The Journal OF THE House of Representatives

Number 36 **Thursday, March 7, 2024**

The House was called to order by the Speaker at 10:30 a.m.

Prayer

The following prayer was offered by Pastor Clint Ellis of Fellowship Baptist Church of Tallahassee, upon invitation of Rep. Payne:

Heavenly Father, we thank You for this great and glorious day You have given to us.

We thank You for this legislative body and the men and women You have raised up to provide for and lead this great state of Florida.

Lord, I ask for them this day, as they decide on important issues for our citizens, that You would grant them courage, wisdom, and guidance. We request that Your will will be done in these Chambers and throughout the seat of government.

Lord, be glorified in everything that is said and done here.

In the precious name of the one who's name is above every name, and to whom every knee will bow, we pray. Amen.

Moment of Silence

The Speaker recognized Speaker *pro tempore* Clemons to offer a moment of silence at the request of the following member:

On behalf of Rep. Altman, the House honored Jerry Sansom, who passed away on March 6, 2024. For over 40 years, Mr. Sansom worked as a government affairs consultant for a diverse range of clients, including many municipalities in Brevard County where he lived, and entities in the aviation and aerospace industries. He was the husband of former Florida House of Representatives member Dixie Newton Sansom.

The following members were recorded present:

Session Vote Sequence: 939

Speaker Renner in the Chair.

Yeas—114

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

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: Sutton B. Shanahan of Naples at the invitation of Rep. Caruso; Johnieann M. Smith of Fort Myers at the invitation of Rep. Persons-Mulicka; and Nathaniel L. Takacs of Tallahassee at the invitation of the Speaker.

House Physician

The Speaker introduced Dr. Marta Olenderek of Orlando, who served in the Clinic today upon invitation of Rep. Eskamani.

Law Enforcement Officer of the Day

The Speaker introduced Deputy Charlie Clemons of the Alachua County Sheriff's Office as the Law Enforcement Officer of the Day at the invitation of the Speaker *pro tempore*.

After deciding to make a career change, Deputy Clemons received his certification from Santa Fe College Institute of Public Safety and joined the Alachua County Sheriff's Office as a certified law enforcement officer in 2020. He currently serves in the Detention Unit. Deputy Clemons followed in the footsteps of two uncles and a cousin to join the ranks of public servant. He is the son of Speaker *pro tempore* Clemons.

Correction of the *Journal*

The *Journal* of March 6, 2024, was corrected and approved as corrected.

Messages from the Senate

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 917, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/CS/HB 917—A bill to be entitled An act relating to career and technical education; amending s. 14.36, F.S.; revising the duties of the Office of Reimagining Education and Career Help; requiring the office, in coordination with specified entities, to publish and disseminate specified career and technical education information and specified needs for the state's health care workforce by specified dates; amending s. 446.021, F.S.; revising the definition of the term "journeyworker"; amending s. 450.061, F.S.; providing an exemption for minors to work in specified conditions; amending ss. 489.1455 and 489.5335, F.S.; authorizing counties and municipalities to recognize certain persons as journeymen for specified occupations if such persons meet specified criteria; deleting provisions authorizing a local government to charge a specified registration fee; requiring counties and municipalities to recognize certain licensed persons as journeymen for specified occupation; amending s. 1001.43, F.S.; providing an alternative to career fairs through other career and industry networking opportunities; amending s. 1003.41, F.S.; revising a list of individuals who are required to review and comment on certain revisions to the state academic standards; amending s. 1003.4282, F.S.; revising conditions under which a student may use certain credits to satisfy specific high school graduation requirements; requiring the Department of Education to convene a workgroup by a specified date for specified purposes; amending s. 1003.493, F.S.; providing requirements for the distribution of funding for certain apprenticeship programs; providing local education agency and Department of Education requirements relating to such funding; providing reporting requirements; repealing s. 1004.015, F.S., relating to the Florida Talent Development Council; amending s. 1004.91, F.S.; authorizing certain students to be exempt from completing an entry-level examination; amending ss. 1001.02, 1001.706, 1004.6495, and 1009.8962, F.S.; conforming provisions to changes made by the act; providing an effective date.

(Amendment Bar Code: 673320)

Senate Amendment 1 (with title amendment)—
Delete lines 426 - 483.

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:
Delete lines 31 - 36
and insert:
purposes; repealing s. 1004.015, F.S.,

On motion by Rep. Snyder, the House concurred in **Senate Amendment 1 (673320)**.

The question recurred on passage of **CS/CS/HB 917**, as amended. The vote was:

Session Vote Sequence: 940

Speaker Renner in the Chair.

Yeas—105

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

Nays—3

Chambliss	Nixon	Valdés

Votes after roll call:
Yeas—Tuck, Waldron
Nays—Eskamani, Hinson, Joseph
Yeas to Nays—Arrington, Bartleman, Bracy Davis, Campbell, Daley, Driskell, Franklin, Gantt, Harris, Hart, Hunschofsky, Keen, Woodson

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1285, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/CS/HB 1285—A bill to be entitled An act relating to education; amending ss. 192.0105, 192.048, and 196.082, F.S.; conforming cross-references; amending s. 196.011, F.S.; providing that an annual application for exemption on property used to house a charter school is not necessary; requiring the owner or lessee of such property to notify the property appraiser in specified circumstances; providing penalties; amending s. 1002.33, F.S.; authorizing charter schools to give enrollment preference to certain transfer students; defining the term "classical school"; revising the definition of the term "charter school personnel"; amending s. 1002.45, F.S.; providing approved virtual instruction program provider, virtual charter school, and school district responsibilities relating to statewide assessments and progress monitoring for certain students; creating s. 1003.052, F.S.; establishing the Purple Star School District Program; providing requirements for such program; authorizing the Department of Education to establish additional program criteria; authorizing the State Board of Education to adopt rules; amending s. 1003.451, F.S.; requiring school districts and charter schools to provide certain students with an opportunity to take the Armed Services Vocational Aptitude Battery Test and consult with a military recruiter; providing requirements for the scheduling of such test; amending s. 1003.53, F.S.; revising requirements for the assignment of students to disciplinary programs and alternative school settings or other programs; revising requirements for dropout prevention and academic intervention programs; requiring such programs to include academic intervention plans for students; providing requirements for such plans; providing that specified provisions apply to all dropout prevention and academic intervention programs; requiring school principals or their designees to make a reasonable effort to notify parents by specified means and to document such effort; creating s. 1004.051, F.S.; prohibiting a public postsecondary institution from implicitly or explicitly prohibiting specified students from being employed; providing nonapplicability; amending s. 1006.28, F.S.; authorizing school districts to assess a processing fee for certain objections to materials; requiring school

districts to discontinue use of certain instructional materials in the school district; amending s. 1006.38, F.S.; requiring instructional materials publishers and manufacturers or their representatives to make sample copies of specified instructional materials available electronically for use by certain institutes for a specified purpose; amending s. 1007.25, F.S.; creating associate in arts specialized transfer degrees; providing requirements for such degrees; providing a process for the approval of such degree programs; providing for rulemaking; amending s. 1007.271, F.S.; requiring district school boards to make reasonable efforts to enter into specified agreements with a Florida College System institution for certain online courses; amending s. 1008.33, F.S.; revising the date by which a memorandum of understanding relating to schools in turnaround status must be provided to the department; revising requirements for district-managed turnaround plans; providing requirements for turnaround schools that close and reopen as charter schools and school districts in which such schools reside; providing that specified provisions do not apply to certain turnaround schools; requiring the state board to adopt rules for a charter school turnaround contract and specified leases and agreements; amending s. 1008.34, F.S.; requiring changes to the school grades model or school grading scale to take effect after a specified period of time; amending s. 1009.21, F.S.; providing that a specified document is a single, conclusive piece of evidence to prove residency for tuition purposes; amending s. 1009.98, F.S.; revising the definition of the term "tuition differential"; revising provisions relating to certain payments by the Florida Prepaid College Board; amending s. 1012.55, F.S.; requiring the state board to adopt rules for the issuance of a classical education teaching certificate; providing requirements for such certificate; defining the term "classical school"; amending s. 1012.79, F.S.; authorizing the Commissioner of Education to appoint an executive director of the Education Practices Commission; revising the purpose of the commission; authorizing the commission to expend funds for legal services; repealing s. 1012.86, F.S., relating to the Florida College System institution employment equity accountability program; amending ss. 1001.64 and 1001.65, F.S.; conforming provisions to changes made by the act; providing an effective date.

(Amendment Bar Code: 155292)

Senate Amendment 1 (with title amendment)—

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (f) of subsection (1) and paragraphs (b) and (c) of subsection (2) of section 192.0105, Florida Statutes, are amended to read:

192.0105 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights for property taxes and assessments to guarantee that the rights, privacy, and property of the taxpayers of this state are adequately safeguarded and protected during tax levy, assessment, collection, and enforcement processes administered under the revenue laws of this state. The Taxpayer's Bill of Rights compiles, in one document, brief but comprehensive statements that summarize the rights and obligations of the property appraisers, tax collectors, clerks of the court, local governing boards, the Department of Revenue, and taxpayers. Additional rights afforded to payors of taxes and assessments imposed under the revenue laws of this state are provided in s. 213.015. The rights afforded taxpayers to assure that their privacy and property are safeguarded and protected during tax levy, assessment, and collection are available only insofar as they are implemented in other parts of the Florida Statutes or rules of the Department of Revenue. The rights so guaranteed to state taxpayers in the Florida Statutes and the departmental rules include:

(1) THE RIGHT TO KNOW.—

(f) The right of an exemption recipient to be sent a renewal application for that exemption, the right to a receipt for homestead exemption claim when filed, and the right to notice of denial of the exemption (see ss. 196.011(7), 196.131(1), 196.151, and 196.193(1)(c) and (5) ~~196.011(6), 196.131(1), 196.151, and 196.193(1)(c) and (5)~~).

Notwithstanding the right to information contained in this subsection, under s. 197.122 property owners are held to know that property taxes are due and payable annually and are charged with a duty to ascertain the amount of current and delinquent taxes and obtain the necessary information from the applicable governmental officials.

(2) THE RIGHT TO DUE PROCESS.—

(b) The right to petition the value adjustment board over objections to assessments, denial of exemption, denial of agricultural classification, denial of historic classification, denial of high-water recharge classification, disapproval of tax deferral, and any penalties on deferred taxes imposed for incorrect information willfully filed. Payment of estimated taxes does not preclude the right of the taxpayer to challenge his or her assessment (see ss. 194.011(3), 196.011(7) and (10)(a), 196.151, 196.193(1)(c) and (5), 193.461(2), 193.503(7), 193.625(2), 197.2425, 197.301(2), and 197.2301(11) ~~ss. 194.011(3), 196.011(6) and (9)(a), 196.151, 196.193(1)(c) and (5), 193.461(2), 193.503(7), 193.625(2), 197.2425, 197.301(2), and 197.2301(11)~~).

(c) The right to file a petition for exemption or agricultural classification with the value adjustment board when an application deadline is missed, upon demonstration of particular extenuating circumstances for filing late (see ss. 193.461(3)(a) and 196.011(1), (8), (9), and (10)(e) ~~ss. 193.461(3)(a) and 196.011(1), (7), (8), and (9)(e)~~).

Section 2. Paragraphs (b), (c), and (d) of subsection (1) of section 192.048, Florida Statutes, are amended to read:

192.048 Electronic transmission.—

(1) Subject to subsection (2), the following documents may be transmitted electronically rather than by regular mail:

(b) The tax exemption renewal application required under s. 196.011(7)(a) ~~s. 196.011(6)(a)~~.

(c) The tax exemption renewal application required under s. 196.011(7)(b) ~~s. 196.011(6)(b)~~.

(d) A notification of an intent to deny a tax exemption required under s. 196.011(10)(e) ~~s. 196.011(9)(c)~~.

Section 3. Subsections (3) and (4) of section 196.082, Florida Statutes, are amended to read:

196.082 Discounts for disabled veterans; surviving spouse carryover.—

(3) If the partially or totally and permanently disabled veteran predeceases his or her spouse and if, upon the death of the veteran, the spouse holds the legal or beneficial title to the homestead and permanently resides thereon as specified in s. 196.031, the discount from ad valorem tax that the veteran received carries over to the benefit of the veteran's spouse until such time as he or she remarries or sells or otherwise disposes of the property. If the spouse sells or otherwise disposes of the property, a discount not to exceed the dollar amount granted from the most recent ad valorem tax roll may be transferred to his or her new residence, as long as it is used as his or her primary residence and he or she does not remarry. An applicant who is qualified to receive a discount under this section and who fails to file an application by March 1 may file an application for the discount and may file a petition pursuant to s. 194.011(3) with the value adjustment board requesting that the discount be granted. Such application and petition shall be subject to the same procedures as for exemptions set forth in s. 196.011(9) ~~s. 196.011(8)~~.

(4) To qualify for the discount granted under this section, an applicant must submit to the county property appraiser by March 1:

(a) An official letter from the United States Department of Veterans Affairs which states the percentage of the veteran's service-connected disability and evidence that reasonably identifies the disability as combat-related;

(b) A copy of the veteran's honorable discharge; and

(c) Proof of age as of January 1 of the year to which the discount will apply.

Any applicant who is qualified to receive a discount under this section and who fails to file an application by March 1 may file an application for the discount and may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the discount be granted. Such application and petition shall be subject to the same procedures as for exemptions set forth in s. 196.011(9) ~~s. 196.011(8)~~.

Section 4. Present subsections (5) through (12) of section 196.011, Florida Statutes, are redesignated as subsections (6) through (13), respectively, a new subsection (5) is added to that section, and subsection (1) and present subsections (10) and (11) of that section are amended, to read:

196.011 Annual application required for exemption.—

(1)(a) Except as provided in s. 196.081(1)(b), every person or organization who, on January 1, has the legal title to real or personal property, except inventory, which is entitled by law to exemption from taxation as a result of its ownership and use shall, on or before March 1 of each year, file an application for exemption with the county property appraiser, listing and describing the property for which exemption is claimed and certifying its ownership and use. The Department of Revenue shall prescribe the forms upon which the application is made. Failure to make application, when required, on or before March 1 of any year shall constitute a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (9) ~~(8)~~.

(b) The form to apply for an exemption under s. 196.031, s. 196.081, s. 196.091, s. 196.101, s. 196.102, s. 196.173, or s. 196.202 must include a space for the applicant to list the social security number of the applicant and of the applicant's spouse, if any. If an applicant files a timely and otherwise complete application, and omits the required social security numbers, the application is incomplete. In that event, the property appraiser shall contact the applicant, who may refile a complete application by April 1. Failure to file a complete application by that date constitutes a waiver of the exemption privilege for that year, except as provided in subsection (7) or subsection (9) ~~(8)~~.

(5) It is not necessary to make annual application for exemption on property used to house a charter school pursuant to s. 196.1983. The owner or lessee of any property used to house a charter school pursuant to s. 196.1983 who is not required to file an annual application shall notify the property appraiser promptly whenever the use of the property or the status or condition of the owner or lessee changes so as to change the exempt status of the property. If any owner or lessee fails to so notify the property appraiser and the property appraiser determines that for any year within the prior 10 years the owner or lessee was not entitled to receive such exemption, the owner or lessee of the property is subject to the taxes exempted as a result of such failure plus 15 percent interest per annum and a penalty of 50 percent of the taxes exempted. The property appraiser making such determination shall record in the public records of the county a notice of tax lien against any property owned by that person or entity in the county, and such property must be identified in the notice of tax lien. Such property is subject to the payment of all taxes and penalties. Such lien when filed shall attach to any property, identified in the notice of tax lien, owned by the person or entity who illegally or improperly received the exemption. If such person or entity no longer owns property in that county but owns property in some other county or counties in the state, the property appraiser shall record a notice of tax lien in such other county or counties, identifying the property owned by such person or entity in such county or counties, and it shall become a lien against such property in such county or counties.

(11)~~(10)~~ At the option of the property appraiser and notwithstanding any other provision of this section, initial or original applications for homestead exemption for the succeeding year may be accepted and granted after March 1. Reapplication on a short form as authorized by subsection (6) ~~(5)~~ shall be required if the county has not waived the requirement of an annual application. Once the initial or original application and reapplication have been granted, the property may qualify for the exemption in each succeeding year pursuant to the provisions of subsection (7) ~~(6)~~ or subsection (10) ~~(9)~~.

(12)~~(11)~~ For exemptions enumerated in paragraph (1)(b), social security numbers of the applicant and the applicant's spouse, if any, are required and must be submitted to the department. Applications filed pursuant to subsection (6) ~~(5)~~ or subsection (7) ~~(6)~~ shall include social security numbers of the applicant and the applicant's spouse, if any. For counties where the annual application requirement has been waived, property appraisers may require refiling of an application to obtain such information.

Section 5. Section 288.036, Florida Statutes, is created to read:

288.036 Ocean economy development.—

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

(a) "Ocean economy" means the economic uses of ocean and coastal resources with a focus on sustainable practices that benefit the long-term outlook of relevant industry sectors and the competitive positioning of the state in a global economy, including, but not limited to, ocean industries, such as shipyards, marinas, marine terminals, piers, fishing, aquaculture, seafood processing, commercial diving, and marine transportation; floating and amphibious housing; tourism; and outdoor recreational activities, including, but not limited to, boating and industry sectors dependent on such activities.

(b) "Office" means the Office of Ocean Economy.

(2) The Office of Ocean Economy is created within the State University System to be housed at Florida Atlantic University. The office is created to connect the state's ocean and coastal resources to economic development strategies that grow, enhance, or contribute to the ocean economy.

(3) The Office of Ocean Economy shall:

(a) Develop and undertake activities and strategies with a focus on research and development, technological innovation, emerging industries, strategic business recruitment, public and private funding opportunities, and workforce training and education to promote and stimulate the ocean economy.

(b)1. Foster relationships and coordinate with state universities, private universities, and Florida College System institutions, including periodically surveying the development of academic research relating to the ocean economy across all disciplines and facilitating the transfer of innovative technology into marketable goods and services. The office shall encourage collaboration between state universities and Florida College System institutions that have overlapping areas of academic research.

2. Include and update on the office's website information related to:

a. An inventory of current research and current collaborations, including contact information; and

b. Any available resources for research and technology development, including financial opportunities.

(c) Collaborate with relevant industries to identify economic challenges that may be solved through innovation in the ocean economy, including commercializing or otherwise facilitating public access to academic research and resources, removing governmental barriers, and maximizing access to financial or other opportunities for growth and development.

(d) Develop and facilitate a pipeline for innovative ideas and strategies to be created, developed, researched, commercialized, and financed. This includes promotion and coordination of industry collaboration, academic research, accelerator programs, training and technical assistance, and startup or second-stage funding opportunities.

(e) Maintain and update on the office's website reports and data on the number, growth, and average wages of jobs included in the ocean economy; the impacts on the number, growth, and development of businesses in the ocean economy; and the collaboration, transition, or adoption of innovation and research into new, viable ideas employed in the ocean economy.

(f) Educate other state and local entities on the interests of the ocean economy and how such entities may positively address environmental issues while simultaneously considering the economic impact of their policies.

(g) Communicate the state's role as an integral component of the ocean economy by promoting the state on national and international platforms and other appropriate forums as the premier destination for convening on pertinent subject matters.

(4) By August 1, 2025, and each August 1 thereafter, the office shall provide to the Board of Governors, the Governor, the President of the Senate, and the Speaker of the House of Representatives and post on its website a detailed report demonstrating the economic benefits of the office and the development of emerging ocean economy industries.

Section 6. Subsection (3) of section 1001.61, Florida Statutes, is amended to read:

1001.61 Florida College System institution boards of trustees; membership.—

(3) Members of the board of trustees shall receive no compensation but may receive reimbursement for expenses as provided in s. 112.061. A member is subject to s. 112.313 with respect to business dealings with the institution, including any entity under the control of or established for the benefit of the institution under his or her purview while he or she is a member of that institution's board of trustees.

Section 7. Subsection (2) of section 1001.71, Florida Statutes, is amended to read:

1001.71 University boards of trustees; membership.—

(2) Members of the boards of trustees shall receive no compensation but may be reimbursed for travel and per diem expenses as provided in s. 112.061. A member is subject to s. 112.313 with respect to business dealings with the university, including any entity under the control of or established for the benefit of the state university under his or her purview while he or she is a member of that state university's board of trustees.

Section 8. Paragraphs (d) and (e) of subsection (10) and paragraph (a) of subsection (24) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(10) ELIGIBLE STUDENTS.—

(d) A charter school may give enrollment preference to the following student populations:

1. Students who are siblings of a student enrolled in the charter school.

2. Students who are the children of a member of the governing board of the charter school.

3. Students who are the children of an employee of the charter school.

4. Students who are the children of:

a. An employee of the business partner of a charter school-in-the-workplace established under paragraph (15)(b) or a resident of the municipality in which such charter school is located; or

b. A resident or employee of a municipality that operates a charter school-in-a-municipality pursuant to paragraph (15)(c) or allows a charter school to use a school facility or portion of land provided by the municipality for the operation of the charter school.

5. Students who have successfully completed, during the previous year, a voluntary prekindergarten education program under ss. 1002.51-1002.79 provided by the charter school, the charter school's governing board, or a voluntary prekindergarten provider that has a written agreement with the governing board.

6. Students who are the children of an active duty member of any branch of the United States Armed Forces.

7. Students who attended or are assigned to failing schools pursuant to s. 1002.38(2).

8. Students who are the children of a safe-school officer, as defined in s. 1006.12, at the school.

9. Students who transfer from a classical school in this state to a charter classical school in this state. For purposes of this subparagraph, the term "classical school" means a traditional public school or charter school that implements a classical education model that emphasizes the development of students in the principles of moral character and civic virtue through a well-rounded education in the liberal arts and sciences which is based on the classical trivium stages of grammar, logic, and rhetoric.

(e) A charter school may limit the enrollment process only to target the following student populations:

1. Students within specific age groups or grade levels.

2. Students considered at risk of dropping out of school or academic failure. Such students shall include exceptional education students.

3. Students enrolling in a charter school-in-the-workplace or charter school-in-a-municipality established pursuant to subsection (15).

4. Students residing within a reasonable distance of the charter school, as described in paragraph (20)(c). Such students shall be subject to a random lottery and to the racial/ethnic balance provisions described in subparagraph (7)(a)8. or any federal provisions that require a school to achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other nearby public schools.

5. Students who meet reasonable academic, artistic, or other eligibility standards established by the charter school and included in the charter school application and charter or, in the case of existing charter schools, standards that are consistent with the school's mission and purpose. Such standards shall be in accordance with current state law and practice in public schools and may not discriminate against otherwise qualified individuals. A school that limits enrollment for such purposes must place a student on a progress monitoring plan for at least one semester before dismissing such student from the school.

6. Students articulating from one charter school to another pursuant to an articulation agreement between the charter schools that has been approved by the sponsor.

7. Students living in a development, or students whose parent or legal guardian maintains a physical or permanent employment presence within the development, in which a developer, including any affiliated business entity or charitable foundation, contributes to the formation, acquisition, construction, or operation of one or more charter schools or charter school facilities and related property in an amount equal to or having a total appraised value of at least $5 million to be used as charter schools to mitigate the educational impact created by the development of new residential dwelling units. Students living in the development are entitled to 50 percent of the student stations in the charter schools. The students who are eligible for enrollment are subject to a random lottery, the racial/ethnic balance provisions, or any federal provisions, as described in subparagraph 4. The remainder of the student stations must be filled in accordance with subparagraph 4.

8. Students whose parent or legal guardian is employed within a reasonable distance of the charter school, as described in paragraph (20)(c). The students who are eligible for enrollment are subject to a random lottery.

(24) RESTRICTION ON EMPLOYMENT OF RELATIVES.—

(a) This subsection applies to charter school personnel in a charter school operated by a private entity. As used in this subsection, the term:

1. "Charter school personnel" means a ~~charter school owner,~~ president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority and in whom is vested the authority, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in a charter school, including the authority as a member of a governing body of a charter school to vote on the appointment, employment, promotion, or advancement of individuals.

2. "Relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Charter school personnel in schools operated by a municipality or other public entity are subject to s. 112.3135.

Section 9. Subsection (19) is added to s. 1002.42, Florida Statutes, to read:

1002.42 Private schools.—

(19) FACILITIES.—

(a) A private school may use facilities on property owned or leased by a library, community service organization, museum, performing arts venue, theatre, cinema, or church facility under s. 170.201, which is or was actively used as such within 5 years of any executed agreement with a private school to use the facilities; any facility or land owned by a Florida College System institution or university; any similar public institutional facilities; and any facility recently used to house a school or child care facility licensed under s. 402.305, under any such facility's preexisting zoning and land use designations without rezoning or obtaining a special exception or a land use change, and without complying with any mitigation requirements or conditions. The facility must be located on property used solely for purposes described in this paragraph, and must meet applicable state and local health, safety, and welfare laws, codes, and rules, including firesafety and building safety.

(b) A private school may use facilities on property purchased from a library, community service organization, museum, performing arts venue, theatre, cinema, or church facility under s. 170.201, which is actively or was actively used as such within 5 years of any executed agreement with a private school to purchase the facilities; any facility or land owned by a Florida College System institution or university; any similar public institutional facilities; and any facility recently used to house a school or child care facility licensed under s. 402.305, under any such facility's preexisting zoning and land use designations without obtaining a special exception, rezoning, or a land use change, and without complying with any mitigation requirements or conditions. The facility must be located on property used solely for purposes described in this paragraph, and must meet applicable

state and local health, safety, and welfare laws, codes, and rules, including firesafety and building safety.

Section 10. Paragraph (b) of subsection (5) of section 1002.45, Florida Statutes, is amended to read:

1002.45 Virtual instruction programs.—

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

(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 under ~~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. It is the responsibility of the approved virtual instruction program provider or virtual charter school to provide a list of students to be administered statewide assessments and progress monitoring to the school district, including the students' names, Florida Education Identifiers, grade levels, assessments and progress monitoring to be administered, and contact information. Unless an alternative testing site is mutually agreed to by the approved virtual instruction program provider or virtual charter school and the school district, or as specified in the contract under s. 1008.24, all assessments and progress monitoring must be taken at the school to which the student would be assigned according to district school board attendance policies. A school district must provide the student with access to the school's or district's testing facilities and provide the student with the date and time of the administration of each assessment and progress monitoring.

Section 11. Section 1003.052, Florida Statutes, is created to read:

1003.052 The Purple Star School District Program.—

(1)(a) The Department of Education shall establish the Purple Star School District Program. At a minimum, the program must require a participating school district to:

1. Have at least 75 percent of the schools within the district be designated as Purple Star Campuses under s. 1003.051.

2. Maintain a web page on the district's website which includes resources for military students and their families and a link to each Purple Star Campus's web page that meets the requirements of s. 1003.051(2)(a)2.

