporarily postponed, on 2nd Reading; Substituted CS/SB 1350; Laid on Table, refer to CS/SB 1350

CS/HB 1541 — Read 2nd time; Amendment 619985 adopted; Placed on 3rd reading

CS/HB 1545 — Read 2nd time; Placed on 3rd reading

CS/HB 1561 — Read 2nd time; Placed on 3rd reading

HB 1615 — Read 2nd time; Placed on 3rd reading

CS/CS/HB 1639 — Read 2nd time; Amendment 755937 Failed; Amendment 980525 Failed; Amendment 037901 Failed; Amendment 135825 Failed; Amendment 901105 Failed; Placed on 3rd reading

CS/CS/HB 1645 — Read 2nd time; Amendment 794403 adopted; Amendment 353313 adopted; Amendment 522597 adopted; Placed on 3rd reading

CS/CS/HB 1647 — Temporarily postponed, on 2nd Reading

CS/HB 1653 — Read 2nd time; Placed on 3rd reading

CS for SB 7004 — Substituted for CS/HB 7025; Read 2nd time; Amendment 471783 adopted; Read 3rd time; CS passed as amended; YEAS 117, NAYS 0

CS/HB 7025 — Substituted CS/SB 7004; Laid on Table, refer to CS/SB 7004

HB 7043 — Read 2nd time; Read 3rd time; Passed; YEAS 114, NAYS 0

CS/HB 7049 — Temporarily postponed, on 2nd Reading; Read 2nd time; Read 3rd time; CS passed; YEAS 114, NAYS 0

CS/HB 7073 — Read 2nd time; Amendment 346991 Failed; Amendment 765439 Failed; Amendment 328313 Failed; Amendment 164711 Failed; Amendment 305937 Failed; Amendment 122247 Failed; Placed on 3rd reading

HJR 7075 — Read 2nd time; Read 3rd time; Passed; YEAS 88, NAYS 23

HB 7077 — Read 2nd time; Read 3rd time; Passed; YEAS 88, NAYS 25

JOURNAL OF THE HOUSE OF REPRESENTATIVES

DAILY INDICES FOR

February 29, 2024

NUMERIC INDEX

JOURNAL OF THE HOUSE OF REPRESENTATIVES

SUBJECT INDEX