(b) The department may establish additional program criteria to identify school districts that demonstrate a commitment to or provide critical coordination of services for military students and their families, including, but not limited to, establishing a council consisting of a representative from each Purple Star Campus in the district and one district-level representative to ensure the alignment of military student-focused policies and procedures within the district.

(2) The State Board of Education may adopt rules to administer this section.

Section 12. Present subsection (4) of section 1003.451, Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

1003.451 Junior Reserve Officers' Training Corps; military recruiters; access to public school campuses; Armed Services Vocational Aptitude Battery (ASVAB).—

(4) Each school district and charter school shall provide students in grades 11 and 12 an opportunity to take the Armed Services Vocational Aptitude Battery (ASVAB) and consult with a military recruiter if the student selects. To optimize student participation, the ASVAB must be scheduled during normal school hours.

Section 13. Paragraphs (a) and (c) of subsection (1), paragraph (a) of subsection (2), and subsections (3) through (7) of section 1003.53, Florida Statutes, are amended, and paragraph (c) is added to subsection (2) of that section, to read:

1003.53 Dropout prevention and academic intervention.—

(1)(a) Dropout prevention and academic intervention programs may differ from traditional educational programs and schools in scheduling, administrative structure, philosophy, curriculum, or setting and shall employ alternative teaching methodologies, curricula, learning activities, and diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. The educational program shall provide curricula, character development and law education, and related services that support the program goals and lead to improved performance in the areas of academic achievement, attendance, and discipline. Student participation in such programs shall be voluntary. District school boards may, however, assign students to a disciplinary program for disruptive students or an alternative school setting or other program pursuant to s. 1006.13. Notwithstanding any other provision of law to the contrary, no student shall be identified as being eligible to receive services ~~funded~~ through the dropout prevention and academic intervention program based solely on the student being from a single-parent family or having a disability.

(c) A student shall be identified as being eligible to receive services ~~funded~~ through the dropout prevention and academic intervention program based upon one of the following criteria:

1. The student is academically unsuccessful as evidenced by low test scores, retention, failing grades, low grade point average, falling behind in earning credits, or not meeting the state or district achievement levels in reading, mathematics, or writing.

2. The student has a pattern of excessive absenteeism or has been identified as a habitual truant.

3. The student has a history of disruptive behavior in school or has committed an offense that warrants out-of-school suspension or expulsion from school according to the district school board's code of student conduct. For the purposes of this program, "disruptive behavior" is behavior that:

a. Interferes with the student's own learning or the educational process of others and requires attention and assistance beyond that which the traditional program can provide or results in frequent conflicts of a disruptive nature while the student is under the jurisdiction of the school either in or out of the classroom; or

b. Severely threatens the general welfare of students or others with whom the student comes into contact.

4. The student is identified by a school's early warning system pursuant to s. 1001.42(18)(b).

(2)(a) Each district school board may establish dropout prevention and academic intervention programs at the elementary, middle, junior high school, or high school level. Programs designed to eliminate patterns of excessive absenteeism or habitual truancy shall emphasize academic performance and may provide specific instruction in the areas of career education, preemployment training, and behavioral management. Such programs shall utilize instructional teaching methods and student services that lead to improved student behavior as appropriate to the specific needs of the student.

(c) For each student enrolled in a dropout prevention and academic intervention program, an academic intervention plan shall be developed to address eligibility for placement in the program and to provide individualized student goals and progress monitoring procedures. A student's academic intervention plan must be consistent with the student's individual education plan (IEP).

(3) Each district school board providing ~~receiving state funding for~~ dropout prevention and academic intervention programs ~~through the General Appropriations Act~~ shall submit information through an annual report to the Department of Education's database documenting the extent to which each of the district's dropout prevention and academic intervention programs has been successful in the areas of graduation rate, dropout rate, attendance rate, and retention/promotion rate. The department shall compile this information into an annual report which shall be submitted to the presiding officers of the Legislature by February 15.

(4) Each district school board shall establish course standards, as defined by rule of the State Board of Education, for dropout prevention and academic intervention programs and procedures for ensuring that teachers assigned to the programs are certified pursuant to s. 1012.55 and possess the affective, pedagogical, and content-related skills necessary to meet the needs of these students.

(5) Each district school board providing a dropout prevention and academic intervention program pursuant to this section shall maintain for each participating student records documenting the student's eligibility, the

length of participation, the type of program to which the student was assigned or the type of academic intervention services provided, and an evaluation of the student's academic and behavioral performance while in the program. The school principal or his or her designee shall, prior to placement in a dropout prevention and academic intervention program or the provision of an academic service, provide written notice of placement or services by certified mail, return receipt requested, to the student's parent. The parent of the student shall sign an acknowledgment of the notice of placement or service and return the signed acknowledgment to the principal within 3 days after receipt of the notice. District school boards may adopt a policy that allows a parent to agree to an alternative method of notification. Such agreement may be made before the need for notification arises or at the time the notification becomes required. The parents of a student assigned to such a dropout prevention and academic intervention program shall be notified in writing and entitled to an administrative review of any action by school personnel relating to such placement pursuant to ~~the provisions of~~ chapter 120.

(6) District school board dropout prevention and academic intervention programs shall be coordinated with social service, law enforcement, prosecutorial, and juvenile justice agencies and juvenile assessment centers in the school district. Notwithstanding ~~the provisions of~~ s. 1002.22, these agencies are authorized to exchange information contained in student records and juvenile justice records. Such information is confidential and exempt from ~~the provisions of~~ s. 119.07(1). District school boards and other agencies receiving such information shall use the information only for official purposes connected with the certification of students for admission to and for the administration of the dropout prevention and academic intervention program, and shall maintain the confidentiality of such information unless otherwise provided by law or rule.

(7) The State Board of Education shall have the authority pursuant to ss. 120.536(1) and 120.54 to adopt rules necessary to implement ~~the provisions of~~ this section; such rules shall require the minimum amount of necessary paperwork and reporting.

Section 14. Section 1004.051, Florida Statutes, is created to read:

1004.051 Regulation of working students.—

(1) A public postsecondary institution may not, as a condition of admission to or enrollment in any of the institution's schools, colleges, or programs, prohibit an applicant or currently enrolled student from being employed, either full time or part time.

(2) This section does not apply if the applicant or currently enrolled student is employed by an organization or agency that is affiliated or associated with a foreign country of concern as defined in s. 288.860(1).

Section 15. Paragraph (a) of subsection (2) of section 1006.28, Florida Statutes, is amended to read:

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

(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:

(a) *Courses of study; adoption.*—Adopt courses of study, including instructional materials, for use in the schools of the district.

1. Each district school board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school or classroom library, or included on a reading list, whether adopted and purchased from the state-adopted instructional materials list, adopted and purchased through a district instructional materials program under s. 1006.283, or otherwise purchased or made available.

2. Each district school board must adopt a policy regarding an objection by a parent or a resident of the county to the use of a specific material, which clearly describes a process to handle all objections and provides for resolution. The objection form, as prescribed by State Board of Education rule, and the district school board's process must be easy to read and understand and be easily accessible on the homepage of the school district's website. The objection form must also identify the school district point of contact and contact information for the submission of an objection. The process must provide the parent or resident the opportunity to proffer evidence to the district school board that:

a. An instructional material does not meet the criteria of s. 1006.31(2) or s. 1006.40(3)(d) if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures under s. 1006.283(2)(b)8., 9., and 11.

b. Any material used in a classroom, made available in a school or classroom library, or included on a reading list contains content which:

(I) Is pornographic or prohibited under s. 847.012;

(II) Depicts or describes sexual conduct as defined in s. 847.001(19), unless such material is for a course required by s. 1003.46, s. 1003.42(2)(n) 1.g., or s. 1003.42(2)(n)3., or identified by State Board of Education rule;

(III) Is not suited to student needs and their ability to comprehend the material presented; or

(IV) Is inappropriate for the grade level and age group for which the material is used.

A resident of the county who is not the parent or guardian of a student with access to school district materials may not object to more than one material per month. The State Board of Education may adopt rules to implement this provision. Any material that is subject to an objection on the basis of sub-sub-subparagraph b.(I) or sub-sub-subparagraph b.(II) must be removed within 5 school days ~~of~~ after receipt of the objection and remain unavailable to students of that school until the objection is resolved. Parents shall have the right to read passages from any material that is subject to an objection. If the school board denies a parent the right to read passages due to content that meets the requirements under sub-sub-subparagraph b.(I), the school district shall discontinue the use of the material in the school district. If the district school board finds that any material meets the requirements under sub-subparagraph a. or that any other material contains prohibited content under sub-sub-subparagraph b.(I), the school district shall discontinue use of the material. If the district school board finds that any other material contains prohibited content under sub-sub-subparagraphs b.(II)-(IV), the school district shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable.

3. Each district school board must establish a process by which the parent of a public school student or a resident of the county may contest the district school board's adoption of a specific instructional material. The parent or resident must file a petition, on a form provided by the school board, within 30 calendar days after the adoption of the instructional material by the school board. The school board must make the form available to the public and publish the form on the school district's website. The form must be signed by the parent or resident, include the required contact information, and state the objection to the instructional material based on the criteria of s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days after the 30-day period has expired, the school board must, for all petitions timely received, conduct at least one open public hearing before an unbiased and qualified hearing officer. The hearing officer may not be an employee or agent of the school district. The hearing is not subject to the provisions of chapter 120; however, the hearing must provide sufficient procedural protections to allow each petitioner an adequate and fair opportunity to be heard and present evidence to the hearing officer. The school board's decision after convening a hearing is final and not subject to further petition or review.

4. Meetings of committees convened for the purpose of ranking, eliminating, or selecting instructional materials for recommendation to the district school board must be noticed and open to the public in accordance with s. 286.011. Any committees convened for such purposes must include parents of students who will have access to such materials.

5. Meetings of committees convened for the purpose of resolving an objection by a parent or resident to specific materials must be noticed and open to the public in accordance with s. 286.011. Any committees convened for such purposes must include parents of students who will have access to such materials.

6. If a parent disagrees with the determination made by the district school board on the objection to the use of a specific material, a parent may request the Commissioner of Education to appoint a special magistrate who is a

member of The Florida Bar in good standing and who has at least 5 years' experience in administrative law. The special magistrate shall determine facts relating to the school district's determination, consider information provided by the parent and the school district, and render a recommended decision for resolution to the State Board of Education within 30 days after receipt of the request by the parent. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than 7 calendar days and no more than 30 days after the date the recommended decision is transmitted. The costs of the special magistrate shall be borne by the school district. The State Board of Education shall adopt rules, including forms, necessary to implement this subparagraph.

Section 16. Present subsections (3) through (16) of section 1006.38, Florida Statutes, are redesignated as subsections (4) through (17), respectively, a new subsection (3) is added to that section, and present subsections (14) and (16) of that section are amended, to read:

1006.38 Duties, responsibilities, and requirements of instructional materials publishers and manufacturers.—This section applies to both the state and district approval processes. Publishers and manufacturers of instructional materials, or their representatives, shall:

(3) Make sample student editions of instructional materials on the commissioner's list of state-adopted instructional materials electronically available, at a discount below publisher cost, for use by teacher preparation programs and by educator preparation institutes as defined in ss. 1004.04 and 1004.85(1), respectively, for each adoption cycle, to enable educators to practice teaching with currently adopted instructional materials aligned to state academic standards.

(a) Teacher preparation programs and educator preparation institutes that use samples to practice teaching shall provide reasonable safeguards against the unauthorized use, reproduction, and distribution of the sample copies of instructional materials.

(b) Notwithstanding s. 1006.38(5), publishers may make sample student editions of adopted instructional materials available at a discounted price to teacher preparation programs and educator preparation institutes for the instructional purpose of educators practicing with current materials.

(15)~~(14)~~ Accurately and fully disclose only the names of those persons who actually authored the instructional materials. In addition to the penalties provided in subsection (17) ~~(16)~~, the commissioner may remove from the list of state-adopted instructional materials those instructional materials whose publisher or manufacturer misleads the purchaser by falsely representing genuine authorship.

(17)~~(16)~~ Upon the willful failure of the publisher or manufacturer to comply with the requirements of this section, be liable to the department in the amount of three times the total sum which the publisher or manufacturer was paid in excess of the price required under subsections ~~(5) and~~ (6) and (7) and in the amount of three times the total value of the instructional materials and services which the district school board is entitled to receive free of charge under subsection (8) ~~(7)~~.

Section 17. Subsections (9) and (12) of section 1007.25, Florida Statutes, are amended to read:

1007.25 General education courses; common prerequisites; other degree requirements.—

(9)(a) An associate in arts degree must ~~shall~~ require no more than 60 semester hours of college credit and include 36 semester hours of general education coursework. Beginning with students initially entering a Florida College System institution or state university in the 2014-2015 academic year and thereafter, coursework for an associate in arts degree must ~~shall~~ include demonstration of competency in a foreign language pursuant to s. 1007.262. Except for developmental education required pursuant to s. 1008.30, all required coursework must ~~shall~~ count toward the associate in arts degree or the baccalaureate degree.

(b) An associate in arts specialized transfer degree must include 36 semester hours of general education coursework and require 60 semester hours or more of college credit. Specialized transfer degrees are designed for Florida College System institution students who need supplemental lower-level coursework in preparation for transfer to another institution. The State Board of Education shall establish criteria for the review and approval of new specialized transfer degrees. The approval process must require:

1. A Florida College System institution to submit a notice of its intent to propose a new associate in arts specialized degree program to the Division of Florida Colleges. The notice must include the recommended credit hours, the rationale for the specialization, the demand for students entering the field, and the coursework being proposed to be included beyond the 60 semester hours required for the general transfer degree, if applicable. Notices of intent may be submitted by a Florida College System institution at any time.

2. The Division of Florida Colleges to forward the notice of intent within 10 business days after receipt to all Florida College System institutions and to the Chancellor of the State University System, who shall forward the notice to all state universities. State universities and Florida College System institutions shall have 60 days after receipt of the notice to submit comments to the proposed associate in arts specialized transfer degree.

3. After the submission of comments pursuant to subparagraph 2., the requesting Florida College System institution to submit a proposal that, at a minimum, includes:

a. Evidence that the coursework for the associate in arts specialized transfer degree includes demonstration of competency in a foreign language pursuant to s. 1007.262 and demonstration of civic literacy competency as provided in subsection (5).

b. Demonstration that all required coursework will count toward the associate in arts degree or the baccalaureate degree.

c. An analysis of demand and unmet need for students entering the specialized field of study at the baccalaureate level.

d. Justification for the program length if it exceeds 60 credit hours, including references to the common prerequisite manual or other requirements for the baccalaureate degree. This includes documentation of alignment between the exit requirements of a Florida College System institution and the admissions requirements of a baccalaureate program at a state university to which students would typically transfer.

e. Articulation agreements for graduates of the associate in arts specialized transfer degree.

f. Responses to the comments received under subparagraph 2.

(c) The Division of Florida Colleges shall review the proposal and, within 30 days after receipt, shall provide written notification to the Florida College System institution of any deficiencies and provide the institution with an opportunity to correct the deficiencies. Within 45 days after receipt of a completed proposal by the Division of Florida Colleges, the Commissioner of Education shall recommend approval or disapproval of the new specialized transfer degree to the State Board of Education. The State Board of Education shall consider the recommendation at its next meeting.

(d) Upon approval of an associate in arts specialized transfer degree by the State Board of Education, a Florida College System institution may offer the degree and shall report data on student and program performance in a manner prescribed by the Department of Education.

(e) The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to prescribe format and content requirements and submission procedures for notices of intent, proposals, and compliance reviews under this subsection.

(12) A student who received an associate in arts degree ~~for successfully completing 60 semester credit hours~~ may continue to earn additional credits at a Florida College System institution. The university must provide credit toward the student's baccalaureate degree for an additional Florida College System institution course if, according to the statewide course numbering, the Florida College System institution course is a course listed in the university catalog as required for the degree or as prerequisite to a course required for the degree. Of the courses required for the degree, at least half of the credit hours required for the degree must ~~shall~~ be achievable through courses designated as lower division, except in degree programs approved by the State Board of Education for programs offered by Florida College System institutions and by the Board of Governors for programs offered by state universities.

Section 18. Subsection (4) of section 1007.271, Florida Statutes, is amended to read:

1007.271 Dual enrollment programs.—

(4)(a) District school boards may not refuse to enter into a dual enrollment articulation agreement with a local Florida College System institution if that

Florida College System institution has the capacity to offer dual enrollment courses.

(b) District school boards must make reasonable efforts to enter into dual enrollment articulation agreements with a Florida College System institution that offers online dual enrollment courses.

Section 19. Paragraphs (b) and (c) of subsection (4) and subsection (5) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(4)

(b) Unless an additional year of implementation is provided pursuant to paragraph (a), a school that completes a plan cycle under paragraph (a) and does not improve to a grade of "C" or higher must ~~implement one of the following~~:

1. Reassign students to another school and monitor the progress of each reassigned student;

2. Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness. Upon reopening as a charter school:

a. The school district shall continue to operate the school for the following school year and, no later than October 1, execute a charter school turnaround contract that will allow the charter school an opportunity to conduct an evaluation of the educational program and personnel currently assigned to the school during the year in preparation for assuming full operational control of the school and facility by July 1. The school district may not reduce or remove resources from the school during this time.

b. The charter school operator must provide enrollment preference to students currently attending or who would have otherwise attended or been zoned for the school. The school district shall consult and negotiate with the charter school every 3 years to determine whether realignment of the attendance zone is appropriate to ensure that students residing closest to the school are provided with an enrollment preference.

c. The charter school operator must serve the existing grade levels served by the school at its current enrollment or higher, but may, at its discretion, serve additional grade levels.

d. The school district may not charge rental or leasing fees for the existing facility or for the property normally inventoried to the school. The school and the school district shall agree to reasonable maintenance provisions in order to maintain the facility in a manner similar to all other school facilities in the school district.

e. The school district may not withhold an administrative fee for the provision of services identified in s. 1002.33(20)(a); or

3. Contract with an outside entity that has a demonstrated record of effectiveness to provide turnaround services identified in state board rule, which may include school leadership, educational modalities, teacher and leadership professional development, curriculum, operation and management services, school-based administrative staffing, budgeting, scheduling, other educational service provider functions, or any combination thereof. Selection of an outside entity may include one or a combination of the following:

a. An external operator, which may be a district-managed charter school or a high-performing charter school network in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter.

b. A contractual agreement that allows for a charter school network or any of its affiliated subsidiaries to provide individualized consultancy services tailored to address the identified needs of one or more schools under this section.

A school district and outside entity under this subparagraph must enter, at minimum, a 2-year, performance-based contract. The contract must include school performance and growth metrics the outside entity must meet on an annual basis. The state board may require the school district to modify or cancel the contract.

(c) Implementation of the turnaround option is no longer required if the school improves to a grade of "C" or higher, unless the school district has already executed a charter school turnaround contract pursuant to this section.

(5) The state board shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section. The rules shall include timelines for submission of implementation plans, approval criteria for implementation plans, ~~and~~ timelines for implementing intervention and support strategies, a standard charter school turnaround contract, a standard facility lease, and a mutual management agreement. The state board shall consult with education stakeholders in developing the rules.

Section 20. Paragraph (c) of subsection (3) of section 1008.34, Florida Statutes, is amended to read:

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

(3) DESIGNATION OF SCHOOL GRADES.—

(c)1. The calculation of a school grade shall be based on the percentage of points earned from the components listed in subparagraph (b)1. and, if applicable, subparagraph (b)2. The State Board of Education shall adopt in rule a school grading scale that sets the percentage of points needed to earn each of the school grades listed in subsection (2). There shall be at least five percentage points separating the percentage thresholds needed to earn each of the school grades. The state board shall annually review the percentage of school grades of "A" and "B" for the school year to determine whether to adjust the school grading scale upward for the following school year's school grades. The first adjustment would occur no earlier than the 2023-2024 school year. An adjustment must be made if the percentage of schools earning a grade of "A" or "B" in the current year represents 75 percent or more of all graded schools within a particular school type, which consists of elementary, middle, high, and combination. The adjustment must reset the minimum required percentage of points for each grade of "A," "B," "C," or "D" at the next highest percentage ending in the numeral 5 or 0, whichever is closest to the current percentage. Annual reviews of the percentage of schools earning a grade of "A" or "B" and adjustments to the required points must be suspended when the following grading scale for a specific school type is achieved:

a. Ninety percent or more of the points for a grade of "A."

b. Eighty to eighty-nine percent of the points for a grade of "B."

c. Seventy to seventy-nine percent of the points for a grade of "C."

d. Sixty to sixty-nine percent of the points for a grade of "D."

When the state board adjusts the grading scale upward, the state board must inform the public of the degree of the adjustment and its anticipated impact on school grades. Beginning in the 2024-2025 school year, any changes made by the state board to components in the school grades model or to the school grading scale shall go into effect, at the earliest, in the following school year.

2. The calculation of school grades may not include any provision that would raise or lower the school's grade beyond the percentage of points earned. Extra weight may not be added in the calculation of any components.

Section 21. Paragraph (c) of subsection (3) of section 1009.21, Florida Statutes, is amended to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by charter technical career centers or career centers operated by school districts, in Florida College System institutions, and in state universities.

(3)

(c) Each institution of higher education shall affirmatively determine that an applicant who has been granted admission to that institution as a Florida resident meets the residency requirements of this section at the time of initial enrollment. The residency determination must be documented by the submission of written or electronic verification that includes two or more of the documents identified in this paragraph, unless the document provided is the document described in sub-subparagraph 1.f., which is deemed a single, conclusive piece of evidence proving residency. ~~No single piece of evidence shall be conclusive.~~

1. The documents must include at least one of the following:

a. A Florida voter's registration card.

b. A Florida driver license.

c. A State of Florida identification card.

d. A Florida vehicle registration.

e. Proof of a permanent home in Florida which is occupied as a primary residence by the individual or by the individual's parent if the individual is a dependent child.

f. Proof of a homestead exemption in Florida.

g. Transcripts from a Florida high school for multiple years if the Florida high school diploma or high school equivalency diploma was earned within the last 12 months.

h. Proof of permanent full-time employment in Florida for at least 30 hours per week for a 12-month period.

2. The documents may include one or more of the following:

a. A declaration of domicile in Florida.

b. A Florida professional or occupational license.

c. Florida incorporation.

d. A document evidencing family ties in Florida.

e. Proof of membership in a Florida-based charitable or professional organization.

f. Any other documentation that supports the student's request for resident status, including, but not limited to, utility bills and proof of 12 consecutive months of payments; a lease agreement and proof of 12 consecutive months of payments; or an official state, federal, or court document evidencing legal ties to Florida.

Section 22. Subsection (22) is added to section 1009.23, Florida Statutes, to read:

1009.23 Florida College System institution student fees.—

(22) Beginning with the 2024-2025 academic year, Miami Dade College, Polk State College, and Tallahassee Community College are authorized to charge an amount not to exceed $290 per credit hour for nonresident tuition and fees for distance learning. Such institutions may phase in this nonresident tuition rate by degree program.

Section 23. Paragraphs (a) through (f) of subsection (10) of section 1009.98, Florida Statutes, are amended to read:

1009.98 Stanley G. Tate Florida Prepaid College Program.—

(10) PAYMENTS ON BEHALF OF QUALIFIED BENEFICIARIES.—

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

1. "Actuarial reserve" means the amount by which the expected value of the assets exceeds the expected value of the liabilities of the trust fund.

2. "Dormitory fees" means the fees included under advance payment contracts pursuant to paragraph (2)(d).

3. "Fiscal year" means the fiscal year of the state pursuant to s. 215.01.

4. "Local fees" means the fees covered by an advance payment contract provided pursuant to subparagraph (2)(b)2.

5. "Tuition differential" means the fee covered by advance payment contracts sold pursuant to subparagraph (2)(b)3. ~~The base rate for the tuition differential fee for the 2012-2013 fiscal year is established at $37.03 per credit hour. The base rate for the tuition differential in subsequent years is the amount assessed for the tuition differential for the preceding year adjusted pursuant to subparagraph (b)2.~~

(b) Effective with the 2022-2023 ~~2009-2010~~ academic year and thereafter, and notwithstanding s. 1009.24, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract whose contract was purchased before July 1, 2034 ~~2024~~, shall be:

1. As to registration fees, if the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 5.5 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the amount assessed for registration fees in the preceding fiscal year. If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the amount assessed for registration fees in the preceding fiscal year, whichever is greater.

2. As to the tuition differential, if the actuarial reserve is less than 5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 5.5 percent above the amount assessed ~~base rate~~ for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is between 5 percent and 6 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6 percent above the amount assessed ~~base rate~~ for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is between 6 percent and 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 6.5 percent above the amount assessed ~~base rate~~ for the tuition differential fee in the preceding fiscal year. If the actuarial reserve is equal to or greater than 7.5 percent of the expected liabilities of the trust fund, the board shall pay the state universities 7 percent above the amount assessed ~~base rate~~ for the tuition differential fee in the preceding fiscal year.

3. As to local fees, the board shall pay the state universities 5 percent above the amount assessed for local fees in the preceding fiscal year.

4. As to dormitory fees, the board shall pay the state universities 6 percent above the amount assessed for dormitory fees in the preceding fiscal year.

5. Qualified beneficiaries of advance payment contracts purchased before July 1, 2007, are exempt from paying any tuition differential fee.

(c) Notwithstanding the amount assessed for registration fees, the tuition differential, or local fees, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract purchased before July 1, 2034 ~~July 1, 2024~~, may not exceed 100 percent of the amount charged by the state university for the aggregate sum of those fees.

(d) Notwithstanding the amount assessed for dormitory fees, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract purchased before July 1, 2034 ~~July 1, 2024~~, may not exceed 100 percent of the amount charged by the state university for dormitory fees.

(e) Notwithstanding the number of credit hours used by a state university to assess the amount for registration fees, tuition, tuition differential, or local fees, the amount paid by the board to any state university on behalf of a qualified beneficiary of an advance payment contract purchased before July 1, 2034 ~~July 1, 2024~~, may not exceed the number of credit hours taken by that qualified beneficiary at the state university.

(f) The board shall pay state universities the actual amount assessed in accordance with law for registration fees, the tuition differential, local fees, and dormitory fees for advance payment contracts purchased on or after July 1, 2034 ~~July 1, 2024~~.

Section 24. Subsection (5) is added to section 1012.55, Florida Statutes, to read:

1012.55 Positions for which certificates required.—

(5) Notwithstanding ss. 1012.32, 1012.55, and 1012.56, or any other provision of law or rule to the contrary, the State Board of Education shall adopt rules to allow for the issuance of a classical education teaching certificate, upon the request of a classical school, to any applicant who fulfills the requirements of s. 1012.56(2)(a)-(f) and (11) and any other criteria established by the department. Such certificate is only valid at a classical school. For the purposes of this subsection, the term "classical school" means a school that implements and provides professional learning in a classical education school model that emphasizes the development of students in the principles of moral character and civic virtue through a well-rounded education in the liberal arts and sciences that is based on the classical trivium stages of grammar, logic, and rhetoric.

Section 25. Subsection (5), paragraph (a) of subsection (6), and subsection (9) of section 1012.79, Florida Statutes, are amended to read:

1012.79 Education Practices Commission; organization.—

(5) The Commissioner of Education may, at his or her discretion, appoint and remove ~~commission, by a vote of three-fourths of the membership, shall employ~~ an executive director, who shall be exempt from career service. ~~The executive director may be dismissed by a majority vote of the membership.~~

(6)(a) The commission shall be assigned to the Department of Education for administrative and fiscal accountability purposes. The commission, in the performance of its powers and duties, may ~~shall~~ not be subject to control, supervision, or direction by the Department of Education.

(9) The commission shall make such expenditures as may be necessary in exercising its authority and powers and carrying out its duties and responsibilities, including expenditures for personal services, legal services ~~general counsel or access to counsel~~, and rent at the seat of government and

elsewhere; for books of reference, periodicals, furniture, equipment, and supplies; and for printing and binding. The expenditures of the commission shall be subject to the powers and duties of the Department of Financial Services as provided in s. 17.03.

Section 26. Section 1012.86, Florida Statutes, is repealed.

Section 27. Subsection (19) of section 1001.64, Florida Statutes, is amended to read:

1001.64 Florida College System institution boards of trustees; powers and duties.—

(19) Each board of trustees shall appoint, suspend, or remove the president of the Florida College System institution. The board of trustees may appoint a search committee. The board of trustees shall conduct annual evaluations of the president in accordance with rules of the State Board of Education and submit such evaluations to the State Board of Education for review. The evaluation must address the achievement of the performance goals established by the accountability process implemented pursuant to s. 1008.45 and the performance of the president in achieving the annual and long-term goals and objectives ~~established in the Florida College System institution's employment accountability program implemented pursuant to s. 1012.86~~.

Section 28. Subsection (22) of section 1001.65, Florida Statutes, is amended to read:

1001.65 Florida College System institution presidents; powers and duties.—The president is the chief executive officer of the Florida College System institution, shall be corporate secretary of the Florida College System institution board of trustees, and is responsible for the operation and administration of the Florida College System institution. Each Florida College System institution president shall:

~~(22) Submit an annual employment accountability plan to the Department of Education pursuant to the provisions of s. 1012.86.~~

Section 29. The Department of Education shall provide a bonus in the amount of $50 to compensate International Baccalaureate teachers for each student they teach who received a score of "C" or higher on an International Baccalaureate Theory of Knowledge subject examination. If the total amount of the bonuses is greater than the funds provided in this appropriation, each teacher's amount shall be prorated based on the number of students who earned qualifying scores in each district. These bonuses shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive. The sum of $250,000 in nonrecurring funds is appropriated to fund this section.

Section 30. This act shall take effect July 1, 2024.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to education; amending ss. 192.0105, 192.048, and 196.082, F.S.; conforming cross-references; amending s. 196.011, F.S.; providing that an annual application for exemption on property used to house a charter school is not required; requiring the owner or lessee of such property to notify the property appraiser in specified circumstances; providing penalties; creating s. 288.036, F.S.; providing definitions; creating the Office of Ocean Economy within the State University System to be housed at Florida Atlantic University; providing duties of the Office of Ocean Economy; requiring an annual report to the Board of Governors, the Governor, and the Legislature by a specified date; requiring the office to post the report on its website; amending ss. 1001.61 and 1001.71, F.S.; prohibiting members of the board of trustees of a Florida College System institution and a state university, respectively, from having business dealings with any entity under their purview during their membership; amending s. 1002.33, F.S.; providing that students who transfer from certain classical schools to certain charter classical schools may be included as a student population to whom charter schools may give enrollment preference; defining the term "classical school"; revising the list of student populations that may be targeted for enrollment by a charter school by limiting the enrollment process; revising the definition of the term "charter school personnel"; amending s. 1002.42, F.S.; authorizing private schools to use or purchase specified facilities; exempting such facilities from specified zoning or land use requirements; requiring that such facilities meet specified laws, codes, and rules; amending s. 1002.45, F.S.; providing responsibilities for approved virtual instruction program providers, virtual charter schools, and school districts relating to statewide assessments and progress monitoring for certain students; creating s. 1003.052, F.S.; establishing the Purple Star School District Program; providing requirements for such program; authorizing the Department of Education to establish additional program criteria; authorizing the State Board of Education to adopt rules; amending s. 1003.451, F.S.; requiring school districts and charter schools to provide certain students with an opportunity to take the Armed Services Vocational Aptitude Battery and consult with a military recruiter; providing requirements for the scheduling of such test; amending s. 1003.53, F.S.; revising requirements for the assignment of students to disciplinary programs and alternative school settings or other programs; revising requirements for dropout prevention and academic intervention programs; requiring such programs to include academic intervention plans for students; providing requirements for such plans; providing that specified provisions apply to all dropout prevention and academic intervention programs; requiring school principals or their designees to make a reasonable effort to notify parents by specified means and to document such effort; creating s. 1004.051, F.S.; prohibiting a public postsecondary institution from prohibiting specified students from being employed; providing applicability; amending s. 1006.28, F.S.; limiting the number of objections to school district materials; authorizing the State Board of Education to adopt rules; amending s. 1006.38, F.S.; requiring instructional materials publishers and manufacturers or their representatives to make sample student editions of specified instructional materials available electronically for use by certain programs and institutes for a specified purpose; requiring teacher preparation programs and educator preparation institutes that use sample student editions to meet certain requirements; authorizing publishers to make available at a discounted price sample student editions of specified instructional materials to certain programs; amending s. 1007.25, F.S.; creating associate in arts specialized transfer degrees; providing requirements for such degrees; providing a process for the approval of such degree programs; requiring the state board to adopt specified rules; amending s. 1007.271, F.S.; requiring district school boards to make reasonable efforts to enter into specified agreements with a Florida College System institution for certain online courses; amending s. 1008.33, F.S.; providing requirements for turnaround schools that close and reopen as charter schools and school districts in which such schools reside; providing that specified provisions do not apply to certain turnaround schools; requiring the State Board of Education to adopt rules for a charter school turnaround contract and specified leases and agreements; amending s. 1008.34, F.S.; requiring that any changes made by the state board to components in the school grades model or the school grading scale shall go into effect, at the earliest, the following school year; amending s. 1009.21, F.S.; providing that a specified method for a student to prove residency for tuition purposes is deemed a single, conclusive piece of evidence; amending s. 1009.23, F.S.; authorizing certain Florida College System institutions to charge a specified amount for nonresident tuition and fees for distance learning; amending s. 1009.98, F.S.; revising the definition of the term "tuition differential"; revising provisions relating to payments the Florida Prepaid College Board must pay to state universities on behalf of beneficiaries of specified contracts; amending s. 1012.55, F.S.; requiring the state board to adopt rules for the issuance of a classical education teaching certificate; providing requirements for such certificate; defining the term "classical school"; amending s. 1012.79, F.S.; authorizing the Commissioner of Education to appoint an executive director of the Education Practices Commission; revising the purpose of the commission; authorizing the commission to expend funds for legal services; repealing s. 1012.86, F.S., relating to the Florida College System institution employment equity accountability program; amending ss. 1001.64 and 1001.65, F.S.; conforming provisions to changes made by the act; requiring the department to provide a bonus to International Baccalaureate teachers under certain circumstances; providing an appropriation; providing an effective date.

Representative Bartleman offered the following:

(Amendment Bar Code: 495571)

House Amendment 1 to Senate Amendment 1 (155292) (with title amendment)—Remove lines 671-753 of the amendment and insert:
an objection by a parent of a student enrolled in a school within the school district ~~or a resident of the county~~ to the use of a specific material, which clearly describes a process to handle all objections and provides for resolution. The objection form, as prescribed by State Board of Education rule, and the district school board's process must be easy to read and understand and be easily accessible on the homepage of the school district's website. The objection form must also identify the school district point of contact and contact information for the submission of an objection. The process must provide the parent of a student enrolled in a school within the school district ~~or resident~~ the opportunity to proffer evidence to the district school board that:

a. An instructional material does not meet the criteria of s. 1006.31(2) or s. 1006.40(3)(d) if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures under s. 1006.283(2)(b)8., 9., and 11.

b. Any material used in a classroom, made available in a school or classroom library, or included on a reading list contains content which:

(I) Is pornographic or prohibited under s. 847.012;

(II) Depicts or describes sexual conduct as defined in s. 847.001(19), unless such material is for a course required by s. 1003.46, s. 1003.42(2)(n) 1.g., or s. 1003.42(2)(n)3., or identified by State Board of Education rule;

(III) Is not suited to student needs and their ability to comprehend the material presented; or

(IV) Is inappropriate for the grade level and age group for which the material is used.

Any material that is subject to an objection on the basis of sub-sub-subparagraph b.(I) or sub-sub-subparagraph b.(II) must be removed within 5 school days ~~of~~ after receipt of the objection and remain unavailable to students of that school until the objection is resolved. Parents shall have the right to read passages from any material that is subject to an objection. If the school board denies a parent the right to read passages due to content that meets the requirements under sub-sub-subparagraph b.(I), the school district shall discontinue the use of the material in the school district. If the district school board finds that any material meets the requirements under sub-subparagraph a. or that any other material contains prohibited content under sub-sub-subparagraph b.(I), the school district shall discontinue use of the material. If the district school board finds that any other material contains prohibited content under sub-sub-subparagraphs b.(II)-(IV), the school district shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable.

3. Each district school board must establish a process by which the parent of a public school student or a resident of the county may contest the district school board's adoption of a specific instructional material. The parent or resident must file a petition, on a form provided by the school board, within 30 calendar days after the adoption of the instructional material by the school board. The school board must make the form available to the public and publish the form on the school district's website. The form must be signed by the parent or resident, include the required contact information, and state the objection to the instructional material based on the criteria of s. 1006.31(2) or s. 1006.40(3)(d). Within 30 days after the 30-day period has expired, the school board must, for all petitions timely received, conduct at least one open public hearing before an unbiased and qualified hearing officer. The hearing officer may not be an employee or agent of the school district. The hearing is not subject to the provisions of chapter 120; however, the hearing must provide sufficient procedural protections to allow each petitioner an adequate and fair opportunity to be heard and present evidence to the hearing officer. The school board's decision after convening a hearing is final and not subject to further petition or review.

4. Meetings of committees convened for the purpose of ranking, eliminating, or selecting instructional materials for recommendation to the district school board must be noticed and open to the public in accordance with s. 286.011. Any committees convened for such purposes must include parents of students who will have access to such materials.

5. Meetings of committees convened for the purpose of resolving an objection by a parent ~~or resident~~ to specific

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

Remove lines 1362-1364 of the amendment and insert:
providing that only parents of certain students may object to school district instructional materials; amending s. 1006.38, F.S.; requiring

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

Representative Eskamani offered the following:

(Amendment Bar Code: 648583)

House Amendment 2 to Senate Amendment 1 (155292) (with title amendment)—Remove line 679 of the amendment and insert:
the submission of an objection. The process must require the submission of a double-spaced, five-page report in 12-point font, including citations in APA Style, to explain the parent or resident's concern with the material. The process must provide the

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

Between lines 1361 and 1362 of the amendment, insert:
requiring the process for an objection to school district materials to include submission of a specified report; providing requirements for such report;

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

Representative Canady moved the House concur in **Senate Amendment 1 (155292)**.

The Speaker requested a quorum call. A quorum was present [Session Vote Sequence: 941].

Remarks

The Speaker recognized Representative Payne, who gave brief farewell remarks.

The question recurred on the motion to concur in **Senate Amendment 1 (155292)**.

THE SPEAKER PRO TEMPORE IN THE CHAIR

The question recurred on the motion to concur in **Senate Amendment 1 (155292)**, which was agreed to.

The question recurred on passage of **CS/CS/HB 1285**, as amended. The vote was:

Session Vote Sequence: 942

Representative Clemons in the Chair.

Yeas—84

Abbott	Basabe	Buchanan	Esposito
Altman	Bell	Busatta Cabrera	Fabricio
Alvarez	Beltran	Canady	Fine
Amesty	Berfield	Caruso	Franklin
Anderson	Black	Chamberlin	Garcia
Andrade	Borrero	Chaney	Garrison
Baker	Botana	Clemons	Giallombardo
Bankson	Brackett	Daniels	Gonzalez Pittman
Barnaby	Brannan	Duggan	Gossett-Seidman

Grant	Massullo	Porras	Smith
Gregory	McClain	Redondo	Snyder
Griffitts	McClure	Renner	Stark
Holcomb	McFarland	Rizo	Stevenson
Jacques	Michael	Roach	Temple
Killebrew	Mooney	Robinson, W.	Tomkow
Koster	Overdorf	Rommel	Trabulsy
LaMarca	Payne	Roth	Truenow
Leek	Perez	Rudman	Tuck
Lopez, V.	Persons-Mulicka	Salzman	Waldron
Maggard	Plakon	Shoaf	Yarkosky
Maney	Plasencia	Sirois	Yeager

Nays—29

Antone	Cross	Hinson	Silvers
Arrington	Daley	Hunschofsky	Tant
Bartleman	Driskell	Joseph	Valdés
Benjamin	Eskamani	Keen	Williams
Bracy Davis	Gantt	López, J.	Woodson
Campbell	Gottlieb	Nixon	
Cassel	Harris	Rayner	
Chambliss	Hart	Robinson, F.	

Votes after roll call:
Yeas—Dunkley

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 1317, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/HB 1317—A bill to be entitled An act relating to patriotic organizations; creating s. 1001.433, F.S.; defining the term "patriotic organization"; authorizing school districts to allow representatives of patriotic organizations certain opportunities to speak to students, distribute certain materials, and provide certain displays relating to the patriotic organizations; requiring certain school districts to provide the date and time for such patriotic organizations to speak with students, distribute such materials, and provide certain displays; authorizing patriotic organizations to be provided certain access to school buildings and properties under certain circumstances; providing applicability; providing an effective date.

(Amendment Bar Code: 668628)

Senate Amendment 1 (with title amendment)—
Delete everything after the enacting clause
and insert:
Section 1. Section 1001.433, Florida Statutes, is created to read:
1001.433 Patriotic organizations.—
(1) As used in this section, the term "patriotic organization" means a youth membership organization serving young people under the age of 21 with an educational purpose that promotes patriotism and civic involvement which is listed in Title 36, U.S.C. ss. 30101, 30901, 31101, 40301, 70901, 80301, 130501, 140101, and 154101.
(2)(a) Each school district may:
1. Allow a representative of a patriotic organization the opportunity, during school hours and instructional time, to speak with and distribute informational materials in a classroom setting to students, to encourage participation in the patriotic organization and its activities, and to inform students of how the patriotic organization may further the students' educational interests and civic involvement and better the students' school and community and themselves.
2. Provide opportunities for a patriotic organization to provide displays at schools within the district for student recruitment. Such displays may include informational flyers and the use of other existing communication channels.
(b) If a school district authorizes a representative of a patriotic organization to speak with and distribute informational materials to students and provide displays pursuant to paragraph (a), the school district:
1. Must provide a specific date and time for the patriotic organization to speak to students at schools within the district after the patriotic organization has provided reasonable notice of its intent to speak to students and provide displays.
2. Must notify parents or guardians of each patriotic organization's expected presentation and the option to withhold consent for their child participating in such presentation.
(3) A school district may not discriminate against an organization in subsection (1) in the use of any school building or property for the purposes of paragraphs (2)(a) and (b), if such activities occur outside of the school day.
(4) A school district that allows a patriotic organization to speak with and distribute informational materials to students or use school buildings or property pursuant to this section is not required to provide equal access to an organization that is not designated as a patriotic organization.
Section 2. This act shall take effect July 1, 2024.

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:
Delete everything before the enacting clause
and insert:
A bill to be entitled
An act relating to patriotic organizations; creating s. 1001.433, F.S.; defining the term "patriotic organization"; authorizing school districts to allow representatives of patriotic organizations to speak to students, distribute certain materials, and provide opportunities for certain displays relating to the patriotic organizations; requiring certain school districts to provide a date and time for such patriotic organizations to speak with students, distribute materials, and provide certain displays; specifying certain requirements if a school district allows a patriotic organization to present at the school; prohibiting a school district from discriminating against certain organizations in the use of a school building or property under certain circumstances; authorizing patriotic organizations to be provided certain access to school buildings and properties under certain circumstances; providing construction; providing an effective date.

On motion by Rep. Duggan, the House concurred in **Senate Amendment 1 (668628)**.

The question recurred on passage of **CS/HB 1317**, as amended. The vote was:

Session Vote Sequence: 943

Representative Clemons in the Chair.

Yeas—111

Abbott	Buchanan	Giallombardo	Massullo
Altman	Busatta Cabrera	Gonzalez Pittman	McClain
Alvarez	Campbell	Gossett-Seidman	McClure
Amesty	Canady	Gottlieb	McFarland
Anderson	Caruso	Grant	Michael
Andrade	Cassel	Gregory	Mooney
Antone	Chamberlin	Griffitts	Nixon
Arrington	Chambliss	Harris	Overdorf
Baker	Chaney	Hart	Payne
Bankson	Clemons	Hinson	Perez
Barnaby	Cross	Holcomb	Persons-Mulicka
Bartleman	Daley	Hunschofsky	Plakon
Basabe	Daniels	Jacques	Plasencia
Bell	Driskell	Joseph	Rayner
Beltran	Duggan	Keen	Redondo
Benjamin	Dunkley	Killebrew	Renner
Berfield	Eskamani	Koster	Rizo
Black	Esposito	LaMarca	Roach
Borrero	Fabricio	Leek	Robinson, F.
Botana	Fine	López, J.	Robinson, W.
Brackett	Franklin	Lopez, V.	Rommel
Bracy Davis	Gantt	Maggard	Roth
Brannan	Garrison	Maney	Rudman

Salzman	Snyder	Tomkow	Williams
Shoaf	Stark	Trabulsy	Woodson
Silvers	Stevenson	Tuck	Yarkosky
Sirois	Tant	Valdés	Yeager
Smith	Temple	Waldron	

Nays—None

Votes after roll call:
Yeas—Garcia, Porras, Truenow

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 1361, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/HB 1361—A bill to be entitled An act relating to education; amending s. 1002.321, F.S.; providing for the award of grants to school districts to implement artificial intelligence in support of students and teachers; providing requirements for the use of such artificial intelligence; amending s. 1002.411, F.S.; expanding eligibility for New Worlds Scholarship Accounts to certain students enrolled in the Voluntary Prekindergarten Education Program; revising program eligibility criteria; revising eligible expenses for students who have an account; requiring parents to use a specified system to make direct purchases if such system is available; providing that certain organizations are administrators for purposes of establishing scholarship accounts; revising school district and private prekindergarten provider notification requirements; revising requirements for the Department of Education to release scholarship funds; authorizing certain organizations to develop a system for the direct purchase of qualifying expenditures; deleting provisions relating to fund transfers and certain payment methods; deleting a requirement for quarterly payments of scholarships; amending s. 1003.01, F.S.; conforming a cross-reference; amending s. 1003.485, F.S.; providing that the University of Florida Lastinger Center for Learning is the administrator for the New Worlds Reading Initiative; revising definitions; deleting a requirement that the department designate an administrator for the initiative; requiring the department to provide specified data to the administrator within specified timeframe; requiring the administrator to include certain information in a specified annual report; revising eligibility criteria for the initiative; deleting obsolete language; amending s. 1003.499, F.S.; conforming a cross-reference; creating s. 1004.646, F.S.; creating the Lastinger Center for Learning at the University of Florida; providing duties and responsibilities of the center; amending s. 1008.25, F.S.; making technical changes; requiring progress monitoring results to be provided to prekindergarten instructors within a specified timeframe; creating s. 1008.366, F.S.; requiring an eligible nonprofit scholarship-funding organization to administer a tutoring program to provide specified academic support for students; providing duties and responsibilities of the organization; requiring the organization to annually provide a report to the Legislature and the Commissioner of Education by a specified date; providing an effective date.

(Amendment Bar Code: 660000)

Senate Amendment 1 (with title amendment)—
Delete lines 551 - 728
and insert:
(5) Administer the New Worlds Tutoring Program that supports school districts and schools in improving student achievement in reading and mathematics pursuant to s. 1008.366.

Section 7. Paragraph (d) of subsection (5), paragraph (c) of subsection (6), and paragraph (c) of subsection (9) of section 1008.25, Florida Statutes, are amended to read:

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

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(d) The parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be 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. 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.

(6) MATHEMATICS DEFICIENCY AND PARENTAL NOTIFICATION.—

(c) The parent of a student who exhibits a substantial deficiency in mathematics, as described in paragraph (a), must be 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) ~~(e)~~.

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.

(9) COORDINATED SCREENING AND PROGRESS MONITORING SYSTEM.—

(c) To facilitate timely interventions and supports pursuant to subsection (4), the system must provide results from the first two administrations of the progress monitoring to a student's teacher or prekindergarten instructor within 1 week and to the student's parent within 2 weeks after ~~of~~ the administration of the progress monitoring. Delivery of results from the comprehensive, end-of-year progress monitoring ELA assessment for grades 3 through 10 and Mathematics assessment for grades 3 through 8 must be in accordance with s. 1008.22(7)(h).

1. A student's results from the coordinated screening and progress monitoring system must be recorded in a written, easy-to-comprehend individual student report. Each school district shall provide a parent secure access to his or her child's individual student reports through a web-based portal as part of its student information system. Each early learning coalition shall provide parents the individual student report in a format determined by state board rule.

2. In addition to the information under subparagraph (a)5., the report must also include parent resources that explain the purpose of progress monitoring, assist the parent in interpreting progress monitoring results, and support informed parent involvement. Parent resources may include personalized video formats.

3. The department shall annually update school districts and early learning coalitions on new system features and functionality and collaboratively identify with school districts and early learning coalitions strategies for meaningfully reporting to parents results from the coordinated screening and progress monitoring system. The department shall develop ways to increase the utilization, by instructional staff and parents, of student assessment data and resources.

4. An individual student report must be provided in a printed format upon a parent's request.

Section 8. Section 1008.366, Florida Statutes, is created to read:

1008.366 The New Worlds Tutoring Program.—

(1) The New Worlds Tutoring Program is created to support school districts and schools in improving student achievement in reading and mathematics by:

(a) Providing best practice science of reading guidelines for districts in consultation with the Just Read, Florida! Office.

(b) Providing best practice guidelines for mathematics tutoring in alignment with Florida's Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards for mathematics.

(c) Establishing minimum standards that each school district must meet to participate in the program. The minimum standards must address:

1. Appropriate group sizes for tutoring sessions.

2. The frequency and duration of tutoring sessions.

3. Minimum staffing qualifications for tutors.

4. The use of ongoing, informal and formal assessments to target instructional interventions.

5. Prioritization strategies for tutoring students.

(d) Providing access during the school day to additional literacy or mathematics support through evidence-based automated literacy tutoring software that provides each student with real-time interventions that are based in science of reading principles or mathematics instructional best practices and individually tailored to the needs and ability of each student. Access shall be provided to students in kindergarten through grade 5 enrolled in a public school who have a substantial deficiency in reading or mathematics in accordance with s. 1008.25. The term "evidence-based" has the same meaning as in s. 1003.4201(6).

(e) Awarding grants to school districts that may be used for stipends for in-person tutoring during the school day, before and after school, or during a summer program. In-person tutoring may be provided to, at a minimum, kindergarten through grade 5 students enrolled in a public school who have a substantial deficiency in reading or mathematics in accordance with s. 1008.25. To identify eligible students, the department shall provide the administrator with mathematics and reading progress monitoring data for eligible kindergarten through grade 12 students within 30 days after the close of each progress monitoring period.

(f) Providing technical assistance and professional learning to school districts, including:

1. Advising district staff on tutoring program design and intervention selection upon request.

2. Assisting districts in reviewing tutoring programs, professional learning programs, curriculum, and resources to ensure that they adhere to the science of reading or best practices in mathematics.

3. Providing professional learning to district staff to build their knowledge and skills around the science of reading or best practices in mathematics.

(2) Annually, by July 1, the administrator of the New Worlds Tutoring Program shall provide to

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

And the title is amended as follows:

Delete lines 45 - 49

and insert:

creating the New Worlds Tutoring Program to provide specified academic support for students; providing the purpose of the program; requiring the administrator of the program to annually

Representative Temple offered the following:

(Amendment Bar Code: 917109)

House Amendment 1 to Senate Amendment 1 (660000) (with title amendment)—Remove lines 5-7 of the amendment and insert:

(5) This section is repealed effective July 1, 2024.

Section 7. Section 1004.561, Florida Statutes, is created to read:

1004.561 University of Florida Lastinger Center For Learning.—There is created at the University of Florida, the Lastinger Center for Learning. The center shall:

(1) Develop and administer programs to improve student achievement outcomes in early learning, literacy, and mathematics.

(2) Provide professional learning for educators to improve the quality of instruction in early learning, literacy, and mathematics. Professional learning shall include the development of micro-credentials that require educators to demonstrate competency. Micro-credentials must be provided at low or no cost and be personalized, and may be provided online or in person.

(3) Provide technical assistance and support to school districts and schools in improving student achievement.

(4) Conduct and publish research on teaching and learning in early learning, literacy, and mathematics as well as professional learning for educators.

(5) Administer the New Worlds Tutoring Program that supports school districts and schools in improving student achievement in reading and mathematics pursuant to s. 1008.366.

(6)(a) Collaborate with school districts on the implementation of s. 1002.321(3) and award grant funds to eligible recipients.

(b) The sum of $2 million in recurring funds from the General Revenue Fund are appropriated to the University of Florida Lastinger Center for Learning for the grants awarded pursuant to this subsection.

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

Remove line 190 of the amendment and insert:

providing for the future repeal of s. 1004.646, F.S.; creating s. 1004.561, F.S.; creating the Lastinger Center for Learning at the University of Florida; providing duties and responsibilities of the center; providing an appropriation; creating s. 1008.366, F.S.; creating the New Worlds Tutoring Program to provide

Rep. Temple moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Temple, the House concurred in **Senate Amendment 1 (660000)**, as amended.

The question recurred on passage of **CS/HB 1361**, as amended. The vote was:

Session Vote Sequence: 944

Representative Clemons in the Chair.

Yeas—113

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

Nays—None

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1403, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/CS/HB 1403—A bill to be entitled An act relating to school choice; amending s. 212.1832, F.S.; providing definitions; expanding the credit contributions for eligible nonprofit scholarship-funding organizations; providing requirements for such contributions; providing requirements for dealers, designated agents, private tag agents, and such organizations relating to such contributions; providing criminal penalties; requiring persons convicted of specified offenses to make restitutions to certain eligible nonprofit scholarship-funding organizations; requiring the Department of Revenue to notify such organizations of specified dealer information under certain circumstances; providing penalties for certain dealers, designated agents, private tag agents, and such organizations; amending s. 213.053, F.S.; conforming cross-references to changes made by the act; amending s. 1002.394, F.S.; revising eligibility requirements for the Family Empowerment Scholarship Program; providing that equipment used as instructional materials may only be purchased for specified academic subjects; providing that transition services are a coordinated set of specified activities; authorizing funds to be used for certain prekindergarten programs; prohibiting certain eligible students from enrolling in public schools; providing an exemption to a prohibition against receiving other educational scholarships; providing additional criteria for the closure of scholarship accounts and the reversion of funds to the state; revising the information that such organizations must include in their quarterly reports; authorizing the Department of Education to provide guidance to certain private schools; revising the documentation that private schools must provide to such organizations; revising the process for parents to provide certain notification to such organizations; prohibiting a parent from applying for multiple scholarships under specified programs for a single student at the same time; requiring such organizations to establish certain processes; requiring such organizations to submit specified information to the department; deleting a requirement that certain students be placed on a wait list; requiring such organizations to provide certain notification to parents; revising provisions relating to a specified administrative fee; revising provisions relating to increasing the number of certain scholarships; revising provisions relating to the payment and disbursement of funds; amending s. 1002.395, F.S.; revising eligibility requirements for the Florida Tax Credit Scholarship Program; prohibiting certain eligible students from enrolling in public schools; providing an exemption to a prohibition against receiving other educational scholarships; providing that equipment used as instructional materials may only be purchased for specified academic subjects; revising the process for parents to provide certain notification to such organizations; prohibiting a parent from applying for multiple scholarships under specified programs for a single student at the same time; requiring such organizations to establish certain processes; requiring such organizations to assist the Florida Center for Students with Unique Abilities with the development of specified guidelines and to publish such guidelines on their websites; revising department notification requirements; revising the information that such organizations must include in their quarterly reports; revising provisions relating to the payment and disbursement of funds; authorizing a charitable organization to apply at any time to participate in the program as a scholarship-funding organization; amending s. 1002.40, F.S.; revising requirements for the Hope Scholarship Program; amending s. 1002.421, F.S.; revising requirements for regular and direct contact for certain students; amending s. 1002.45, F.S.; deleting a requirement that virtual instruction program providers be nonsectarian; amending s. 1003.4156, F.S.; providing that certain requirements apply to middle grade students transferring from a personalized education program; amending s. 1003.4282, F.S.; providing that certain requirements apply to high school students transferring from a personalized education program; amending s. 1003.485, F.S.; conforming cross-references to changes made by the act; amending s. 1004.6495, F.S.; requiring the Florida Center for Students with Unique Abilities to develop specified purchasing guidelines by a specified date and annually revise such guidelines; providing requirements for the development and revision of such guidelines; requiring such guidelines to be provided to specified eligible nonprofit scholarship-funding organizations; providing effective dates.

(Amendment Bar Code: 203782)

Senate Amendment 1 (with title amendment)—

Delete lines 309 - 1957
and insert:

3. Instructional materials, including digital materials and Internet resources.

4. Curriculum as defined in subsection (2).

5. Tuition and fees associated with full-time or part-time enrollment in an eligible postsecondary educational institution or a program offered by the postsecondary educational institution, unless the program is subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an approved preapprenticeship program as defined in s. 446.021(5) which is not subject to s. 1009.25 and complies with all applicable requirements of the department pursuant to chapter 1005; a private tutoring program authorized under s. 1002.43; a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a); the Florida Virtual School as a private paying student; or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

6. Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.

7. Contracted services provided by a public school or school district, including classes. A student who receives contracted services under this subparagraph is not considered enrolled in a public school for eligibility purposes as specified in subsection (6) but rather attending a public school on a part-time basis as authorized under s. 1002.44.

8. Tuition and fees for part-time tutoring services or fees for services provided by a choice navigator. Such services must be provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56, a person who holds an adjunct teaching certificate pursuant to s. 1012.57, a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given, a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5), or a person certified by a nationally or internationally recognized research-based training program as approved by the department. As used in this subparagraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(16)(e).

(b) Program funds awarded to a student with a disability determined eligible pursuant to paragraph (3)(b) may be used for the following purposes:

1. Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content and training on the use of and maintenance agreements for these devices.

2. Curriculum as defined in subsection (2).

3. Specialized services by approved providers or by a hospital in this state which are selected by the parent. These specialized services may include, but are not limited to:

a. Applied behavior analysis services as provided in ss. 627.6686 and 641.31098.

b. Services provided by speech-language pathologists as defined in s. 468.1125(8).

c. Occupational therapy as defined in s. 468.203.

d. Services provided by physical therapists as defined in s. 486.021(8).

e. Services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who has a hearing impairment, including deafness, and who has received an implant or assistive hearing device.

4. Tuition and fees associated with full-time or part-time enrollment in a home education program; an eligible private school; an eligible postsecondary educational institution or a program offered by the postsecondary educational institution, unless the program is subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an approved preapprenticeship program as defined in s. 446.021(5) which is not subject to s. 1009.25 and complies with all applicable requirements of the department pursuant to chapter 1005; a private tutoring program authorized under s. 1002.43; a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a); the Florida Virtual School as a private paying student; or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

5. Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.

6. Contributions to the Stanley G. Tate Florida Prepaid College Program pursuant to s. 1009.98 or the Florida College Savings Program pursuant to s. 1009.981 for the benefit of the eligible student.

7. Contracted services provided by a public school or school district, including classes. A student who receives services under a contract under this paragraph is not considered enrolled in a public school for eligibility purposes as specified in subsection (6) but rather attending a public school on a part-time basis as authorized under s. 1002.44.

8. Tuition and fees for part-time tutoring services or fees for services provided by a choice navigator. Such services must be provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56, a person who holds an adjunct teaching certificate pursuant to s. 1012.57, a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given, a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5), or a person certified by a nationally or internationally recognized research-based training program as approved by the department. As used in this subparagraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(16)(e).

9. Fees for specialized summer education programs.

10. Fees for specialized after-school education programs.

11. Transition services provided by job coaches. Transition services are a coordinated set of activities which are focused on improving the academic and functional achievement of a student with a disability to facilitate the student's movement from school to postschool activities and are based on the student's needs.

12. Fees for an annual evaluation of educational progress by a state-certified teacher under s. 1002.41(1)(f), if this option is chosen for a home education student.

13. Tuition and fees associated with programs offered by Voluntary Prekindergarten Education Program providers approved pursuant to s. 1002.55, ~~and~~ school readiness providers approved pursuant to s. 1002.88, and prekindergarten programs offered by an eligible private school.

14. Fees for services provided at a center that is a member of the Professional Association of Therapeutic Horsemanship International.

15. Fees for services provided by a therapist who is certified by the Certification Board for Music Therapists or credentialed by the Art Therapy Credentials Board, Inc.

(5) TERM OF SCHOLARSHIP.—For purposes of continuity of educational choice:

(a)1. A scholarship funded ~~awarded~~ to an eligible student pursuant to paragraph (3)(a) shall remain in force until:

a. The organization determines that the student is not eligible for program renewal;

b. The Commissioner of Education suspends or revokes program participation or use of funds;

c. The student's parent has forfeited participation in the program for failure to comply with subsection (10);

d. The student, who uses the scholarship for tuition and fees pursuant to subparagraph (4)(a)1., enrolls in a public school. However, if a student enters a Department of Juvenile Justice detention center for a period of no more than 21 days, the student is not considered to have returned to a public school on a full-time basis for that purpose; or

e. The student graduates from high school or attains 21 years of age, whichever occurs first.

2.a. The student's scholarship account must be closed and any remaining funds shall revert to the state after:

(I) Denial or revocation of program eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to paragraph (4)(a); ~~or~~

(II) Two consecutive fiscal years in which an account has been inactive; or

(III) A student remains unenrolled in an eligible private school for 30 days while receiving a scholarship that requires full-time enrollment.

b. Reimbursements for program expenditures may continue until the account balance is expended or remaining funds have reverted to the state.

(b)1. A scholarship funded ~~awarded~~ to an eligible student pursuant to paragraph (3)(b) shall remain in force until:

a. The parent does not renew program eligibility;

b. The organization determines that the student is not eligible for program renewal;

c. The Commissioner of Education suspends or revokes program participation or use of funds;

d. The student's parent has forfeited participation in the program for failure to comply with subsection (10);

e. The student enrolls full time in a public school; or

f. The student graduates from high school or attains 22 years of age, whichever occurs first.

2. Reimbursements for program expenditures may continue until the account balance is expended or the account is closed.

3. A student's scholarship account must be closed and any remaining funds, including, but not limited to, contributions made to the Stanley G. Tate Florida Prepaid College Program or earnings from or contributions made to the Florida College Savings Program using program funds pursuant to subparagraph (4)(b)6., shall revert to the state after:

a. Denial or revocation of program eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to subsection (4);

b. Any period of 3 consecutive years after high school completion or graduation during which the student has not been enrolled in an eligible postsecondary educational institution or a program offered by the institution; or

c. Two consecutive fiscal years in which an account has been inactive.

(c) Upon reasonable notice to the organization and the school district, the student's parent may remove the student from the participating private school and place the student in a public school in accordance with this section.

(6) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a Family Empowerment Scholarship while he or she is:

(a) Enrolled full time in a public school, including, but not limited to, the Florida School for the Deaf and the Blind, the College-Preparatory Boarding Academy, the Florida School for Competitive Academics, the Florida Virtual School, the Florida Scholars Academy, a developmental research school authorized under s. 1002.32, or a charter school authorized under this chapter. For purposes of this paragraph, a 3- or 4-year-old child who receives services funded through the Florida Education Finance Program is considered to be a student enrolled in a public school;

(c) Receiving any other educational scholarship pursuant to this chapter. However, an eligible public school student receiving a scholarship under s. 1002.411 may receive a scholarship for transportation pursuant to subparagraph (4)(a)2.;

(d) Not having regular and direct contact with his or her private school teachers pursuant to s. 1002.421(1)(i), unless he or she is eligible pursuant to paragraph (3)(b) and enrolled in the participating private school's transition-to-work program pursuant to subsection (16) or a home education program pursuant to s. 1002.41;

(7) SCHOOL DISTRICT OBLIGATIONS.—

(d) Upon the request of the department, a school district shall coordinate with the department to provide to a participating private school the statewide assessments administered under s. 1008.22 and any related materials for administering the assessments. For a student who participates in the Family Empowerment Scholarship Program whose parent requests that the student take the statewide assessments under s. 1008.22, the district in which the student attends a participating private school shall provide locations and times to take all statewide assessments. A school district is responsible for implementing test administrations at a participating private school, including the:

1. Provision of training for private school staff on test security and assessment administration procedures;

2. Distribution of testing materials to a private school;

3. Retrieval of testing materials from a private school;

4. Provision of the required format for a private school to submit information to the district for test administration and enrollment purposes; and

5. Provision of any required assistance, monitoring, or investigation at a private school.

(8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

(a) The department shall:

1. Publish and update, as necessary, information on the department website about the Family Empowerment Scholarship Program, including, but not limited to, student eligibility criteria, parental responsibilities, and relevant data.

2. Report, as part of the determination of full-time equivalent membership pursuant to s. 1011.62(1)(a), all scholarship students ~~who are receiving a scholarship under the program and are~~ funded through the Florida Education Finance Program, and cross-check the list of ~~participating~~ scholarship students submitted by the eligible nonprofit scholarship-funding organization with the full-time equivalent student membership survey data ~~public school enrollment lists~~ to avoid duplication.

3. Maintain and annually publish a list of nationally norm-referenced tests identified for purposes of satisfying the testing requirement in subparagraph (9)(c)1. The tests must meet industry standards of quality in accordance with state board rule.

4. Notify eligible nonprofit scholarship-funding organizations of the deadlines for submitting the verified list of eligible scholarship students ~~determined to be eligible for a scholarship~~. ~~An eligible nonprofit scholarship-funding organization may not submit a student for funding after February 1.~~

5. Deny or terminate program participation upon a parent's failure to comply with subsection (10).

6. Notify the parent and the organization when a scholarship account is closed and program funds revert to the state.

7. Notify an eligible nonprofit scholarship-funding organization of any of the organization's or other organization's identified students who are receiving scholarships under this chapter.

8. Maintain on its website a list of approved providers as required by s. 1002.66, eligible postsecondary educational institutions, eligible private schools, and eligible organizations and may identify or provide links to lists of other approved providers.

9. Require each organization to verify eligible expenditures before the distribution of funds for any expenditures made pursuant to subparagraphs (4)(b)1. and 2. Review of expenditures made for services specified in subparagraphs (4)(b)3.-15. may be completed after the purchase is made.

10. Investigate any written complaint of a violation of this section by a parent, a student, a participating private school, a public school, a school district, an organization, a provider, or another appropriate party in accordance with the process established under s. 1002.421.

11. Require quarterly reports by an organization, which must include, at a minimum, the number of students participating in the program; the demographics of program participants; the disability category of program participants; the matrix level of services, if known; the program award amount per student; the total expenditures for the purposes specified in paragraph (4)(b); the types of providers of services to students; the number of scholarship applications received, the number of applications processed within 30 days after receipt, and the number of incomplete applications received; data related to reimbursement submissions, including the average number of days for a reimbursement to be reviewed and the average number of days for a reimbursement to be approved; any parent input and feedback collected regarding the program; and any other information deemed necessary by the department.

12. Notify eligible nonprofit scholarship-funding organizations that scholarships may not be awarded in a school district in which the award will exceed 99 percent of the school district's share of state funding through the Florida Education Finance Program as calculated by the department.

13. Adjust payments to eligible nonprofit scholarship-funding organizations and, when the Florida Education Finance Program is recalculated, adjust the amount of state funds allocated to school districts through the Florida Education Finance Program based upon the results of the cross-check completed pursuant to subparagraph 2.

(d) The department may provide guidance to a participating private school that submits a transition-to-work program plan pursuant to subsection (16).

(9) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be eligible to participate in the Family Empowerment Scholarship Program, a private school may be sectarian or nonsectarian and must:

(b) Provide to the organization all documentation required for a student's participation, including confirmation of the student's admission to the private school, the private school's and student's fee schedules, and any other information required by the organization to process scholarship payment under subparagraph (12)(a)4. Such information must be provided by the deadlines established by the organization and in accordance with the requirements of this section ~~at least 30 days before any quarterly scholarship payment is made for the student pursuant to paragraph (12)(a)~~. A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet the ~~this~~ deadline.

If a private school fails to meet the requirements of this subsection or s. 1002.421, the commissioner may determine that the private school is ineligible to participate in the scholarship program.

(10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—

(a) A parent who applies for a scholarship ~~applies for program participation~~ under paragraph (3)(a) whose student will be enrolled full time in an eligible ~~a~~ private school must:

1. Select an eligible ~~the~~ private school and apply for the admission of his or her student.

2. Request the scholarship by the ~~a~~ date established by the organization~~,~~ in a manner that creates a written or electronic record of the request and the date of receipt of the request.

3.a. Beginning with new applications for the 2025-2026 school year and thereafter, notify the organization by December 15 that the scholarship is being accepted or declined.

b. Beginning with renewal applications for the 2025-2026 school year and thereafter, notify the organization by May 31 that the scholarship is being renewed or declined.

4.~~3.~~ Inform the applicable school district when the parent withdraws his or her student from a public school to attend an eligible private school.

5.~~4.~~ Require his or her student participating in the program to remain in attendance at the eligible private school throughout the school year unless excused by the school for illness or other good cause.

6.~~5.~~ Meet with the eligible private school's principal or the principal's designee to review the school's academic programs and policies, specialized services, code of student conduct, and attendance policies before enrollment.

7.~~6.~~ Require his or her ~~that the~~ student participating in the ~~scholarship~~ program to take ~~takes~~ the norm-referenced assessment offered by the eligible private school. The parent may also choose to have the student participate in the statewide assessments pursuant to paragraph (7)(d). If the parent requests that the student participating in the program take all statewide assessments required pursuant to s. 1008.22, the parent is responsible for transporting the student to the assessment site designated by the school district.

8.~~7.~~ Approve each payment before the scholarship funds may be deposited by funds transfer pursuant to subparagraph (12)(a)4. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to approve a funds transfer. A participant who fails to comply with this paragraph forfeits the scholarship.

9.~~8.~~ Agree to have the organization commit scholarship funds on behalf of his or her student for tuition and fees for which the parent is responsible for payment at the eligible private school before using scholarship ~~empowerment~~ account funds for additional authorized uses under paragraph (4)(a). A parent is responsible for all eligible expenses in excess of the amount of the scholarship.

10. Comply with the scholarship application and renewal processes and requirements established by the organization.

(b) A parent who applies for a scholarship ~~applies for program participation~~ under paragraph (3)(b) is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child and must:

1. Apply to an eligible nonprofit scholarship-funding organization to participate in the program by a date set by the organization. The request must be communicated directly to the organization in a manner that creates a written or electronic record of the request and the date of receipt of the request.

2.a. Beginning with new applications for the 2025-2026 school year and thereafter, notify the organization by December 15 that the scholarship is being accepted or declined.

b. Beginning with renewal applications for the 2025-2026 school year and thereafter, notify the organization by May 31 that the scholarship is being renewed or declined.

3.~~2.~~ Sign an agreement with the organization and annually submit a sworn compliance statement to the organization to satisfy or maintain program eligibility, including eligibility to receive and spend program payments by:

a. Affirming that the student is enrolled in a program that meets regular school attendance requirements as provided in s. 1003.01(16)(b), (c), or (d).

b. Affirming that the program funds are used only for authorized purposes serving the student's educational needs, as described in paragraph (4)(b); that any prepaid college plan or college savings plan funds contributed pursuant to subparagraph (4)(b)6. will not be transferred to another beneficiary while the plan contains funds contributed pursuant to this section; and that they will not receive a payment, refund, or rebate of any funds provided under this section.

c. Affirming that the parent is responsible for all eligible expenses in excess of the amount of the scholarship and for the education of his or her student by, as applicable:

(I) Requiring the student to take an assessment in accordance with paragraph (9)(c);

(II) Providing an annual evaluation in accordance with s. 1002.41(1)(f); or

(III) Requiring the child to take any preassessments and postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible Voluntary Prekindergarten Education Program provider. A student with disabilities for whom the physician or psychologist who issued the diagnosis or the IEP team determines that a preassessment and postassessment is not appropriate is exempt from this requirement. A participating provider shall report a student's scores to the parent.

d. Affirming that the student remains in good standing with the provider or school if those options are selected by the parent.

e. Enrolling his or her child in a program from a Voluntary Prekindergarten Education Program provider authorized under s. 1002.55, a school readiness provider authorized under s. 1002.88, a prekindergarten program offered by an eligible private school, or an eligible private school if ~~either option is~~ selected by the parent.

f. Comply with the scholarship application and renewal processes and requirements established by the organization ~~Renewing participation in the program each year~~. A student whose participation in the program is not renewed may continue to spend scholarship funds that are in his or her account from prior years unless the account must be closed pursuant to subparagraph (5)(b)3. Notwithstanding any changes to the student's IEP, a student who was previously eligible for participation in the program shall remain eligible to apply for renewal. However, for a high-risk child to continue to participate in the program in the school year after he or she reaches 6 years of age, the child's application for renewal of program participation must contain documentation that the child has a disability defined in paragraph (2)(e) other than high-risk status.

g. Procuring the services necessary to educate the student. If such services include enrollment in an eligible private school, the parent must meet with the private school's principal or the principal's designee to review the school's academic programs and policies, specialized services, code of student conduct, and attendance policies before his or her student is enrolled. The parent must also approve each payment to the eligible private school before the scholarship funds may be deposited by funds transfer pursuant to subparagraph (12)(a)4. The parent may not designate any entity or individual associated with the eligible private school as the parent's attorney in fact to approve a funds transfer. When the student receives a scholarship, the district school board is not obligated to provide the student with a free appropriate public education. For purposes of s. 1003.57 and the Individuals with Disabilities in Education Act, a participating student has only those rights that apply to all other unilaterally parentally placed students, except that, when requested by the parent, school district personnel must develop an IEP or matrix level of services.

(c) A parent may not apply for multiple scholarships under this section and s. 1002.395 for an individual student at the same time.

(d)~~(c)~~ A participant who fails to comply with this subsection forfeits the scholarship.

(11) OBLIGATIONS OF ELIGIBLE SCHOLARSHIP-FUNDING ORGANIZATIONS.—

(a) An eligible nonprofit scholarship-funding organization awarding scholarships to eligible students pursuant to paragraph (3)(a) shall:

1. Establish a process for parents who are in compliance with paragraph (10)(a) to renew their students' scholarships. Renewal applications for the 2025-2026 school year and thereafter must provide for a renewal timeline beginning February 1 of the prior school year and ending April 30 of the

prior school year. A student's renewal is contingent upon an eligible private school providing confirmation of student admission pursuant to subsection (9). The process must require that parents confirm that the scholarship is being renewed or declined by May 31.

2. Establish a process that allows a parent to apply for a new scholarship. The process may begin no earlier than February 1 of the prior school year and must authorize submission of applications until November 15. The process must be in a manner that creates a written or electronic record of the application request and the date of receipt of the application request. Applications received after the deadline may be considered for scholarship award in the subsequent fiscal year. The process must require that parents confirm that the scholarship is being accepted or declined by December 15. ~~Must receive applications, determine student eligibility, notify parents in accordance with the requirements of this section, and provide the department with information on the student to enable the department to determine student funding in accordance with paragraph (12)(a).~~

3.~~2.~~ ~~Shall~~ Verify the household income level of students seeking priority eligibility and submit the verified list of students ~~and related documentation~~ to the department ~~when necessary~~.

4.~~3.~~ ~~Shall~~ Award scholarships in priority order pursuant to paragraph (3)(a).

5.~~4.~~ ~~Shall~~ Establish and maintain separate scholarship ~~empowerment~~ accounts for each eligible student. For each account, the organization must maintain a record of accrued interest that is retained in the student's account and available only for authorized program expenditures.

6.~~5.~~ ~~May~~ Permit eligible students to use program funds for the purposes specified in paragraph (4)(a), as authorized in the organization's purchasing handbook, by paying for the authorized use directly, then submitting a reimbursement request to the eligible nonprofit scholarship-funding organization. However, an eligible nonprofit scholarship-funding organization may require the use of an online platform for direct purchases of products so long as such use does not limit a parent's choice of curriculum or academic programs. If a parent purchases a product identical to one offered by an organization's online platform for a lower price, the organization must ~~shall~~ reimburse the parent the cost of the product.

~~6. May, from eligible contributions received pursuant to s. 1002.395(6)(l) 1., use an amount not to exceed 2.5 percent of the total amount of all scholarships funded under this section for administrative expenses associated with performing functions under this section. An eligible nonprofit scholarship-funding organization that has, for the prior fiscal year, complied with the expenditure requirements of s. 1002.395(6)(l)2., may use an amount not to exceed 3 percent. Such administrative expense amount is considered within the 3 percent limit on the total amount an organization may use to administer scholarships under this chapter.~~

7. ~~Must,~~ In a timely manner, submit the verified list of students and any information requested by the department relating to the scholarship under this section.

8. ~~Must~~ Notify the department about any violation of this section.

9. ~~Must~~ Document each student's eligibility for a fiscal year before granting a scholarship for that fiscal year. A student is ineligible for a scholarship if the student's account has been inactive for 2 consecutive fiscal years.

10. ~~Must~~ Notify each parent that participation in the scholarship program does not guarantee enrollment.

11. ~~Shall~~ Commit scholarship funds on behalf of the student for tuition and fees for which the parent is responsible for payment at the participating private school before using scholarship ~~empowerment~~ account funds for additional authorized uses under paragraph (4)(a).

(b) An eligible nonprofit scholarship-funding organization awarding scholarships to eligible students pursuant to paragraph (3)(b) shall:

1. Establish a process for parents who are in compliance with paragraph (10)(b) to renew their students' scholarships. Renewal applications for the 2025-2026 school year and thereafter must provide for a renewal timeline beginning February 1 of the prior school year and ending April 30 of the prior school year. A student's renewal is contingent upon an eligible private school providing confirmation of student admission pursuant to subsection (9), if applicable. The process must require that parents confirm that the scholarship is being renewed or declined by May 31.

2. Establish a process that allows a parent to apply for a new scholarship. The process may begin no earlier than February 1 of the prior school year and must authorize the submission of applications until November 15. The process must be in a manner that creates a written or electronic record of the application request and the date of receipt of the application request. Applications received after the deadline may be considered for scholarship award in the subsequent fiscal year. The process must require that parents confirm that the scholarship is being accepted or declined by December 15.

~~1. Receive applications, determine student eligibility, and notify parents in accordance with the requirements of this section. When an application is approved, the organization must provide the department with information on the student to enable the department to determine student funding in accordance with paragraph (12)(b).~~

~~2. Establish a date by which a parent must confirm initial or continuing participation in the program~~.

3. Review applications and award scholarships using the following priorities:

~~a. For the 2021-2022 school year, a student who received a Gardiner Scholarship in the 2020-2021 school year and meets the eligibility requirements in paragraph (3)(b).~~

a.~~b.~~ Renewing students from the previous school year.

~~c. Students retained on the previous school year's wait list.~~

b.~~d.~~ An eligible student who meets the criteria for an initial award pursuant to paragraph (3)(b) on a first-come, first-served basis.

~~An approved student who does not receive a scholarship must be placed on the wait list in the order in which his or her application is approved. A student who does not receive a scholarship within the fiscal year shall be retained on the wait list for the subsequent fiscal year.~~

4. Establish and maintain separate accounts for each eligible student. For each account, the organization must maintain a record of accrued interest that is retained in the student's account and available only for authorized program expenditures.

5. Verify qualifying educational expenditures pursuant to the requirements of paragraph (4)(b).

6. Return any remaining program funds to the department pursuant to paragraph (6)(b).

7. Notify the parent about the availability of, and the requirements associated with requesting, an initial IEP or IEP reevaluation every 3 years for each student participating in the program.

8. Notify the parent of available state and local services, including, but not limited to, services under chapter 413.

9. In a timely manner, submit to the department the verified list of eligible scholarship students and any information requested by the department relating to the scholarship under this section.

10.~~8.~~ Notify the department of any violation of this section.

11.~~9.~~ Document each scholarship student's eligibility for a fiscal year before granting a scholarship for that fiscal year pursuant to paragraph (3)(b). A student is ineligible for a scholarship if the student's account has been inactive for 2 consecutive fiscal years.

(c) An eligible nonprofit scholarship-funding organization may, from eligible contributions received pursuant to s. 1002.395(6)(l)1., use an amount not to exceed 2.5 percent of the total amount of all scholarships funded under this section for administrative expenses associated with performing functions under this section. An organization that, for the prior fiscal year, has complied with the expenditure requirements of s. 1002.395(6)(l)3. may use an amount not to exceed 3 percent. Such administrative expense amount is considered within the 3-percent limit on the total amount an organization may use to administer scholarships under this chapter.

(d) An eligible nonprofit scholarship-funding organization shall establish a process to collect input and feedback from parents, private schools, and providers before implementing substantial modifications or enhancements to the reimbursement process.

(12) SCHOLARSHIP FUNDING AND PAYMENT.—

(a)1. ~~Scholarships for students determined eligible pursuant to paragraph (3)(a) may be funded once all scholarships have been funded in accordance with s. 1002.395(6)(l)2.~~ The calculated scholarship amount for a participating student determined eligible pursuant to paragraph (3)(a) shall be based upon the grade level and school district in which the student was assigned as 100 percent of the funds per unweighted full-time equivalent in the Florida Education Finance Program for a student in the basic program established pursuant to s. 1011.62(1)(c)1., plus a per-full-time equivalent share of funds for the categorical programs established in s. 1011.62(5), (7)(a), and (16), as funded in the General Appropriations Act.

2. A scholarship of $750 or an amount equal to the school district expenditure per student riding a school bus, as determined by the department, whichever is greater, may be awarded to an eligible student who is enrolled in a Florida public school that is different from the school to which the student was assigned or in a lab school as defined in s. 1002.32 if the school district does not provide the student with transportation to the school.

3.a. For renewing scholarship students, the organization must ~~provide the department with the documentation necessary to~~ verify the student's continued eligibility to participate in the scholarship program at least 30 days before each payment ~~participation~~. Upon receiving the verified list of eligible scholarship students ~~documentation~~, the department shall release ~~transfer, beginning August 1~~, from state funds only, the amount calculated pursuant to subparagraph 1. ~~2.~~ to the organization for deposit into the student's account in quarterly payments no later than August 1, November 1, February 1, and April 1 of ~~quarterly disbursement to parents of participating students~~ each school year in which the scholarship is in force.

b. For new scholarship students, the organization must verify the student's eligibility to participate in the scholarship program at least 30 days before each payment. Upon receiving the verified list of eligible scholarship students, the department shall release, from state funds only, the amount calculated pursuant to subparagraph 1. to the organization for deposit into the student's account in quarterly payments no later than September 1, November 1, February 1, and April 1 of each school year in which the scholarship is in force. For a student exiting a Department of Juvenile Justice commitment program who chooses to participate in the scholarship program, the amount calculated pursuant to subparagraph 1. must be transferred from the school district in which the student last attended a public school before commitment to the Department of Juvenile Justice.

c. The department is authorized to release the state funds contingent upon verification that the organization will comply with s. 1002.395(6)(l) based upon the organization's submitted verified list of eligible scholarship students pursuant to s. 1002.395 ~~For a student exiting a Department of Juvenile Justice commitment program who chooses to participate in the scholarship program, the amount of the Family Empowerment Scholarship calculated pursuant to subparagraph 2. must be transferred from the school district in which the student last attended a public school before commitment to the Department of Juvenile Justice. When a student enters the scholarship program, the organization must receive all documentation required for the student's participation, including the private school's and the student's fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student~~.

4. The initial payment shall be made after the organization's verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the participating private school. Payments for tuition and fees for full-time enrollment shall be made within 7 business days after approval by the parent pursuant to paragraph (10)(a) and the private school pursuant to paragraph (9)(b). Payment must be by funds transfer or any other means of payment that the department deems to be commercially viable or cost-effective. An organization shall ensure that the parent has approved a funds transfer before any scholarship funds are deposited.

5. An organization may not transfer any funds to an account of a student determined eligible pursuant to paragraph (3)(a) which has a balance in excess of $24,000.

(b)1. For the 2024-2025 ~~2023-2024~~, school year, the maximum number of scholarships funded ~~students participating in the scholarship program~~ under paragraph (3)(b) shall be 72,615 ~~the number of students the organization and the department determined eligible pursuant to this section~~. Beginning in the 2025-2026 ~~2024-2025~~ school year, the maximum number of scholarships funded ~~students participating in the scholarship program~~ under paragraph (3)(b) shall annually increase by 5 ~~3.0~~ percent of the state's total exceptional student education full-time equivalent student membership, not including gifted students. The maximum number of scholarships funded shall increase by 1 percent of the state's total exceptional student education full-time equivalent student membership, not including gifted students, in the school year following any school year in which the number of scholarships funded exceeds 95 percent of the number of available scholarships for that school year. An eligible student who meets any of the following requirements shall be excluded from the maximum number of students if the student:

a. Received specialized instructional services under the Voluntary Prekindergarten Education Program pursuant to s. 1002.66 during the previous school year and the student has a current IEP developed by the district school board in accordance with rules of the State Board of Education;

b. Is a dependent child of a law enforcement officer or a member of the United States Armed Forces, a foster child, or an adopted child; or

c. Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. For purposes of this subparagraph, the term "prior school year in attendance" means that the student was enrolled and reported by:

(I) A school district for funding during either the preceding October or February full-time equivalent student membership surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program;

(II) The Florida School for the Deaf and the Blind during the preceding October or February full-time equivalent student membership surveys in kindergarten through grade 12;

(III) A school district for funding during the preceding October or February full-time equivalent student membership surveys, was at least 4 years of age when enrolled and reported, and was eligible for services under s. 1003.21(1)(e); or

(IV) Received a John M. McKay Scholarship for Students with Disabilities in the 2021-2022 school year.

2. For a student who has a Level I to Level III matrix of services or a diagnosis by a physician or psychologist, the calculated scholarship amount for a student participating in the program must be based upon the grade level and school district in which the student would have been enrolled as the total funds per unweighted full-time equivalent in the Florida Education Finance Program for a student in the basic exceptional student education program pursuant to s. 1011.62(1)(c) and (d), plus a per full-time equivalent share of funds for the categorical programs established in s. 1011.62(5), (7)(a), (8), and (16), as funded in the General Appropriations Act. For the categorical program established in s. 1011.62(8), the funds must be allocated based on the school district's average exceptional student education guaranteed allocation funds per exceptional student education full-time equivalent student.

3. For a student with a Level IV or Level V matrix of services, the calculated scholarship amount must be based upon the school district to which the student would have been assigned as the total funds per full-time equivalent for the Level IV or Level V exceptional student education program pursuant to s. 1011.62(1)(c)2.a. or b., plus a per-full time equivalent share of funds for the categorical programs established in s. 1011.62(5), (7)(a), and (16), as funded in the General Appropriations Act.

4. For a student who received a Gardiner Scholarship pursuant to former s. 1002.385 in the 2020-2021 school year, the amount shall be the greater of the amount calculated pursuant to subparagraph 2. or the amount the student received for the 2020-2021 school year.

5. For a student who received a John M. McKay Scholarship pursuant to former s. 1002.39 in the 2020-2021 school year, the amount shall be the greater of the amount calculated pursuant to subparagraph 2. or the amount the student received for the 2020-2021 school year.

6. The organization must ~~provide the department with the documentation necessary to~~ verify the student's eligibility to participate in the scholarship program at least 30 days before each payment ~~participation~~.

7.a. For renewing scholarship students, upon receiving the verified list of eligible scholarship students, the department shall release, from state funds only, the amount calculated pursuant to subparagraph 1. to the organization for deposit into the student's account in quarterly payments no later than August 1, November 1, February 1, and April 1 of each school year in which the scholarship is in force.

b. For new scholarship students, upon receiving the verified list of eligible scholarship students ~~documentation~~, the department shall release, from state funds only, the amount calculated pursuant to subparagraph 1. ~~student's scholarship funds~~ to the organization for deposit~~, to be deposited~~ into the student's account in quarterly payments ~~four equal amounts~~ no later than September 1, November 1, February 1, and April 1 of each school year in which the scholarship is in force.

8. If a scholarship student is attending an eligible private school full time, the initial payment shall be made after the organization's verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the eligible private school. Payments for tuition and fees for full-time enrollment shall be made within 7 business days after approval by the parent pursuant to paragraph (10)(b) and the private school pursuant to paragraph (9)(b).

9.~~8.~~ Accrued interest in the student's account is in addition to, and not part of, the awarded funds. Program funds include both the awarded funds and accrued interest.

10.~~9.~~ The organization may develop a system for payment of benefits by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment which the department deems to be commercially viable or cost-effective. A student's scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system must be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.

11.~~10.~~ An organization may not transfer any funds to an account of a student determined to be eligible pursuant to paragraph (3)(b) which has a balance in excess of $50,000.

12.~~11.~~ Moneys received pursuant to this section do not constitute taxable income to the qualified student or the parent of the qualified student.

(c) An organization may not submit a new scholarship student for funding after February 1.

(d) Within 30 days after the release of state funds pursuant to paragraphs (a) and (b), the eligible scholarship-funding organization shall certify to the department the amount of funds distributed for student scholarships. If the amount of funds released by the department is more than the amount distributed by the organization, the department is authorized to adjust the amount of the overpayment in the subsequent quarterly payment release.

(16) TRANSITION-TO-WORK PROGRAM.—A student with a disability who is determined eligible pursuant to paragraph (3)(b) who is at least 17 years, but not older than 22 years of age and who has not received a high school diploma or certificate of completion is eligible for enrollment in his or her participating private school's transition-to-work program. A transition-to-work program shall consist of academic instruction, work skills training, and a volunteer or paid work experience.

(a) To offer a transition-to-work program, a participating private school must:

1. Develop a transition-to-work program plan, which must include a written description of the academic instruction and work skills training students will receive and the goals for students in the program.

2. Submit the transition-to-work program plan to the Office of Independent Education and Parental Choice and consider any guidance provided by the department pursuant to paragraph (8)(d) relating to the plan.

3. Develop a personalized transition-to-work program plan for each student enrolled in the program. The student's parent, the student, and the school principal must sign the personalized plan. The personalized plan must be submitted to the Office of Independent Education and Parental Choice upon request by the office.

4. Provide a release of liability form that must be signed by the student's parent, the student, and a representative of the business offering the volunteer or paid work experience.

5. Assign a case manager or job coach to visit the student's job site on a weekly basis to observe the student and, if necessary, provide support and guidance to the student.

6. Provide to the parent and student a quarterly report that documents and explains the student's progress and performance in the program.

7. Maintain accurate attendance and performance records for the student.

(b) A student enrolled in a transition-to-work program must, at a minimum:

1. Receive 15 instructional hours at the participating private school's physical facility, which must include academic instruction and work skills training.

2. Participate in 10 hours of work at the student's volunteer or paid work experience.

(c) To participate in a transition-to-work program, a business must:

1. Maintain an accurate record of the student's performance and hours worked and provide the information to the participating private school.

2. Comply with all state and federal child labor laws.

Section 4. Paragraph (c) of subsection (1), paragraphs (b) and (f) of subsection (2), subsection (3), paragraphs (a) and (c) of subsection (4), paragraphs (c) through (i) and (l), (p), (q), (t), (u), and (w) of subsection (6), subsections (7) and (8), paragraphs (d), (e), (f), and (i) of subsection (9), paragraph (b) of subsection (10), paragraphs (c), (f), and (h) of subsection (11), and subsection (15) of section 1002.395, Florida Statutes, are amended, and paragraph (y) is added to subsection (6) and paragraph (i) is added to subsection (11) of that section, to read:

1002.395 Florida Tax Credit Scholarship Program.—

(1) FINDINGS AND PURPOSE.—

(c) The purpose of this section is not to prescribe the standards or curriculum for participating private schools. A participating private school retains the authority to determine its own standards and curriculum.

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

(b) "Choice navigator" means an individual who meets the requirements of sub-subparagraph (6)(d)4.h. ~~(6)(d)2.h.~~ and who provides consultations, at a mutually agreed upon location, on the selection of, application for, and enrollment in educational options addressing the academic needs of a student; curriculum selection; and advice on career and postsecondary education opportunities. However, nothing in this section authorizes a choice navigator to oversee or exercise control over the curricula or academic programs of a personalized education program.

(f) "Eligible contribution" means a monetary contribution from a taxpayer, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization pursuant to this section and ss. 212.099, 212.1831, and 212.1832~~, and 1002.40~~. The taxpayer making the contribution may not designate a specific child as the beneficiary of the contribution.

(3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

(a) The Florida Tax Credit Scholarship Program is established.

(b)1. A student is eligible for a Florida tax credit scholarship under this section if the student:

a. Is a resident of this state or the dependent child of an active duty member of the United States Armed Forces who has received permanent change of station orders to this state or, at the time of renewal, whose home of record or state of legal residence is Florida; and

b. Is eligible to enroll in kindergarten through grade 12 in a public school in this state or received a scholarship under the Hope Scholarship Program in the 2023-2024 school year.

2. Priority must be given in the following order:

a. A student whose household income level does not exceed 185 percent of the federal poverty level or who is in foster care or out-of-home care.

b. A student whose household income level exceeds 185 percent of the federal poverty level, but does not exceed 400 percent of the federal poverty level.

(4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a scholarship while he or she is:

(a) Enrolled full time in a public school, including, but not limited to, the Florida School for the Deaf and the Blind, the College-Preparatory Boarding Academy, the Florida School for Competitive Academics, the Florida Virtual School, the Florida Scholars Academy, a developmental research school

authorized under s. 1002.32, or a charter school authorized under this chapter. For purposes of this paragraph, a 3- or 4-year-old child who receives services funded through the Florida Education Finance Program is considered a student enrolled full-time in a public school;

(c) Receiving any other educational scholarship pursuant to this chapter. However, an eligible public school student receiving a scholarship under s. 1002.411 may receive a scholarship for transportation pursuant to subparagraph (6)(d)4.;

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:

(c) Must not have an owner or operator, as defined in subparagraph (2)(k) 1., who owns or operates an eligible private school that is participating in the scholarship program.

(d)1. For the 2023-2024 school year, may fund no more than 20,000 scholarships for students who are enrolled pursuant to paragraph (7)(b). The number of scholarships funded for such students may increase by 40,000 in each subsequent school year. This subparagraph is repealed July 1, 2027.

2. Shall establish a process for parents who are in compliance with paragraph (7)(a) to renew their students' scholarships. Renewal applications for the 2025-2026 school year and thereafter must provide for a renewal timeline beginning February 1 of the prior school year and ending April 30 of the prior school year. A student's renewal is contingent upon an eligible private school providing confirmation of admission pursuant to subsection (8). The process must require that parents confirm that the scholarship is being renewed or declined by May 31.

3. Shall establish a process that allows a parent to apply for a new scholarship. The process must be in a manner that creates a written or electronic record of the application request and the date of receipt of the application request. The process must require that parents confirm that the scholarship is being accepted or declined by a date set by the organization.

4.~~2~~. Must establish and maintain separate scholarship ~~empowerment~~ accounts from eligible contributions for each eligible student. For each account, the organization must maintain a record of accrued interest retained in the student's account. The organization must verify that scholarship funds are used for:

a. Tuition and fees for full-time or part-time enrollment in an eligible private school.

b. Transportation to a Florida public school in which a student is enrolled and that is different from the school to which the student was assigned or to a lab school as defined in s. 1002.32.

c. Instructional materials, including digital materials and Internet resources.

d. Curriculum as defined in s. 1002.394(2).

e. Tuition and fees associated with full-time or part-time enrollment in a home education instructional program; an eligible postsecondary educational institution or a program offered by the postsecondary educational institution, unless the program is subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an approved preapprenticeship program as defined in s. 446.021(5) which is not subject to s. 1009.25 and complies with all applicable requirements of the Department of Education pursuant to chapter 1005; a private tutoring program authorized under s. 1002.43; a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a); the Florida Virtual School as a private paying student; or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

f. Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.

g. Contracted services provided by a public school or school district, including classes. A student who receives contracted services under this sub-subparagraph is not considered enrolled in a public school for eligibility purposes as specified in subsection (11) but rather attending a public school on a part-time basis as authorized under s. 1002.44.

h. Tuition and fees for part-time tutoring services or fees for services provided by a choice navigator. Such services must be provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56, a person who holds an adjunct teaching certificate pursuant to s. 1012.57, a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given, a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5), or a person certified by a nationally or internationally recognized research-based training program as approved by the Department of Education. As used in this paragraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(16)(e).

(e) For students determined eligible pursuant to paragraph (7)(b), must:

1. Establish a process for parents who are in compliance with subparagraph (7)(b)1. to apply for a new scholarship. New scholarship applications for the 2025-2026 school year and thereafter must provide for an application timeline beginning February 1 of the prior school year and ending April 30 of the prior school year. The process must require that parents confirm that the scholarship is being accepted or declined by May 31.

2. Establish a process for parents who are in compliance with paragraph (7)(b) to renew their students' scholarships. Renewal scholarship applications for the 2025-2026 school year and thereafter must provide for a renewal timeline beginning February 1 of the prior school year and ending April 30 of the prior school year. The process must require that parents confirm that the scholarship is being renewed or declined by May 31.

3.~~1.~~ Maintain a signed agreement from the parent which constitutes compliance with the attendance requirements under ss. 1003.01(16) and 1003.21(1).

4.~~2.~~ Receive eligible student test scores and, beginning with the 2027-2028 school year, by August 15, annually report test scores for students pursuant to paragraph (7)(b) to a state university pursuant to paragraph (9)(f).

5.~~3.~~ Provide parents with information, guidance, and support to create and annually update a student learning plan for their student. The organization must maintain the plan and allow parents to electronically submit, access, and revise the plan continuously.

6.~~4.~~ Upon submission by the parent of an annual student learning plan, fund a scholarship for a student determined eligible.

(f) Must give first priority to eligible renewal students who received a scholarship from an eligible nonprofit scholarship-funding organization ~~or from the State of Florida~~ during the previous school year. The eligible nonprofit scholarship-funding organization must fully apply and exhaust all funds available under this section ~~and s. 1002.40(11)(i)~~ for renewal scholarship awards before awarding any initial scholarships.

(g) Must provide a new ~~renewal or initial~~ scholarship to an eligible student on a first-come, first-served basis unless the student is seeking priority eligibility ~~qualifies for priority~~ pursuant to subsection (3) ~~paragraph (f)~~.

(h) ~~Each eligible nonprofit scholarship-funding organization~~ Must refer any student eligible for a scholarship pursuant to this section who did not receive a renewal or initial scholarship based solely on the lack of available funds under this section ~~and s. 1002.40(11)(i)~~ to another eligible nonprofit scholarship-funding organization that may have funds available.

(i) May not restrict or reserve scholarships for use at a particular eligible private school or provide scholarships to a child of an owner or operator as defined in subparagraph (2)(k)1.

(l)1. May use eligible contributions received pursuant to this section and ss. 212.099, 212.1831, and 212.1832~~, and 1002.40~~ during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated as an eligible nonprofit scholarship-funding organization for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under paragraph (o) or is in good standing in each state in which it administers a scholarship program and the audited financial statements for the preceding 3 fiscal years are free of material misstatements and going concern issues. Administrative expenses from eligible contributions may not exceed 3 percent of the total amount of all scholarships funded by an eligible scholarship-funding organization under this chapter. Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships funded under this chapter. Administrative expenses may include developing or contracting with rideshare programs or facilitating carpool strategies for recipients of a transportation scholarship under s. 1002.394. No funds authorized under this

subparagraph shall be used for lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized for administrative expenses under this subparagraph may be used for expenses related to the recruitment of contributions from taxpayers. An eligible nonprofit scholarship-funding organization may not charge an application fee.

2. Must expend for annual or partial-year scholarships 100 percent of any eligible contributions from the prior fiscal year.

3.~~2.~~ Must expend ~~award~~ for annual or partial-year scholarships an amount equal to or greater than 75 percent of all ~~estimated~~ net eligible contributions, as defined in subsection (2), ~~and all funds carried forward from the prior state fiscal year~~ remaining after administrative expenses during the state fiscal year in which such eligible contributions are collected ~~before funding any scholarships to students determined eligible pursuant to s. 1002.394(3)(a)~~. No more than 25 percent of such net eligible contributions may be carried forward to the following state fiscal year. All amounts carried forward, for audit purposes, must be specifically identified for particular students, by student name and the name of the school to which the student is admitted, subject to the requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, and the applicable rules and regulations issued pursuant thereto. Any amounts carried forward shall be expended for annual or partial-year scholarships in the following state fiscal year. ~~No later than September 30 of each year, net~~ Eligible contributions remaining on June 30 of each year that are in excess of the 25 percent that may be carried forward shall be used to provide scholarships to eligible students or transferred to other eligible nonprofit scholarship-funding organizations to provide scholarships for eligible students. All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into its scholarship account. All transferred amounts received by any eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit required under paragraph (o).

4.~~3.~~ Must, before granting a scholarship for an academic year, document each scholarship student's eligibility for that academic year. A scholarship-funding organization may not grant multiyear scholarships in one approval process.

(p) Must prepare and submit quarterly reports to the Department of Education pursuant to paragraph (9)(i). In addition, an eligible nonprofit scholarship-funding organization must submit in a timely manner the verified list of eligible scholarship students and any information requested by the Department of Education relating to the scholarship program.

(q)1.a. Must participate in the joint development of agreed-upon procedures during the 2009-2010 state fiscal year. The agreed-upon procedures must uniformly apply to all private schools and must determine, at a minimum, whether the private school has been verified as eligible by the Department of Education under s. 1002.421; has an adequate accounting system, system of financial controls, and process for deposit and classification of scholarship funds; and has properly expended scholarship funds for education-related expenses. During the development of the procedures, the participating scholarship-funding organizations shall specify guidelines governing the materiality of exceptions that may be found during the accountant's performance of the procedures. The procedures and guidelines shall be provided to private schools and the Commissioner of Education by March 15, 2011.

b. Must participate in a joint review of the agreed-upon procedures and guidelines developed under sub-subparagraph a., by February of each biennium, if the scholarship-funding organization provided more than $250,000 in scholarship funds under this chapter during the state fiscal year preceding the biennial review. If the procedures and guidelines are revised, the revisions must be provided to private schools and the Commissioner of Education by March 15 of the year in which the revisions were completed. The revised agreed-upon procedures and guidelines shall take effect the subsequent school year.

c. Must monitor the compliance of a participating private school with s. 1002.421(1)(q) if the scholarship-funding organization provided the majority of the scholarship funding to the school. For each participating private school subject to s. 1002.421(1)(q), the appropriate scholarship-funding organization shall annually notify the Commissioner of Education by October 30 of:

(I) A private school's failure to submit a report required under s. 1002.421(1)(q); or

(II) Any material exceptions set forth in the report required under s. 1002.421(1)(q).

2. Must seek input from the accrediting associations that are members of the Florida Association of Academic Nonpublic Schools and the Department of Education when jointly developing the agreed-upon procedures and guidelines under sub-subparagraph 1.a. and conducting a review of those procedures and guidelines under sub-subparagraph 1.b.

(t)1. Must develop a ~~participate in the joint development of agreed-upon~~ purchasing handbook that includes policies ~~guidelines~~ for authorized uses of scholarship funds under paragraph (d) and s. 1002.394(4)(a) ~~this chapter~~. The handbook must include, at a minimum, a routinely updated list of prohibited items and services, and items or services that require preauthorization or additional documentation. By August 1, 2024 ~~December 31, 2023~~, and by each July 1 ~~December 31~~ thereafter, the purchasing handbook ~~guidelines~~ must be provided to the Commissioner of Education and published on the eligible nonprofit scholarship-funding organization's website. ~~Published purchasing guidelines shall remain in effect until there is unanimous agreement to revise the guidelines, and the~~ Any revisions must be provided to the commissioner and published on the organization's website within 30 days after such revisions.

2. The organization shall assist the Florida Center for Students with Unique Abilities established under s. 1004.6495 with the development of purchasing guidelines, which must include a routinely updated list of prohibited items and services, and items or services for which preauthorization or additional documentation is required, for authorized uses of scholarship funds under s. 1002.394(4)(b) and publish the guidelines on the organization's website.

3. If the organization fails to submit the purchasing handbook required by subparagraph 1., the Department of Education may assess a financial penalty, not to exceed $10,000, as prescribed by State Board of Education rule. This subparagraph expires July 1, 2026.

(u) May permit eligible students to use program funds for the purposes specified in paragraph (d), as authorized in the organization's purchasing handbook, by paying for the authorized use directly, then submitting a reimbursement request to the eligible nonprofit scholarship-funding organization. However, an eligible nonprofit scholarship-funding organization may require the use of an online platform for direct purchases of products so long as such use does not limit a parent's choice of curriculum or academic programs. If a parent purchases a product identical to one offered by an organization's online platform for a lower price, the organization shall reimburse the parent the cost of the product.

(w) Shall commit scholarship funds on behalf of the student for tuition and fees for which the parent is responsible for payment at the participating private school before using scholarship ~~empowerment~~ account funds for additional authorized uses under paragraph (d).

(y) Must establish a process to collect input and feedback from parents, private schools, and providers before implementing substantial modifications or enhancements to the reimbursement process.

Information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

(7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—

(a) A parent who applies for a scholarship whose student will be enrolled full time in an eligible ~~a~~ private school must:

1. Select an eligible private school and apply for the admission of his or her child.

2. Request the scholarship by the date established by the organization in a manner that creates a written or electronic record of the request and the date of receipt of the request.

3.a. Beginning with new applications for the 2025-2026 school year and thereafter, notify the organization by a date set by the organization that the scholarship is being accepted or declined.

b. Beginning with renewal applications for the 2025-2026 school year and thereafter, notify the organization by May 31 that the scholarship is being renewed or declined.

4.~~2.~~ Inform the applicable ~~child's~~ school district when the parent withdraws his or her student from a public school ~~child~~ to attend an eligible private school.

5.~~3.~~ Require his or her student participating in the program to remain in attendance at the eligible private school throughout the school year unless excused by the school for illness or other good cause and comply with the private school's published policies.

6.~~4.~~ Meet with the eligible private school's principal or the principal's designee to review the school's academic programs and policies, specialized services, code of student conduct, and attendance policies before enrollment ~~in the private school~~.

7.~~5.~~ Require his or her student participating in the program to take the norm-referenced assessment offered by the participating private school. The parent may also choose to have the student participate in the statewide assessments pursuant to s. 1008.22. If the parent requests that the student participating in the ~~scholarship~~ program take statewide assessments pursuant to s. 1008.22 and the participating private school has not chosen to offer and administer the statewide assessments, the parent is responsible for transporting the student to the assessment site designated by the school district.

8.~~6.~~ Approve each payment before the scholarship funds may be deposited by funds transfer. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to approve a funds transfer. A participant who fails to comply with this paragraph forfeits the scholarship.

9.~~7.~~ Authorize the nonprofit scholarship-funding organization to access information needed for income eligibility determination and verification held by other state or federal agencies, including the Department of Revenue, the Department of Children and Families, the Department of Education, the Department of Commerce ~~Economic Opportunity~~, and the Agency for Health Care Administration, for students seeking priority eligibility.

10.~~8.~~ Agree to have the organization commit scholarship funds on behalf of his or her student for tuition and fees for which the parent is responsible for payment at the participating private school before using scholarship ~~empowerment~~ account funds for additional authorized uses under paragraph (6)(d). A parent is responsible for all eligible expenses in excess of the amount of the scholarship.

11. Comply with the scholarship application and renewal processes and requirements established by the organization.

(b) A parent whose student will not be enrolled full time in a public or private school must:

1. Apply to an eligible nonprofit scholarship-funding organization to participate in the program as a personalized education student by a date set by the organization. The request must be communicated directly to the organization in a manner that creates a written or electronic record of the request and the date of receipt of the request. Beginning with new and renewal applications for the 2025-2026 school year and thereafter, notify the organization by May 31 that the scholarship is being accepted, renewed, or declined.

2. Sign an agreement with the organization and annually submit a sworn compliance statement to the organization to satisfy or maintain program eligibility, including eligibility to receive and spend program payments, by:

a. Affirming that the program funds are used only for authorized purposes serving the student's educational needs, as described in paragraph (6)(d), and that they will not receive a payment, refund, or rebate of any funds provided under this section.

b. Affirming that the parent is responsible for all eligible expenses in excess of the amount of the scholarship and for the education of his or her student.

c. Submitting a student learning plan to the organization and revising the plan at least annually before program renewal.

d. Requiring his or her student to take a nationally norm-referenced test identified by the Department of Education, or a statewide assessment under s. 1008.22, and provide assessment results to the organization before the student's program renewal.

e. Complying with the scholarship application and renewal processes and requirements established by the organization ~~Renewing participation in the program each year~~. A student whose participation in the program is not renewed may continue to spend scholarship funds that are in his or her account from prior years unless the account must be closed pursuant to s. 1002.394(5)(a)2.

f. Procuring the services necessary to educate the student. When the student receives a scholarship, the district school board is not obligated to provide the student with a free appropriate public education.

For purposes of this paragraph, full-time enrollment does not include enrollment at a private school that addresses regular and direct contact with teachers through the student learning plan in accordance with s. 1002.421(1)(i).

(c) A parent may not apply for multiple scholarships under this section and s. 1002.394 for an individual student at the same time.

An eligible nonprofit scholarship-funding organization may not further regulate, exercise control over, or require documentation beyond the requirements of this subsection unless the regulation, control, or documentation is necessary for participation in the program.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the organization all documentation required for a student's participation, including confirmation of the student's admission to the private school, the private school's and student's fee schedules, and any other information required by the organization to process scholarship payment pursuant to paragraph (11)(c). Such information must be provided by the deadlines established by the organization and in accordance with the requirements of this section. A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet the deadline.

(c)~~(b)~~1. Annually administer or make provision for students participating in the scholarship program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the department ~~of Education~~ or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent. A participating private school must annually report by August 15 the scores of all participating students to a state university described in paragraph (9)(f).

2. Administer the statewide assessments pursuant to s. 1008.22 if a participating private school chooses to offer the statewide assessments. A participating private school may choose to offer and administer the statewide assessments to all students who attend the participating private school in grades 3 through 10 and must submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

If a participating private school fails to meet the requirements of this subsection or s. 1002.421, the commissioner may determine that the participating private school is ineligible to participate in the scholarship program.

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of Education shall:

(d) Notify eligible nonprofit scholarship-funding organizations of the deadlines for submitting the verified list of eligible scholarship students; cross-check the verified list ~~of participating scholarship students~~ with the public school enrollment lists to avoid duplication; and, when the Florida Education Finance Program is recalculated, adjust the amount of state funds allocated to school districts through the Florida Education Finance Program based upon the results of the cross-check.

(e) Maintain and annually publish a list of nationally norm-referenced tests identified for purposes of satisfying the testing requirement in subparagraph (8)(c)1. ~~(8)(b)1.~~ The tests must meet industry standards of quality in accordance with State Board of Education rule.

(f) Issue a project grant award to a state university, to which participating private schools and eligible nonprofit scholarship-funding organizations must report the scores of participating students on the nationally norm-referenced tests or the statewide assessments administered in grades 3 through 10. The project term is 2 years, and the amount of the project is up to $250,000 per year. The project grant award must be reissued in 2-year intervals in accordance with this paragraph.

1. The state university must annually report to the Department of Education on the student performance of participating students and, beginning with the 2027-2028 school year, on the performance of personalized education students:

a. On a statewide basis. The report shall also include, to the extent possible, a comparison of scholarship students' performance to the statewide student performance of public school students with socioeconomic backgrounds similar to those of students participating in the scholarship program. To minimize costs and reduce time required for the state university's analysis and evaluation, the Department of Education shall coordinate with the state university to provide data to the state university in order to conduct analyses of matched students from public school assessment data and calculate control group student performance using an agreed-upon methodology with the state university; and

b. On an individual school basis for students enrolled full time in a private school. The annual report must include student performance for each participating private school in which enrolled students in the private school participated in a scholarship program under this section or~~,~~ s. 1002.394(12)(a)~~, or s. 1002.40~~ in the prior school year. The report shall be according to each participating private school, and for participating students, in which there are at least 30 participating students who have scores for tests administered. If the state university determines that the 30-participating-student cell size may be reduced without disclosing personally identifiable information, as described in 34 C.F.R. s. 99.12, of a participating student, the state university may reduce the participating-student cell size, but the cell size must not be reduced to less than 10 participating students. The department shall provide each participating private school's prior school year's student enrollment information to the state university no later than June 15 of each year, or as requested by the state university.

2. The sharing and reporting of student performance data under this paragraph must be in accordance with requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act, and the applicable rules and regulations issued pursuant thereto, and shall be for the sole purpose of creating the annual report required by subparagraph 1. All parties must preserve the confidentiality of such information as required by law. The annual report must not disaggregate data to a level that will identify individual participating schools, except as required under sub-subparagraph 1.b., or disclose the academic level of individual students.

3. The annual report required by subparagraph 1. shall be published by the Department of Education on its website.

(i) Require quarterly reports by an eligible nonprofit scholarship-funding organization regarding the number of students participating in the ~~scholarship~~ program~~;~~, the private schools at which the students are enrolled; the number of scholarship applications received, the number of applications processed within 30 days after receipt, and the number of incomplete applications received; data related to reimbursement submissions, including the average number of days for a reimbursement to be reviewed and the average number of days for a reimbursement to be approved; any parent input and feedback collected regarding the program~~;~~ and any other information deemed necessary by the Department of Education.

(10) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

(b) Upon the request of the Department of Education, a school district shall coordinate with the department to provide to a participating private school the statewide assessments administered under s. 1008.22 and any related materials for administering the assessments. A school district is responsible for implementing test administrations at a participating private school, including the:

1. Provision of training for participating private school staff on test security and assessment administration procedures;

2. Distribution of testing materials to a participating private school;

3. Retrieval of testing materials from a participating private school;

4. Provision of the required format for a participating private school to submit information to the district for test administration and enrollment purposes; and

5. Provision of any required assistance, monitoring, or investigation at a participating private school.

(11) SCHOLARSHIP AMOUNT AND PAYMENT.—

(c) If a scholarship student is attending an eligible private school full time, the initial payment shall be made after the organization's verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the eligible private school. Payments shall be made within 7 business days after approval by the parent pursuant to paragraph (7)(a) and the private school pursuant to paragraph (8)(b) ~~An eligible nonprofit scholarship-funding organization shall obtain verification from the private school of a student's continued attendance at the school for each period covered by a scholarship payment~~.

(f) A scholarship awarded to an eligible student shall remain in force until:

1. The organization determines that the student is not eligible for program renewal;

2. The Commissioner of Education suspends or revokes program participation or use of funds;

3. The student's parent has forfeited participation in the program for failure to comply with subsection (7);

4. The student who uses the scholarship for full-time tuition and fees at an eligible private school pursuant to paragraph (7)(a) enrolls full time in a public school. However, if a student enters a Department of Juvenile Justice detention center for a period of no more than 21 days, the student is not considered to have returned to a public school on a full-time basis for that purpose; or

5. The student graduates from high school or attains 21 years of age, whichever occurs first.

(h) A student's scholarship account must be closed and any remaining funds shall revert to the state after:

1. Denial or revocation of program eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to paragraph (6)(d); ~~or~~

2. Two consecutive fiscal years in which an account has been inactive; or

3. The student remains unenrolled in an eligible private school for 30 days while receiving a scholarship that requires full-time enrollment.

(i) Moneys received pursuant to this section do not constitute taxable income to the qualified student or the parent of the qualified student.

(15) NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS; APPLICATION.—In order to participate in the scholarship program created under this section, a charitable organization that seeks to be a nonprofit scholarship-funding organization must submit an application for initial approval or renewal to the Office of Independent Education and Parental Choice. ~~The office shall provide at least two application periods in which~~ Charitable organizations may apply at any time to participate in the program.

(a) An application for initial approval must include:

1. A copy of the organization's incorporation documents and registration with the Division of Corporations of the Department of State.

2. A copy of the organization's Internal Revenue Service determination letter as a s. 501(c)(3) not-for-profit organization.

3. A description of the organization's financial plan that demonstrates sufficient funds to operate throughout the school year.

4. A description of the geographic region that the organization intends to serve and an analysis of the demand and unmet need for eligible students in that area.

5. The organization's organizational chart.

6. A description of the criteria and methodology that the organization will use to evaluate scholarship eligibility.

7. A description of the application process, including deadlines and any associated fees.

8. A description of the deadlines for attendance verification and scholarship payments.

9. A copy of the organization's policies on conflict of interest and whistleblowers.

10. A copy of a surety bond or letter of credit to secure the faithful performance of the obligations of the eligible nonprofit scholarship-funding organization in accordance with this section in an amount equal to 25 percent of the scholarship funds anticipated for each school year or $100,000, whichever is greater. The surety bond or letter of credit must specify that any claim against the bond or letter of credit may be made only by an eligible nonprofit scholarship-funding organization to provide scholarships to and on behalf of students who would have had scholarships funded if it were not for the diversion of funds giving rise to the claim against the bond or letter of credit.

(b) In addition to the information required by subparagraphs (a)1.-9., an application for renewal must include:

1. A surety bond or letter of credit to secure the faithful performance of the obligations of the eligible nonprofit scholarship-funding organization in accordance with this section equal to the amount of undisbursed donations held by the organization based on the annual report submitted pursuant to paragraph (6)(o). The amount of the surety bond or letter of credit must be at least $100,000, but not more than $25 million. The surety bond or letter of credit must specify that any claim against the bond or letter of credit may be made only by an eligible nonprofit scholarship-funding organization to provide scholarships to and on behalf of students who would have had scholarships funded if it were not for the diversion of funds giving rise to the claim against the bond or letter of credit.

2. The organization's completed Internal Revenue Service Form 990 submitted no later than November 30 of the year before the school year that the organization intends to offer the scholarships, notwithstanding the department's application deadline.

3. A copy of the statutorily required audit to the Department of Education and Auditor General.

4. An annual report that includes:

a. The number of students who completed applications, by county and by grade.

b. The number of students who were approved for scholarships, by county and by grade.

c. The number of students who received funding for scholarships within each funding category, by county and by grade.

d. The amount of funds received, the amount of funds distributed in scholarships, and an accounting of remaining funds and the obligation of those funds.

e. A detailed accounting of how the organization spent the administrative funds allowable under paragraph (6)(l).

f. Documentation of compliance with the requirements of paragraph (6)(t).

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

And the title is amended as follows:

Delete lines 21 - 74

and insert:

Program; providing that transition services are a coordinated set of specified activities; authorizing funds to be used for certain prekindergarten programs; providing additional criteria for the closure of scholarship accounts and the reversion of funds to the state; prohibiting certain eligible students from enrolling in public schools; providing an exemption to a prohibition against receiving other educational scholarships; revising the information that such organizations must include in their quarterly reports; authorizing the Department of Education to provide guidance to certain private schools; revising the documentation that private schools must provide to such organizations; revising the process for parents to provide certain notification to such organizations; prohibiting a parent from applying for multiple scholarships under specified programs for a single student at the same time; requiring such organizations to establish certain processes; requiring such organizations to submit specified information to the department; deleting a requirement that certain students be placed on a wait list; requiring such organizations to provide certain notification to parents; revising provisions relating to a specified administrative fee; revising provisions relating to increasing the number of certain scholarships; revising provisions relating to the payment and disbursement of funds; amending s. 1002.395, F.S.; revising eligibility requirements for the Florida Tax Credit Scholarship Program; prohibiting certain eligible students from enrolling in public schools; providing an exemption to a prohibition against receiving other educational scholarships; revising the process for parents to provide certain notification to such organizations; prohibiting a parent from applying for multiple scholarships under specified programs for a single student at the same time; requiring such organizations to establish certain processes; requiring organizations to develop a purchasing handbook by a specified date; specifying minimum requirements for the handbook; requiring such organizations to assist the Florida Center for Students with Unique Abilities with the development of specified guidelines and to publish such guidelines on their websites; authorizing the State Board of Education to assess a financial penalty to an organization in specified circumstances; revising department notification requirements; revising the information that such organizations must include in their quarterly reports; revising provisions relating to the payment and disbursement of funds; authorizing a charitable organization to apply at any time to participate in the program as a scholarship-funding organization; requiring a renewing organization to provide documentation of compliance with specified requirements; amending s. 1002.40, F.S.; revising

Rep. Tomkow moved that the House concur in **Senate Amendment 1 (203782)**.

THE SPEAKER IN THE CHAIR

The Speaker requested a quorum call. A quorum was present [Session Vote Sequence: 945].

Remarks

The Speaker recognized Representative Leek, who gave brief farewell remarks.

The question recurred on the motion to concur in **Senate Amendment 1 (203782)**, which was agreed to.

The question recurred on the passage of **CS/CS/HB 1403**, as amended. The vote was:

Session Vote Sequence: 946

Speaker Renner in the Chair.

Yeas—89

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

Nays—18

Arrington	Cassel	Hart	Robinson, F.
Bartleman	Daley	Hinson	Tant
Benjamin	Eskamani	Keen	Woodson
Bracy Davis	Gantt	Nixon	
Campbell	Harris	Rayner	

Votes after roll call:
Yeas—Cross, Silvers
Nays—Gottlieb
Yeas to Nays—Cross

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

The Speaker requested a quorum call. A quorum was present [Session Vote Sequence: 947].

Remarks

The Speaker recognized Speaker *pro tempore* Clemons, who gave brief farewell remarks.

Recessed

The House recessed at 1:50 p.m., to reconvene at 2:00 p.m., or upon call of the Chair.

Reconvened

The House was called to order by Speaker *pro tempore* Clemons at 2:13 p.m. A quorum was present [Session Vote Sequence: 948].

[A short video about Speaker Renner was shown in the Chamber.]

Introduction of Special Guests

Speaker *pro tempore* Clemons introduced Speaker Renner's family: his wife, Adriana, and their children, Abigail and William; Andrew Renner; Christina Renner; Luke Renner; Grace Renner; Rob Smith; Sherry Smith; Amanda Smith; and also the Honorable Kathleen Passidomo, Senate President; the Honorable Manny Diaz Jr., Florida Commissioner of Education; the Honorable Ray Wesley Rodrigues, Chancellor of the State University System of Florida; the Honorable Travis Hudson, Senator; the Honorable Jimmy Patronis, Chief Financial Officer; the Honorable Dane Eagle; and the Honorable Matt Hudson.

Unveiling of the Speaker's Portrait

At the request of Speaker *pro tempore* Clemons, Speaker Renner and his family approached the well where his portrait was unveiled.

Presentation of Members' Gift to the Speaker

Speaker *pro tempore* Clemons recognized Rep. Grant to approach the well.

Rep. Grant: On behalf of the members of the 91st Florida House of Representatives, we want to honor your leadership and legacy with a gift that will stand the test of time. We know you are a big fan of James Bond, so we'd like to present you with the Omega SEAMASTER DIVER 300M identical to 007's watch in *No Time to Die*.

We know your busy schedule will lighten up soon, and we hope that you will get some good use out of it. This is the sort of watch a man passes down from one generation to the next. It will carry your legacy and your memory of your time in this House. This gift represents our respect and admiration for you, and the work you have done, to lead this state to a better place, Mr. Speaker.

[A short video pertaining to the gift was shown in the Chamber.]

Remarks by the Speaker

Speaker Renner: Members, thank you for this gift, something I will certainly treasure. It's very kind. And, on your desk, you will have your last gift from me, which is a challenge coin, and also a portrait of the 91st Legislature.

You know, when we began on this journey together, I challenged each of us to look to the man or woman on your left and right because together, we can stand with principle and courage and accomplish great things. And, members, we did just that.

The coin includes a picture of my family, those four figures you see on the steps of the Capitol. There's a day side and a night side which, to me, represents that this is not a 60 day-a-year job, but a 365 day-a-year job. But you'll also notice along the edge of the coin that each one is individually numbered with your district number. Members, this will be a bond that we share together, and it's important to me to represent that.

There's other pretty cool symbols embedded in the coin that I hope you'll find, and I'm grateful to Clerk Takacs and his team for helping this come to life.

In the panoramic portrait that you may or may not have on your desk—I don't see them—but, serves as a reminder that there will be legislatures and friends and members that come before us and after us. But it was the people pictured in that photo that played a role in delivering the promises we made to leave Florida better than we found it. Thank you very much.

And I could talk for a while about the transformative policies that we've achieved together the last two years. You'll be relieved to know I'm not going to do that. Rather than that, I want to talk at length about all the thank yous I have to give to all the people in this Chamber and outside this Chamber who made it possible.

I want to start with the most important thank you, and that is my wife. Now, the communications team had a little fun with me because they asked question after question until they got me to break in that one moment you saw. They even had a time where they secretly sent in my kids during the interview, and they're in there like, "Send in the children," to hop on my lap and then ask me, "How much do you really love your wife?" But as I said there, when they asked me what she meant to me, she means everything.

And honey, you have been with me for a long long time, through an election we lost by two votes, through a year in Afghanistan before that, and all the ups and downs that come with this job. And you have been there to support our family so I could support and lead this House family. And, I'm forever grateful to you. In addition to being the mother of our beautiful children, you are my best friend and the love of my life. I love you so much, honey.

You and Laura Irvin have done a great job with the spouses to make sure their time here is meaningful. And, then, a suggestion my wife made one night about maybe having some people from Colombia come here started what then became "Colombia Day." And, from that, we had some amazing memories for you, your family, and many of the friends that we have around the state that share that heritage. And, from that, we started a larger conversation with the help of Representative Borrero and others to begin a project that I believe will be transformative to bring greater freedom throughout the Americas. And that all started with your suggestion, hon.

I came into this process with no kids, and I leave with a girl and boy. And that really changes your perspective. And because of that, we have focused on leaving this state the best we can for the children of the next generation. Not just for William and Abby, but for every child in Florida. Abby and William, I love you guys. I'm looking forward to going home and having some fun this summer with you.

I've often said that strong families are far more important than strong government. And I was blessed to grow up with a great mom and dad, and a brother. My dad and brother are watching today on the Florida Channel. I love you guys. I'm looking forward to seeing you soon. I'm also thankful to be joined today by some of my cousins and close friends: Dave Evoy, Paul

Bane, and many of my cousins who've already been announced; it's great to have you with us. Thank you so much for all your support over the years. Thank you.

You know, this job is about service, and we each have the opportunity to serve about 180,000 people. And I want to say a special thank you to the people of St. Johns, Flagler, and Volusia counties for the honor of serving them here in the Florida Legislature.

I've also been blessed with a great Senate partner in President Kathleen Passidomo. She is a straight shooter, and all she really cares about is leaving this state better than she found it. Our relationship has been so easy, so incredibly easy. And because of that, we've accomplished great things together. I know that we're going to look back with a lot of pride on what we have accomplished and all the good it will do for the people of Florida. And I look forward to spending time with you and John in the future, as retired members and friends. Thank you, Kathleen.

I'm also blessed to have a great relationship with our governor, Ron DeSantis. And, again, it's a rare thing to have a governor, a Senate president, and a speaker that share very similar principles, but also have the courage to see those principles through. And it's only because of that, having all three of those things, and the members of this body, that we were able to deliver on the big promises over the last two years. And so, thank you to the Governor.

You know, it's also important in this process that we listen to people who disagree with us. Because when we do, we often get a better result in the end. Leader Driskell, I appreciate your friendship, your challenges to me and to our members throughout the Democrat Caucus, to help make sure that our legislation went from good to great. Thank you, Leader Driskell.

You know, we have the best professional staff in the country. And I say that because in this role you get to meet other speakers and presidents around the state, around the country. And many of them have very little staff. But they don't have staff like ours. We really have the most hardworking, dedicated staff that always keeps us a step ahead of other states. And while time does not permit me to list each and every one of them as they deserve, I want to recognize our staff directors: Eric Pridgeon, Heather Williamson, Trina Kramer, Christa Calamas, Kurt Hamon, Tiffany Harrington, Vince Aldridge, Adam Brink, and Joanna Hassel, along with a special honorable mention for Jason Fudge, wherever you are.

I also want to acknowledge the leaders of our majority and minority offices, Ryan Larson and David Grimes. You both carried a heavy load, and you made it happen over these last two years. We couldn't have done it without you. Thank you, gentlemen.

Of course, over the last two years, the Speaker's Office has really become my work family, and on policy, there is nobody better than Tom Hamby. Where's Tom? Where's he at? He's working on policy, of course. But Tom's helped us every step of the way to make good policy better, and also to stop bad policy from going into law. So, thank you, Tom.

We're also fortunate to have Andres Malave to be our Communications Director. With so much focus on the national level, I really needed somebody who would lean in and make sure that our message got out to every corner of the state of Florida. And you, along with our stellar communications team, made that happen. Thank you, sir. You've been awesome.

Other members of the Speaker's Office deal with difficult issues behind the scenes. I'm not really sure all the things that they do, but I know they take the very complicated issues and make them look simple when we get out on the House floor. I want to thank Celeste Lewis. I want to thank Amy Gregory, Jenna Sarkisian, David Axelman, and our intern, Sarah Moosburger, for all that you've done to make us successful this year. Thank you so much.

Of course, the person who sits outside of my office plays a very key role to make sure that I'm on time, that I stay on schedule. And we were privileged and fortunate to have Kristi Dodson until this January when she gave birth to one of the prettiest babies I've ever seen. But we're glad to have Christi Dodson back today. Thank you, Christi.

And, of course, when she had to leave us, Amber Watts jumped right in and did a fantastic job in the very difficult last weeks of this session. Thank you, Amber.

Of course, the toughest job in the House, I believe, tougher than mine, is the job of the Chief of Staff. You have to be able to work 24/7 to make sure that hundreds of bills get across the finish line. It requires the ability to manage conflict, to find solutions, and to keep the trains running on time no matter what kind of drama is happening around you. I was fortunate to find somebody who does all those things with tremendous grace and talent. Please join me in thanking Allison Carter for an amazing two years.

Last year, you know we, in our minds, thought these are the things we want to accomplish over two years. And at the end of last session, Allison comes into the office and tells me, "Boss, we've done all of 'em." And that never, ever would have happened without her talents. Allison, I'm eternally grateful to you. Thank you.

And, of course, before I got to the Speaker's Office, there was a team around me as well that I want to thank. It was as early as 2010 when a friend of mine, Jennifer Guy, who's here with us, introduced me to a consultant, Marc Reichelderfer. Now, you know, 2010, you realize I got elected in 2015. Afghanistan intervened for about a year. And then later, I had an opportunity to run and lost my first election by two votes. But, in that time, I really developed a great relationship not only with those people, but also others, such as Katie Ballard, who was just starting out as a fundraiser, and helped me along the way both in my election as well as in our Speaker's Office. Katie, thanks for being here. David Johnson and his wife, Christina, who helped me both politically and in our press relations. And, of course, the brilliant Frank Terraferma that helped us at House campaigns, along with Faron Boggs, Kay Linton, and others. Thank you, guys, for all your help.

Richard Coates, who kept me out of trouble at times. Thank you, Richard.

I want to thank my aide, Shannon Sheppard, for holding down the fort back home when I was consumed with my duties here in Tallahassee. And prior to her taking over, we were fortunate to find Samantha Story, who is someone who we've known for years and has really become a close part of our family. Samantha, we love you. You've been a great part of the communications team. And this is a lady who knows exactly what I am gonna say before I say it. So, she's made the communications part pretty easy. Thank you, Samantha. We love you.

Now, Eli Menton, who many of you know, has become a key part of the Speaker's Office as well, and this year he handled the lion share of our budget issues. But we've been together for many years before that. He was my travel aide. We have logged thousands of hours together all across Florida. We've totaled some cars, we've trashed hotel rooms. I'm joking about the hotel rooms. But I'm not joking about the cars. Thank you, Eli, for all that you've done. I love you, buddy. Eli is the son I never had in my twenties.

Sarge and Jeremy, we appreciate you so much for all that you do to keep us safe every day, for the smiles, the delicious meals, the doors held; always protecting the Florida family. Again, we love you guys. We're eternally grateful to you as well. Thank you, guys.

Of course, there's nobody in this room that knows Florida history and the history of the Florida House better than Jeff Takacs. And his team keeps us running well so that we're up there, everything looks smooth, even if it's not really smooth. And Jeff has been really the inspiration for a lot of the special events we did, including that challenge coin that was on your desk before we started. Jeff, thank you. You're the best.

Danny, it's almost time for you to take the gavel. I can't promise you that it's an easy job, but I know that you're ready for it, my friend. You and your beautiful family will be in our prayers along the way. I know you've got this, bro.

Along with Danny Perez, we have Sam Garrison and Jennifer Canady. I know each of you will make sure that the House is in good hands. I know that you'll stay true to our mission, and lead with integrity, principle, and courage. I am so much looking forward to the success you'll have in the days ahead. God bless you.

But to my class, the ones who are still here, and those that are no longer here—they're in the Senate and doing other important things—thank you for believing in me, and the trust you placed in me. I wish you all fair winds and following seas.

To our leadership team, we've had many spirited debates through this year. And you helped us go from good to great. Thank you for helping me lead the Florida House.

And, again, finally, to the members. Thank you for your dedication, each and every one of you, to your districts, and to this state. I've met a lot of people and worked with a lot of people in the last nine years that, I know, many of you will remain my dear friends. I'm excited about what you're going to do together over the coming years, and confident that the House is in good hands because of each and every one of you. Thank you very much, and God bless you.

Our mission was to leave this state better than we found it, and I believe we've delivered, thanks to each and every one of you.

A farewell seems too final, so I'll just say so long for now. Thank you and God bless each and every one of you. Thank you.

Recessed

The House recessed at 2:45 p.m., to reconvene upon the call of the Chair.

Reconvened

The House was called to order by the Speaker *pro tempore* at 3:27 p.m. A quorum was present [Session Vote Sequence: 949].

Messages from the Senate

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1473, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/CS/HB 1473—A bill to be entitled An act relating to school safety; amending s. 30.15, F.S.; providing that private schools are responsible for specified costs relating to school guardian programs; authorizing sheriffs to waive specified costs for private schools; prohibiting specified funds from being used to subsidize certain costs; authorizing certain persons to be certified as school guardians without completing certain training requirements; revising specified training requirements for school guardians; requiring school districts, charter schools, private schools, and sheriffs to report specified information relating to school guardians and school guardian programs to the Department of Law Enforcement within specified timeframes; requiring the Department of Law Enforcement to maintain a list of school guardians and school guardian trainings; providing for the removal of specified persons from such list; providing requirements for such list; prohibiting sheriffs who fail to report specified information from receiving certain reimbursement; prohibiting school districts, charter schools, and private schools that fail to report specified information from operating school guardian programs for the following school year, unless the school district, charter school, or private school has submitted the required information; requiring the Department of Law Enforcement to report certain information to the Department of Education by specified dates of each school year; authorizing the Department of Law Enforcement to adopt rules; amending 330.41, F.S.; prohibiting the operation of a drone over public and private schools and the recording of video of such schools; providing criminal penalties; providing exemptions; amending s. 943.082, F.S.; requiring district school boards and charter school governing boards to ensure specified instruction relating to the mobile suspicious activity reporting tool be provided to students within a specified timeframe; providing requirements for such instruction; amending s. 985.04, F.S.; requiring the superintendent of schools, or his or her designee, to notify specified chiefs of police or public safety directors of certain postsecondary institutions of specified alleged acts by children dual enrolled at such institutions within a specified timeframe; amending s. 1001.212, F.S.; requiring the Office of Safe Schools to develop and adopt a specified report relating to compliance and noncompliance with school safety requirements by a specified date; requiring the office to provide such report to specified persons; requiring the office to conduct specified inspections triennially and investigate certain noncompliance; providing requirements for the provision of specified information from such inspections and investigations; requiring the office to provide certain quarterly reports to specified persons; requiring the office to provide bonuses to certain persons who comply with specified requirements; requiring the office to refer certain personnel to specified persons; requiring the office to notify specified personnel electronically of certain requirements; requiring the office to evaluate the methodology for the safe schools allocation and, if necessary, recommend an alternative methodology for specified purposes by a specified date; amending s. 1006.07, F.S.; requiring schools, including charter schools, to maintain a specified record relating to certain drills; providing that school safety specialist duties may be completed by his or her designee; providing that certain school safety specialist duties are in conjunction with the district school superintendent; requiring school safety specialists to conduct specified annual inspections, investigate specified reports of noncompliance, and report certain noncompliance and violations to specified individuals and the district school board; requiring school districts and charter school governing boards to comply with certain school safety requirements by a specified date; providing reporting requirements for violations of certain school safety requirements; requiring district school boards and charter school governing boards to adopt a progressive discipline policy for specified personnel who commit specified violations; amending s. 1006.12, F.S.; requiring specified agreements relating to school resource officers to identify the entity responsible for maintaining specified records; providing requirements before the appointment of a school guardian; requiring the Department of Education to provide certain information to the Department of Law Enforcement; repealing specified training requirements for safe-school officers; subject to legislative appropriation, requiring the Department of Law Enforcement to provide grants to sheriffs' offices and law enforcement agencies for specified purposes relating to school safety in private schools; providing requirements for such grants; requiring the Department of Law Enforcement to develop a specified form and provide such form to grant recipients; providing requirements for the use of such funds; providing a limit on the amount of funds an applicant may receive; providing an effective date.

(Amendment Bar Code: 536102)

Senate Amendment 1—

Delete lines 581 - 589

and insert:

normal school hours, unless:

(I) Attended or actively staffed by a person when students are on campus;

(II) The use is in accordance with a shared use agreement pursuant to s. 1013.101; or

(III) The school safety specialist, or his or her designee, has documented in the Florida Safe Schools Assessment Tool portal maintained by the Office of Safe Schools that the gate or other access point is not subject to this requirement based upon other safety measures at the school. The office may

conduct a compliance visit pursuant to s. 1001.212(14) to review if such determination is appropriate.

On motion by Rep. Trabulsy, the House concurred in **Senate Amendment 1 (536102)**.

The question recurred on passage of **CS/CS/HB 1473**, as amended. The vote was:

Session Vote Sequence: 950

Representative Clemons in the Chair.

Yeas—112

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

Nays—None

Votes after roll call:
Yeas—Fabricio

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 135, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/HB 135—A bill to be entitled An act relating to voter registration applications; amending s. 97.053, F.S.; providing an exception to a requirement that certain voter registration applicants must be registered without party affiliation; amending s. 97.057, F.S.; requiring the Department of Highway Safety and Motor Vehicles to notify certain individuals of certain information; prohibiting the department from changing the party affiliation of an applicant except in certain circumstances; requiring the department to provide an applicant with a certain receipt; prohibiting a person providing voter registration services for a driver license office from taking certain actions; requiring the department to ensure that information technology processes and updates do not alter certain information without written consent; requiring the department to be in full compliance with this act within a certain period; providing an effective date.

(Amendment Bar Code: 830180)

Senate Amendment 1—
Delete line 111
and insert:
Section 4. This act shall take effect January 1, 2025.

On motion by Rep. Gossett-Seidman, the House concurred in **Senate Amendment 1 (830180)**.

The question recurred on passage of **CS/HB 135**, as amended. The vote was:

Session Vote Sequence: 951

Representative Clemons in the Chair.

Yeas—113

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

Nays—None

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 271, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/CS/HB 271—A bill to be entitled An act relating to motor vehicle parking on private property; amending s. 715.075, F.S.; providing requirements for signage for certain parking facilities; authorizing certain entities to regulate such signage; providing requirements for invoices for certain parking charges; prohibiting the assessment of a late fee before a certain period; requiring such invoices to include a dispute and appeal method; providing requirements for such method; providing applicability; requiring a specified grace period before parking charges may be incurred; providing an exception; prohibiting personal information from being sold, offered for sale, or transferred for sale by such owners or operators; providing an effective date.

(Amendment Bar Code: 800572)

Senate Amendment 1—
Delete line 34
and insert:
rules of the property owner or operator, provide a working phone number and an e-mail address to receive inquiries and complaints, and provide notice of

On motion by Rep. V. Lopez, the House concurred in **Senate Amendment 1 (800572)**.

The question recurred on passage of **CS/CS/HB 271**, as amended. The vote was:

Session Vote Sequence: 952

Representative Clemons in the Chair.

Yeas—113

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

Nays—None

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1329, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/CS/HB 1329—A bill to be entitled An act relating to veterans; creating s. 265.8021, F.S.; defining the term "veteran"; creating the Florida Veterans' History Program within the Division of Arts and Culture of the Department of State as a Florida Folklife Program; providing the program's purpose; authorizing the division to request assistance from the Department of Veterans' Affairs; requiring the division's folklorists to seek out and identify certain veterans; authorizing the division or a folklorist to interview such veterans or invite them to submit written or electronic accounts of their experiences; authorizing the division to contract with a third-party vendor for a specified purpose; authorizing the division to adopt rules; amending s. 295.21, F.S.; revising the purpose of Florida Is For Veterans, Inc.; revising the duties of the corporation to require that it conduct specified activities directed toward its target market; defining the term "target market"; deleting obsolete language; providing that the President of the Senate and the Speaker of the House of Representatives may each appoint only one member from his or her chamber to the corporation's board of directors; making technical changes; amending s. 295.22, F.S.; defining terms; revising the purpose of the Veterans Employment and Training Services Program; revising the functions that Florida Is For Veterans, Inc., must perform in administering a specified program; authorizing the program to prioritize grant funds; revising the uses of specified grant funds; authorizing a business to receive certain other grant funds in addition to specified grant funds; authorizing the use of grant funds to provide for a specified educational stipend; requiring the corporation and the University of Florida to enter into a grant agreement before certain funds are expended; requiring the corporation to determine the amount of the stipend; providing that specified training must occur for a specified duration; authorizing the corporation to provide certain assistance to state agencies and entities, to provide a website that has relevant hyperlinks, and to collaborate with specified state agencies and other entities for specified purposes;; conforming provisions to changes made by the act; making technical changes; creating s. 295.25, F.S.; prohibiting the Department of State from charging veterans who reside in this state fees for the filing of specified documents; amending s. 379.353, F.S.; providing free hunting, freshwater fishing, and saltwater fishing licenses to certain disabled veterans; providing that such licenses expire after a certain period of time; requiring such licenses to be reissued in specified circumstances; amending s. 381.78, F.S.; revising the membership, appointment, and meetings of the advisory council on brain and spinal cord injuries; amending s. 1003.42, F.S.; requiring instruction on the history and importance of Veterans' Day and Memorial Day; requiring certain instruction to consist of two 45-minute lessons that occur within a certain timeframe; amending s. 288.0001, F.S.; conforming a cross-reference; reenacting ss. 379.3581(2)(b) and 379.401(2)(b) and (3)(b), F.S., relating to special authorization hunting licenses and the suspension and forfeiture of licenses and permits, respectively, to incorporate the amendment made to s. 379.353, F.S., in references thereto; providing an effective date.

(Amendment Bar Code: 402874)

Senate Amendment 1(with title amendment)—
Delete everything after the enacting clause
and insert:
Section 1. Section 265.8021, Florida Statutes, is created to read:
265.8021 Major John Leroy Haynes Florida Veterans' History Program.—
(1) As used in this section, the term "veteran" has the same meaning as in s. 1.01(14).
(2) The Major John Leroy Haynes Florida Veterans' History Program is created within the Division of Arts and Culture as a Florida Folklife Program to collect and preserve the stories and experiences of Florida's veterans and the State of Florida's military contributions throughout the nation's history. The division may request assistance with the program from the Department of Veterans' Affairs.
(3) In order to collect and preserve the stories and experiences of Florida's veterans and the State of Florida's military contributions throughout the nation's history, the division's folklorists shall seek out and identify those veterans who are willing to share their experiences. The division or a folklorist may interview veterans or invite veterans to submit written or electronic accounts of their experiences for inclusion in the program.
(4) As provided in s. 265.802, the division may contract with a third-party vendor to fulfill its responsibilities under subsection (3).
(5) The division may adopt rules to implement the program.
Section 2. Subsection (2), paragraph (a) of subsection (3), and paragraph (a) of subsection (4) of section 295.21, Florida Statutes, are amended to read:
295.21 Florida Is For Veterans, Inc.—
(2) PURPOSE.—The purpose of the corporation is to serve as the state's initial point of military transition assistance dedicated to promoting ~~promote~~ Florida as a veteran-friendly state helping ~~that seeks~~ to provide veterans and their spouses with employment opportunities and promoting ~~that promotes~~ the hiring of veterans and their spouses by the business community. The corporation shall encourage retired and recently separated military personnel to remain in this ~~the~~ state or to make this ~~the~~ state their permanent residence.

The corporation shall promote the value of military skill sets to businesses in this ~~the~~ state, assist in tailoring the training of veterans and their spouses to match the needs of the employment marketplace, and enhance the entrepreneurial skills of veterans and their spouses.

(3) DUTIES.—The corporation shall:

(a) Conduct marketing, awareness, and outreach activities directed toward its target market. As used in this section, the term "target market" means servicemembers of the United States Armed Forces who have 24 months or less until discharge, veterans with 36 months or less since discharge, and members of the Florida National Guard or reserves. The term includes spouses of such individuals, and surviving spouses of such individuals who have not remarried ~~research to identify the target market and the educational and employment needs of those in the target market. The corporation shall contract with at least one entity pursuant to the competitive bidding requirements in s. 287.057 and the provisions of s. 295.187 to perform the research. Such entity must have experience conducting market research on the veteran demographic. The corporation shall seek input from the Florida Tourism Industry Marketing Corporation on the scope, process, and focus of such research~~.

(4) GOVERNANCE.—

(a) The corporation shall be governed by an 11-member ~~a nine-member~~ board of directors. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint three members to the board. The appointments made by the President of the Senate and the Speaker of the House of Representatives may not be from the body over which he or she presides. In making appointments, the Governor, the President of the Senate, and the Speaker of the House of Representatives must consider representation by active or retired military personnel and their spouses, representing a range of ages and persons with expertise in business, education, marketing, and information management. Additionally, the President of the Senate and the Speaker of the House of Representatives shall each appoint one member from the body over which he or she presides to serve on the board as ex officio, nonvoting members.

Section 3. Section 295.22, Florida Statutes, is amended to read:

295.22 Veterans Employment and Training Services Program.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that the state has a compelling interest in ensuring that each veteran or his or her spouse who is a resident of this ~~the~~ state finds employment that meets his or her professional goals and receives the training or education necessary to meet those goals. The Legislature also finds that connecting dedicated, well-trained veterans with businesses that need a dedicated, well-trained workforce is of paramount importance. The Legislature recognizes that veterans or their spouses may not currently have the skills to meet the workforce needs of Florida employers and may require assistance in obtaining additional workforce training or in transitioning their skills to meet the demands of the marketplace. It is the intent of the Legislature that the Veterans Employment and Training Services Program coordinate and meet the needs of veterans and their spouses and the business community to enhance the economy of this state.

(2) DEFINITIONS.—For the purposes of this section, the term:

(a) "Secondary industry business" is a business that the state has an additional interest in supporting and for which veterans and their spouses may have directly transferable skills. Such businesses are in the fields of health care, agriculture, commercial construction, education, law enforcement, and public service.

(b) "Servicemember" means any person serving as a member of the United States Armed Forces on active duty or state active duty and all members of the Florida National Guard and United States Reserve Forces.

(c) "Target industry business" is a business as defined in s. 288.005.

(d) "Target market" means servicemembers of the United States Armed Forces who have 24 months or less until discharge, veterans with 36 months or less since discharge, and members of the Florida National Guard or reserves. The term includes spouses of such individuals, and surviving spouses of such individuals who have not remarried.

(3) CREATION.—The Veterans Employment and Training Services Program is created within the Department of Veterans' Affairs to assist in connecting servicemembers, ~~linking~~ veterans, or their spouses who are in the target market ~~in search of employment~~ with businesses seeking to hire dedicated, well-trained workers and with opportunities for entrepreneurship education, training, and resources. The purpose of the program is to meet the workforce demands of businesses in this ~~the~~ state by facilitating access to training and education in high-demand fields for such individuals and to inspire the growth and development of veteran-owned small businesses ~~veterans or their spouses~~.

(4)~~(3)~~ ADMINISTRATION.—Florida Is For Veterans, Inc., shall administer the Veterans Employment and Training Services Program and perform all of the following functions:

(a) Conduct marketing and recruiting efforts directed at individuals within the target market ~~veterans or their spouses~~ who reside in or ~~who~~ have an interest in relocating to this state and who are seeking employment. Marketing must include information related to how ~~a veteran's~~ military experience can be valuable to a target industry or secondary industry business. Such efforts may include attending ~~veteran~~ job fairs and events, hosting events for servicemembers, veterans, and their spouses or the business community, and using digital and social media and direct mail campaigns. The corporation shall also include such marketing as part of its main marketing campaign.

(b) Assist individuals in the target market ~~veterans or their spouses~~ who reside in or relocate to this state and who are seeking employment with target industry or secondary industry businesses. The corporation shall offer skills assessments to such individuals ~~veterans or their spouses~~ and assist them in establishing employment goals and applying for and achieving gainful employment.

1. Assessment may include skill match information, skill gap analysis, résumé creation, translation of military skills into civilian workforce skills, and translation of military achievements and experience into generally understood civilian workforce skills.

2. Assistance may include providing the servicemember, veteran, or his or her spouse with information on current workforce demand by industry or geographic region, creating employment goals, and aiding or teaching general knowledge related to completing applications. ~~The corporation may provide information related to industry certifications approved by the Department of Education under s. 1008.44 as well as information related to earning academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military under s. 1004.096.~~

3. ~~The corporation shall encourage veterans or their spouses to register with the state's job bank system and may refer veterans to local one-stop career centers for further services. The corporation shall provide each veteran with information about state workforce programs and shall consolidate information about all available resources on one website that, if possible, includes a hyperlink to each resource's website and contact information, if available.~~

~~4.~~ Assessment and assistance may be in person or by electronic means, as determined by the corporation to be most efficient and best meet the needs of veterans or their spouses.

(c) Assist Florida target industry and secondary industry businesses in recruiting and hiring individuals in the target market ~~veterans and veterans' spouses~~. The corporation shall provide services to Florida businesses to meet their hiring needs by connecting businesses with suitable ~~veteran~~ applicants for employment. Suitable applicants include veterans or veterans' spouses who have appropriate job skills or may need additional training to meet the specific needs of a business. The corporation shall also provide information about the state and federal benefits of hiring veterans.

(d) Create a grant program to provide funding to assist individuals in the target market ~~veterans~~ in meeting the workforce-skill needs of target industry and secondary industry businesses seeking to hire, promote, or generally improve specialized skills of veterans, establish criteria for approval of requests for funding, and maximize the use of funding for this program. Grant funds may be used only in the absence of available veteran-specific federally funded programs. Grants may fund specialized training specific to a particular business.

1. The program may prioritize ~~If~~ grant funds to be ~~are~~ used to provide a ~~technical~~ certificate, a license ~~licensure~~, or nondegree training from the Master

Credentials List pursuant to s. 445.004(4)(h); any federally created certifications or licenses; and any skills-based industry certifications or licenses deemed relevant or necessary by the corporation. ~~a degree.~~ Funds may be allocated only upon a review that includes, but is not limited to, documentation of accreditation and licensure. ~~Instruction funded through the program terminates when participants demonstrate competence at the level specified in the request but may not exceed 12 months. Preference shall be given to target industry businesses, as defined in s. 288.005, and to businesses in the defense supply, cloud virtualization, health care, or commercial aviation manufacturing industries.~~

2. Costs and expenditures are ~~shall be~~ limited to $8,000 per ~~veteran~~ trainee. Qualified businesses must cover the entire cost for all of the training provided before receiving reimbursement from the corporation equal to 50 percent of the cost to train a veteran who is a permanent, full-time employee. Eligible costs and expenditures include, but are not limited to:

a. Tuition and fees.

b. Books and classroom materials.

c. Rental fees for facilities.

3. Before funds are allocated for a request pursuant to this section, the corporation shall prepare a grant agreement between the business requesting funds and the corporation. Such agreement must include, but need not be limited to:

a. Identification of the personnel necessary to conduct the instructional program, instructional program description, and any vendors used to conduct the instructional program.

b. Identification of the estimated duration of the instructional program.

c. Identification of all direct, training-related costs.

d. Identification of special program requirements that are not otherwise addressed in the agreement.

e. Permission to access aggregate information specific to the wages and performance of participants upon the completion of instruction for evaluation purposes. The agreement must specify that any evaluation published subsequent to the instruction may not identify the employer or any individual participant.

4. A business may receive a grant under any state program ~~the Quick-Response Training Program created under s. 288.047~~ and a grant under this section for the same veteran trainee.

(e) Contract with one or more entities to administer an entrepreneur initiative program for individuals in the target market ~~veterans~~ in this state which connects business leaders in the state with such individuals ~~veterans~~ seeking to become entrepreneurs.

1. The corporation shall award each contract in accordance with the competitive bidding requirements in s. 287.057 to one or more public or private entities that:

a. Demonstrate the ability to implement the program and the commitment of resources, including financial resources, to such programs.

b. Have a demonstrated experience working with veteran entrepreneurs.

c. As determined by the corporation, have been recognized for their performance in assisting entrepreneurs to launch successful businesses in this ~~the~~ state.

2. Each contract must include performance metrics, including a focus on employment and business creation. The entity may also work with a university or college offering related programs to refer individuals in the target market ~~veterans~~ or to provide services. The entrepreneur initiative program may include activities and assistance such as peer-to-peer learning sessions, mentoring, technical assistance, business roundtables, networking opportunities, support of student organizations, speaker series, or other tools within a virtual environment.

(f) Administer a ~~As the state's principal assistance organization under the United States Department of Defense's~~ SkillBridge initiative ~~program~~ for target industry and secondary industry ~~qualified~~ businesses in this state and for eligible individuals in the target market ~~transitioning servicemembers~~ who reside in, or who wish to reside in, this state. In administering the initiative, the corporation shall:

1. Establish and maintain, as applicable, its certification for the SkillBridge initiative ~~program~~ or any other similar workforce training and transition programs established by the United States Department of Defense;

2. Educate businesses, business associations, and eligible individuals in the target market ~~transitioning servicemembers~~ on the SkillBridge initiative ~~program~~ and its benefits, and educate military command and personnel within the state on the opportunities available to eligible individuals in the target market ~~transitioning servicemembers through the SkillBridge program~~;

3. Assist businesses in obtaining approval for skilled workforce training curricula under the SkillBridge initiative ~~program~~, including, but not limited to, apprenticeships, internships, or fellowships; and

4. Match eligible individuals in the target market ~~transitioning servicemembers who are deemed eligible for SkillBridge participation by their military command~~ with training opportunities offered by the corporation or participating businesses, with the intent of having them ~~transitioning servicemembers~~ achieve gainful employment in this state upon completion of their SkillBridge training.

~~(g) Assist veterans and their spouses in accessing training, education, and employment in health care professions.~~

~~(h) Coordinate with the Office of Veteran Licensure Services within the Department of Health to assist veterans and their spouses in obtaining licensure pursuant to s. 456.024.~~

(5) COLLABORATION.—

(a) The corporation may assist state agencies and entities with recruiting veteran talent into their workforces.

(b) The corporation is encouraged to, and may collaborate with state agencies and other entities in efforts to, maximize access to and provide information on one website that, if possible, includes hyperlinks to the websites of and contact information, if available, for state agencies and other entities that maintain benefits, services, training, education, and other resources that are available to veterans and their spouses.

(c) The corporation may collaborate with other state agencies and entities for outreach, information exchange, marketing, and referrals regarding programs and initiatives that include, but are not limited to, the program created by this section and those within any of the following:

1. The Department of Veterans' Affairs:

a. Access to benefits and assistance programs.

b. Hope Navigators Program.

2. The Department of Commerce:

a. The Disabled Veteran Outreach Program and local veteran employment representatives.

b. CareerSource Florida, Inc., and local workforce boards employment and recruitment services.

c. The Quick-Response Training Program.

d. Efforts of the Florida Defense Support Task Force created under s. 288.987, the Florida Small Business Development Center Network, and the direct support organization established in s. 288.012(6).

3. The Department of Business and Professional Regulation, reciprocity and the availability of certain license and fee waivers.

4. The Department of Education:

a. CAPE industry certifications under s. 1008.44.

b. Information related to earning postsecondary credit at public postsecondary educational institutions for college-level training and education acquired in the military under s. 1004.096.

5. The Department of Health:

a. The Office of Veteran Licensure Services.

b. The Florida Veterans Application for Licensure Online Response expedited licensing.

6. The Office of Reimagining Education and Career Help.

Section 4. Subsection (1) of section 379.353, Florida Statutes, is amended to read:

379.353 Recreational licenses and permits; exemptions from fees and requirements.—

(1) The commission shall issue without fee hunting, freshwater fishing, and saltwater fishing licenses and permits ~~shall be issued without fee~~ to any resident who is certified or determined to be:

(a) ~~To be~~ Totally and permanently disabled for purposes of workers' compensation under chapter 440 as verified by an order of a judge of compensation claims or written confirmation by the carrier providing workers' compensation benefits, or to be totally and permanently disabled by

the Railroad Retirement Board, by the United States Department of Veterans Affairs or its predecessor, or by any branch of the United States Armed Forces, or who holds a valid identification card issued under ~~the provisions of~~ s. 295.17, upon proof of such certification or determination ~~same~~. Any license issued under this paragraph after January 1, 1997, expires after 5 years and must be reissued, upon request, every 5 years thereafter.

(b) ~~To be~~ Disabled by the United States Social Security Administration, upon proof of such certification or determination ~~same~~. Any license issued under this paragraph after October 1, 1999, expires after 2 years and must be reissued, upon proof of certification of disability, every 2 years thereafter.

(c) A disabled veteran of the United States Armed Forces who was honorably discharged upon separation from service and who is certified by the United States Department of Veterans Affairs or its predecessor or by any branch of the United States Armed Forces as having a service-connected disability percentage rating of 50 percent or greater, upon proof of such certification or determination. Any license issued under this paragraph after July 1, 2024, expires after 5 years and must be reissued, upon request, every 5 years thereafter.

A disability license issued after July 1, 1997, and before July 1, 2000, retains the rights vested thereunder until the license has expired.

Section 5. Subsection (1) of section 381.78, Florida Statutes, is amended to read:

381.78 Advisory council on brain and spinal cord injuries.—

(1) There is created within the department an 18-member ~~a 16-member~~ advisory council on brain and spinal cord injuries. The council shall be composed of a minimum of four individuals who have brain injuries or are family members of individuals who have brain injuries, a minimum of four individuals who have spinal cord injuries or are family members of individuals who have spinal cord injuries, and a minimum of two individuals who represent the special needs of children who have brain or spinal cord injuries. The balance of the council members shall be physicians, other allied health professionals, administrators of brain and spinal cord injury programs, and representatives from support groups that have expertise in areas related to the rehabilitation of individuals who have brain or spinal cord injuries. Additionally, the council must include two veterans who have or have had a traumatic brain injury, chronic traumatic encephalopathy, or subconcussive impacts due to military service, or include the family members of such veterans.

Section 6. Paragraph (u) of subsection (2) of section 1003.42, Florida Statutes, is amended to read:

1003.42 Required instruction.—

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historical accuracy, following the prescribed courses of study, and employing approved methods of instruction, the following:

(u)1. In order to encourage patriotism, the sacrifices that ~~veterans and~~ Medal of Honor recipients have made in serving our country and protecting democratic values worldwide. Such instruction must occur on or before Medal of Honor Day~~, Veterans' Day, and Memorial Day~~. Members of the instructional staff are encouraged to use the assistance of local veterans and Medal of Honor recipients when practicable.

2. The history and importance of Veterans' Day and Memorial Day. Such instruction may include two 45-minute lessons that occur on or before the respective holidays.

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection. Instructional programming that incorporates the values of the recipients of the Congressional Medal of Honor and that is offered as part of a social studies, English Language Arts, or other schoolwide character building and veteran awareness initiative meets the requirements of paragraph (u).

Section 7. Paragraph (c) of subsection (2) of section 288.0001, Florida Statutes, is amended to read:

288.0001 Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.

(2) The Office of Economic and Demographic Research and OPPAGA shall provide a detailed analysis of economic development programs as provided in the following schedule:

(c) By January 1, 2016, and every 3 years thereafter, an analysis of the following:

1. The tax exemption for semiconductor, defense, or space technology sales established under s. 212.08(5)(j).

2. The Military Base Protection Program established under s. 288.980.

3. The Quick Response Training Program established under s. 288.047.

4. The Incumbent Worker Training Program established under s. 445.003.

5. The direct-support organization and international trade and business development programs established or funded under s. 288.012 or s. 288.826.

6. The program established under s. 295.22(3) ~~s. 295.22(2)~~.

Section 8. For the purpose of incorporating the amendment made by this act to section 379.353, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 379.3581, Florida Statutes, is reenacted to read:

379.3581 Hunter safety course; requirements; penalty.—

(2)

(b) A person born on or after June 1, 1975, who has not successfully completed a hunter safety course may apply to the commission for a special authorization to hunt under supervision. The special authorization for supervised hunting shall be designated on any license or permit required under this chapter for a person to take game or fur-bearing animals. A person issued a license with a special authorization to hunt under supervision must hunt under the supervision of, and in the presence of, a person 21 years of age or older who is licensed to hunt pursuant to s. 379.354 or who is exempt from licensing requirements or eligible for a free license pursuant to s. 379.353.

Section 9. For the purpose of incorporating the amendment made by this act to section 379.353, Florida Statutes, in references thereto, paragraph (b) of subsection (2) and paragraph (b) of subsection (3) of section 379.401, Florida Statutes, are reenacted to read:

379.401 Penalties and violations; civil penalties for noncriminal infractions; criminal penalties; suspension and forfeiture of licenses and permits.—

(2) LEVEL TWO VIOLATIONS.—

(b)1. A person who commits a Level Two violation but who has not been convicted of a Level Two or higher violation within the past 3 years commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. Unless the stricter penalties in subparagraph 3. or subparagraph 4. apply, a person who commits a Level Two violation within 3 years after a previous conviction for a Level Two or higher violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of $250.

3. Unless the stricter penalties in subparagraph 4. apply, a person who commits a Level Two violation within 5 years after two previous convictions for a Level Two or higher violation, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of $500 and a suspension of any recreational license or permit issued under s. 379.354 for 1 year. Such suspension shall include the suspension of the privilege to obtain such license or permit and the suspension of the ability to exercise any privilege granted under any exemption in s. 379.353.

4. A person who commits a Level Two violation within 10 years after three previous convictions for a Level Two or higher violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of $750 and a suspension of any recreational license or permit issued under s. 379.354 for 3 years. Such suspension shall include the suspension of the privilege to obtain such license or permit and the suspension of the ability to exercise any privilege

granted under s. 379.353. If the recreational license or permit being suspended was an annual license or permit, any privileges under ss. 379.353 and 379.354 may not be acquired for a 3-year period following the date of the violation.

(3) LEVEL THREE VIOLATIONS.—

(b)1. A person who commits a Level Three violation but who has not been convicted of a Level Three or higher violation within the past 10 years commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. A person who commits a Level Three violation within 10 years after a previous conviction for a Level Three or higher violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, with a minimum mandatory fine of $750 and a suspension of any recreational license or permit issued under s. 379.354 for the remainder of the period for which the license or permit was issued up to 3 years. Such suspension shall include the suspension of the privilege to obtain such license or permit and the ability to exercise any privilege granted under s. 379.353. If the recreational license or permit being suspended was an annual license or permit, any privileges under ss. 379.353 and 379.354 may not be acquired for a 3-year period following the date of the violation.

3. A person who commits a violation of s. 379.354(17) shall receive a mandatory fine of $1,000. Any privileges under ss. 379.353 and 379.354 may not be acquired for a 5-year period following the date of the violation.

Section 10. For the 2024-2025 fiscal year, the sum of $91,207 in recurring funds from the General Revenue Fund is appropriated to the Division of Arts and Culture of the Department of State, and one full-time equivalent position with associated salary rate of 68,771 is authorized, to implement and administer the Major John Leroy Haynes Florida Veterans' History Program as created by this act.

Section 11. This act shall take effect July 1, 2024.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to veterans; creating s. 265.8021, F.S.; defining the term "veteran"; creating the Major John Leroy Haynes Florida Veterans' History Program within the Division of Arts and Culture of the Department of State as a Florida Folklife Program; providing the program's purpose; authorizing the division to request assistance from the Department of Veterans' Affairs; requiring the division's folklorists to seek out and identify certain veterans; authorizing the division or a folklorist to interview such veterans or invite them to submit written or electronic accounts of their experiences; authorizing the division to contract with a third-party vendor for a specified purpose; authorizing the division to adopt rules; amending s. 295.21, F.S.; revising the purpose of Florida Is For Veterans, Inc.; revising the duties of the corporation to require that it conduct specified activities directed toward its target market; defining the term "target market"; revising the number of members on the corporation's board of directors; deleting obsolete language; specifying that certain appointments made by the President of the Senate and the Speaker of the House of Representatives may not be from their respective chambers; providing that the President of the Senate and the Speaker of the House of Representatives shall each appoint one member from his or her chamber to serve as ex officio, nonvoting members of the corporation's board of directors; making technical changes; amending s. 295.22, F.S.; defining terms; revising the purpose of the Veterans Employment and Training Services Program; revising the functions that Florida Is For Veterans, Inc., must perform in administering a specified program; authorizing the program to prioritize grant funds; revising the uses of specified grant funds; authorizing a business to receive certain other grant funds in addition to specified grant funds; authorizing the corporation to provide certain assistance to state agencies and entities, to provide a website that has relevant hyperlinks, and to collaborate with specified state agencies and other entities for specified purposes; conforming provisions to changes made by the act; making technical changes; amending s. 379.353, F.S.; providing free hunting, freshwater fishing, and saltwater fishing licenses to certain disabled veterans; providing that specified licenses issued to such veterans expire periodically and must be reissued upon request after such time period; amending s. 381.78, F.S.; revising the membership of the advisory council on brain and spinal cord injuries; amending s. 1003.42, F.S.; requiring instruction on the history and importance of Veterans' Day and Memorial Day; amending s. 288.0001, F.S.; conforming a cross-reference; reenacting ss. 379.3581(2)(b) and 379.401(2)(b) and (3)(b), F.S., relating to special authorization hunting licenses and the suspension and forfeiture of licenses and permits, respectively, to incorporate the amendment made to s. 379.353, F.S., in references thereto; providing an appropriation and authorizing a position; providing an effective date.

On motion by Rep. Redondo, the House concurred in **Senate Amendment 1 (402874)**.

The question recurred on passage of **CS/CS/HB 1329**, as amended. The vote was:

Session Vote Sequence: 953

Representative Clemons in the Chair.

Yeas—113

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

Nays—None

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

Recessed

The House recessed at 3:35 p.m., to reconvene upon call of the Chair.

Reconvened

The House was called to order by the Speaker *pro tempore* at 3:53 p.m. A quorum was present [Session Vote Sequence: 954].

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has amended House Amendment 1 (126105) with Senate Amendment 1 (844484), concurred in the same as amended, and passed CS for SB 7014, as further amended, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

By the Committees on Rules; and Ethics and Elections-—

CS for SB 7014—A bill to be entitled An act relating to ethics; amending s. 112.3122, F.S.; increasing the maximum fine for violations of specified lobbying provisions; amending s. 112.3144, F.S.; authorizing attorneys who file full and public disclosures of their financial interests to indicate that a client meets disclosure criteria without providing further information relating to such client; authorizing such attorneys to designate such clients as "Legal Client" on such disclosures; amending s. 112.3145, F.S.; deleting obsolete language; authorizing attorneys who file statements of financial interests to indicate that a client meets disclosure criteria without providing further information relating to such client; authorizing such attorneys to designate such clients as "Legal Client" on such statements; amending s. 112.321, F.S.; prohibiting a member of the Commission on Ethics from serving more than two full terms, instead of two full terms in succession; making technical changes; deleting obsolete language; amending s. 112.317, F.S.; providing that a complainant is liable for costs plus reasonable attorney fees for filing a complaint with malicious intent against a candidate for public office; amending s. 112.324, F.S.; requiring that allegations in written complaints submitted to the commission be based upon personal knowledge or information other than hearsay; specifying that a certain number of members of the commission are not required to make a specified determination related to written referrals submitted to the commission by specified parties; requiring the commission to submit a copy of a certain referral to an alleged violator within a specified timeframe; requiring the commission to undertake a preliminary investigation within a specified timeframe after receipt of technically and legally sufficient complaints or referrals and make a certain determination; authorizing a complainant to submit an amended complaint within a specified timeframe; providing that the probable cause determination concludes the preliminary investigation; requiring the commission to complete a preliminary investigation, including a probable cause determination, within a specified timeframe; requiring the commission to complete an investigatory report within a specified timeframe; authorizing the commission to extend, for a specified period, the allowable timeframe to adequately complete a preliminary investigation if a specified number of members of the commission determine such extension is necessary; requiring the commission to document the reasons for extending such investigation and transmit a copy of such documentation to the alleged violator and complainant within a specified timeframe; requiring the commission to transmit a copy of the completed report to an alleged violator and to the counsel representing the commission within a specified timeframe; requiring such counsel to make a written recommendation for disposition of a complaint or referral within a specified timeframe after receiving the investigatory report; requiring the commission to transmit such recommendation to the alleged violator within a specified timeframe; providing that the alleged violator has a specified timeframe to respond in writing to the counsel's recommendation; requiring the commission, upon receipt of the counsel's recommendation, to schedule a probable cause hearing for the next executive session of the commission for which notice requirements can be met; providing that, under specified conditions, the commission may dismiss complaints or referrals before completion of a preliminary investigation; providing a timeframe within which the commission must transmit a copy of the order finding probable cause to the complainant and the alleged violator after a finding of probable cause; specifying that an alleged violator is entitled to request a formal hearing before the Division of Administrative Hearings or may select an informal hearing with the commission; providing that persons are deemed to waive their rights to a formal or an informal hearing if the request is not received within a specified timeframe; providing the timeframe within which the commission must conduct an informal hearing; requiring the commission to schedule a case that has been relinquished from the Division of Administrative Hearings for additional action at the next commission meeting for which notice requirements can be met; requiring the commission to complete final action on such case within a specified timeframe; requiring a specified percentage of commission members present at a meeting to vote to reject or deviate from a recommendation made by the counsel representing the commission; providing that specified timeframes are tolled until the completion of a related criminal investigation or prosecution, excluding appeals, whichever occurs later; providing that a harmless error standard applies to the commission regarding specified timeframes; amending s. 112.326, F.S.; providing requirements for noncriminal complaint procedures if a political subdivision or an agency adopts more stringent standards of conduct and disclosure requirements; providing that existing and future ordinances and rules that are in conflict with specified provisions are void; providing an effective date.

(Amendment Bar Code: 844484)

Senate Amendment 1 (with title amendment) to House Amendment 1 (126105) (with title amendment)—

Delete lines 5 - 139

and insert:

Section 6. Subsection (1) of section 112.324, Florida Statutes, is amended to read:

112.324 Procedures on complaints of violations and referrals; public records and meeting exemptions.—

(1) The commission shall investigate an alleged violation of this part or other alleged breach of the public trust within the jurisdiction of the commission as provided in s. 8(f), Art. II of the State Constitution:

(a) Upon a written complaint executed on a form prescribed by the commission which is based upon personal knowledge or information other than hearsay and signed under oath or affirmation by any person; or

(b) Upon receipt of a written referral of a possible violation of this part or other possible breach of the public trust from the Governor, the Department of Law Enforcement, a state attorney, or a United States Attorney which at least six members of the commission determine is sufficient to indicate a violation of this part or any other breach of the public trust.

Within 5 days after receipt of a complaint by the commission ~~or~~ a determination by at least six members of the commission that the referral received is deemed sufficient, a copy shall be transmitted to the alleged violator.

Section 7. Effective October 1, 2024, subsections (1) and (3) of section 112.324, Florida Statutes, as amended by this act, are amended to read:

112.324 Procedures on complaints of violations and referrals; public records and meeting exemptions.—

(1) The commission shall investigate an alleged violation of this part or other alleged breach of the public trust within the jurisdiction of the commission as provided in s. 8(f), Art. II of the State Constitution:

(a) Upon a written complaint executed on a form prescribed by the commission which is based upon personal knowledge or information other than hearsay and signed under oath or affirmation by any person; or

(b) Upon receipt of a written referral of a possible violation of this part or other possible breach of the public trust from the Governor, the Department of Law Enforcement, a state attorney, or a United States Attorney ~~which at least six members of the commission determine is sufficient to indicate a violation of this part or any other breach of the public trust~~.

Within 5 days after receipt of a complaint or referral by the commission ~~or a determination by at least six members of the commission that the referral received is deemed sufficient~~, a copy must ~~shall~~ be transmitted to the alleged violator.

(3)(a) A preliminary investigation must ~~shall~~ be undertaken by the commission within 30 days after its receipt of each technically and legally sufficient complaint or referral over which the commission has jurisdiction to determine whether there is probable cause to believe that a violation has occurred. A complainant may submit an amended complaint up to 60 days after the commission receives the initial complaint. The probable cause determination is the conclusion of the preliminary investigation. The commission shall complete the preliminary investigation, including the probable cause determination, no later than 1 year after the beginning of the preliminary investigation.

(b) An investigatory report must be completed no later than 150 days after the beginning of the preliminary investigation. If, at any one meeting of the

commission held during a given preliminary investigation, the commission determines that additional time is necessary to adequately complete such investigation, the commission may extend the timeframe to complete the preliminary investigation by no more than 60 days. During such meeting, the commission shall document its reasons for extending the investigation and transmit a copy of such documentation to the alleged violator and complainant no later than 5 days after the extension is ordered. The investigatory report must be transmitted to the alleged violator and to the counsel representing the commission no later than 5 days after completion of the report. As used in this section, the term "counsel" means an assistant attorney general, or in the event of a conflict of interest, an attorney not otherwise employed by the commission. The counsel representing the commission shall make a written recommendation to the commission for the disposition of the complaint or referral no later than 15 days after he or she receives the completed investigatory report. The commission shall transmit the counsel's written recommendation to the alleged violator no later than 5 days after its completion. The alleged violator has 14 days after the mailing date of the counsel's recommendation to respond in writing to the recommendation.

(c) Upon receipt of the counsel's recommendation, the commission shall schedule a probable cause hearing for the next executive session of the commission for which notice requirements can be met.

(d) If~~, upon completion of the preliminary investigation,~~ the commission finds no probable cause to believe that this part has been violated, or that no ~~any~~ other breach of the public trust has been committed, the commission must ~~shall~~ dismiss the complaint or referral with the issuance of a public report to the complainant and the alleged violator, stating with particularity its reasons for dismissal. At that time, the complaint or referral and all materials relating to the complaint or referral ~~shall~~ become a matter of public record.

(e) If the commission finds ~~from the preliminary investigation~~ probable cause to believe that this part has been violated or that any other breach of the public trust has been committed, it must transmit a copy of the order finding probable cause to ~~shall so notify~~ the complainant and the alleged violator in writing no later than 5 days after the date of the probable cause determination. Such notification and all documents made or received in the disposition of the complaint or referral ~~shall then~~ become public records. Upon request submitted to the commission in writing, any person who the commission finds probable cause to believe has violated any provision of this part or has committed any other breach of the public trust is ~~shall be~~ entitled to a public hearing and may elect to have a formal administrative hearing conducted by an administrative law judge in the Division of Administrative Hearings. If the person does not elect to have a formal administrative hearing by an administrative law judge, the person is entitled to an informal hearing conducted before the commission. Such person is ~~shall be~~ deemed to have waived the right to a formal or an informal public hearing if the request is not received within 14 days following the mailing date of the probable cause notification required by this paragraph ~~subsection~~. However, the commission may, on its own motion, require a public hearing.

(f) If the commission conducts an informal hearing, it must be held no later than 75 days after the date of the probable cause determination.

(g) If the commission refers a case to the Division of Administrative Hearings for a formal hearing and subsequently requests that the case be relinquished back to the commission, or if the administrative law judge assigned to the case relinquishes jurisdiction back to the commission before a recommended order is entered, the commission must schedule the case for additional action at the next commission meeting for which notice requirements can be met. At the next subsequent commission meeting, the commission must complete final action on such case.

(h) The commission~~, may conduct such further investigation as it deems necessary, and~~ may enter into such stipulations and settlements as it finds to be just and in the best interest of the state. At least two-thirds of the members of the commission present at a meeting must vote to reject or deviate from a stipulation or settlement that is recommended by the counsel representing the commission. The commission is without jurisdiction to, and no respondent may voluntarily or involuntarily, enter into a stipulation or settlement which imposes any penalty, including, but not limited to, a sanction or admonition or any other penalty contained in s. 112.317. Penalties may ~~shall~~ be imposed only by the appropriate disciplinary authority as designated in this section.

(i) If a criminal complaint related to an investigation pursuant to this section is filed, the timeframes in this subsection are tolled until completion of the criminal investigation or prosecution, excluding any appeals from such prosecution, whichever occurs later.

(j) The failure of the commission to comply with the time limits provided in this subsection constitutes harmless error in any related disciplinary action unless a court finds that the fairness of the proceedings or the correctness of an action may have been impaired by a material error in procedure or a failure to follow prescribed procedure.

(k) The timeframes prescribed by this subsection apply to complaints or referrals submitted to the commission on or after October 1, 2024.

Section 8. Section 112.326,

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

And the title is amended as follows:

Delete line 181

and insert:

Delete lines 49-105 and insert:

preliminary investigation if the commission determines such extension is necessary; requiring the commission to document the reasons for extending such investigation and transmit a copy of such documentation to the alleged violator and complainant within a specified timeframe; requiring the commission to transmit a copy of the completed report to an alleged violator and to the counsel representing the commission within a specified timeframe; defining the term "counsel"; requiring such counsel to make a written recommendation for disposition of a complaint or referral within a specified timeframe after receiving the investigatory report; requiring the commission to transmit such recommendation to the alleged violator within a specified timeframe; providing that the alleged violator has a specified timeframe to respond in writing to the counsel's recommendation; requiring the commission, upon receipt of the counsel's recommendation, to schedule a probable cause hearing for the next executive session of the commission for which notice requirements can be met; providing that, under specified conditions, the commission may dismiss complaints or referrals before completion of a preliminary investigation; providing a timeframe within which the commission must transmit a copy of the order finding probable cause to the complainant and the alleged violator after a finding of probable cause; specifying that an alleged violator is entitled to request a formal hearing before the Division of Administrative Hearings or may select an informal hearing with the commission; providing that persons are deemed to waive their rights to a formal or an informal hearing if the request is not received within a specified timeframe; providing the timeframe within which the commission must conduct an informal hearing; requiring the commission to schedule a case that has been relinquished from the Division of Administrative Hearings for additional action at the next commission meeting for which notice requirements can be met; requiring the commission to complete final action on such case within a specified timeframe; requiring a specified percentage of commission members present at a meeting to vote to reject or deviate from a

On motion by Rep. Brackett, the House concurred in **Senate Amendment 1 (844484)** to **House Amendment 1 (126105)**.

The question recurred on passage of **CS for SB 7014**, as amended. The vote was:

Session Vote Sequence: 955

Representative Clemons in the Chair.

Yeas—79

Abbott	Andrade	Bell	Brackett
Altman	Baker	Berfield	Brannan
Alvarez	Bankson	Black	Buchanan
Amesty	Barnaby	Borrero	Busatta Cabrera
Anderson	Basabe	Botana	Canady

Caruso	Holcomb	Overdorf	Salzman
Chamberlin	Jacques	Payne	Shoaf
Chaney	Killebrew	Perez	Sirois
Clemons	Koster	Persons-Mulicka	Smith
Esposito	LaMarca	Plakon	Snyder
Fabricio	Leek	Plasencia	Stark
Fine	Lopez, V.	Porras	Stevenson
Garcia	Maggard	Redondo	Temple
Garrison	Maney	Renner	Tomkow
Giallombardo	Massullo	Rizo	Trabulsy
Gonzalez Pittman	McClain	Roach	Truenow
Gossett-Seidman	McClure	Robinson, W.	Tuck
Grant	McFarland	Rommel	Yarkosky
Gregory	Michael	Roth	Yeager
Griffitts	Mooney	Rudman	

Nays—34

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

So the bill passed, as amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 87, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/HB 87—A bill to be entitled An act relating to taking of bears; providing a short title; creating s. 379.40411, F.S.; providing an exemption from penalties for the taking of bears without permits or authorizations under specified conditions; requiring the disposal of such bears by the Fish and Wildlife Conservation Commission; prohibiting certain possession, sale, and disposal of such bears; requiring the commission to adopt rules; providing an effective date.

(Amendment Bar Code: 542244)

Senate Amendment 1 (with title amendment)—

Delete everything after the enacting clause
and insert:

Section 1. This act may be cited as the "Self Defense Act."

Section 2. Section 379.40411, Florida Statutes, is created to read:

379.40411 Taking of bears; use of lethal force in defense of person or certain property.—

(1) A person is not subject to any administrative, civil, or criminal penalty for taking a bear with lethal force if:

(a) The person reasonably believed that his or her action was necessary to avoid an imminent threat of death or serious bodily injury to himself or herself or to another, an imminent threat of death or serious bodily injury to a pet, or substantial damage to a dwelling as defined in s. 776.013(5);

(b) The person did not lure the bear with food or attractants for an illegal purpose, including, but not limited to, training dogs to hunt bears;

(c) The person did not intentionally or recklessly place himself or herself or a pet in a situation in which he or she would be likely to need to use lethal force as described in paragraph (a); and

(d) The person notified the commission within 24 hours after he or she used lethal force to take the bear.

(2) A bear taken under this section must be disposed of by the commission. A person who takes a bear under this section may not possess, sell, or dispose of the bear or its parts.

(3) The commission shall adopt rules to implement this section.

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

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to taking of bears; providing a short title; creating s. 379.40411, F.S.; providing for the taking of bears without certain penalties under specified conditions; requiring the disposal of such bears by the Fish and Wildlife Conservation Commission; prohibiting certain possession, sale, and disposal of such bears or their parts; requiring the commission to adopt rules; providing an effective date.

On motion by Rep. Shoaf, the House concurred in **Senate Amendment 1 (542244)**.

The question recurred on passage of **CS/HB 87**, as amended. The vote was:

Session Vote Sequence: 956

Representative Clemons in the Chair.

Yeas—83

Abbott	Caruso	Koster	Roach
Altman	Cassel	LaMarca	Robinson, W.
Alvarez	Chamberlin	Leek	Rommel
Amesty	Chambliss	Lopez, V.	Roth
Anderson	Clemons	Maggard	Rudman
Andrade	Daniels	Maney	Salzman
Baker	Duggan	Massullo	Shoaf
Bankson	Esposito	McClain	Sirois
Barnaby	Fabricio	McClure	Snyder
Bell	Fine	McFarland	Stark
Benjamin	Franklin	Michael	Stevenson
Berfield	Garcia	Mooney	Tant
Black	Garrison	Overdorf	Temple
Borrero	Giallombardo	Payne	Tomkow
Botana	Gonzalez Pittman	Perez	Trabulsy
Brackett	Grant	Persons-Mulicka	Truenow
Brannan	Gregory	Plasencia	Tuck
Buchanan	Griffitts	Porras	Woodson
Busatta Cabrera	Holcomb	Redondo	Yarkosky
Campbell	Jacques	Renner	Yeager
Canady	Killebrew	Rizo	

Nays—28

Antone	Driskell	Hart	Rayner
Arrington	Dunkley	Hunschofsky	Robinson, F.
Bartleman	Eskamani	Joseph	Silvers
Bracy Davis	Gantt	Keen	Smith
Chaney	Gossett-Seidman	López, J.	Valdés
Cross	Gottlieb	Nixon	Waldron
Daley	Harris	Plakon	Williams

Votes after roll call:
Yeas—Basabe
Nays—Hinson

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 981, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/CS/HB 981—A bill to be entitled An act relating to aviation; amending s. 330.27, F.S.; revising definitions; amending s. 330.30, F.S.; requiring the

owner or lessee of a proposed vertiport to comply with specified requirements; requiring the Department of Transportation to conduct a specified inspection of a vertiport; creating s. 332.15, F.S.; providing legislative intent; providing duties of the department, within specified resources, with respect to vertiports, advanced air mobility, and other advances in aviation technology; requiring a report to the Governor and Legislature; providing report requirements; requiring certain airports to competitively bid vertiport operator contracts; amending s. 333.03, F.S.; revising requirements for the adoption of airport land use compatibility zoning regulations; providing an effective date.

(Amendment Bar Code: 163918)

Senate Amendment 1 (with title amendment)—

Delete everything after the enacting clause
and insert:

Section 1. Subsections (1), (2), and (8) of section 330.27, Florida Statutes, are amended to read:

330.27 Definitions, when used in ss. 330.29-330.39.—

(1) "Aircraft" means a powered or unpowered machine or device capable of atmospheric flight, including, but not limited to, an airplane, autogyro, glider, gyrodyne, helicopter, lift and cruise, multicopter, paramotor, powered lift, seaplane, tiltrotor, ultralight, and vectored thrust. The term does not include ~~except~~ a parachute or other such device used primarily as safety equipment.

(2) "Airport" means an area of land or water used for, or intended to be used for, ~~landing and takeoff of~~ aircraft operations, which may include any ~~including~~ appurtenant areas, buildings, facilities, or rights-of-way necessary to facilitate such use or intended use. The term includes, but is not limited to, an airpark, airport, gliderport, heliport, helistop, seaplane base, ultralight flightpark, vertiport, and vertistop.

~~(8) "Ultralight aircraft" means any aircraft meeting the criteria established by part 103 of the Federal Aviation Regulations.~~

Section 2. Present subsections (3) and (4) of section 330.30, Florida Statutes, are redesignated as subsections (4) and (5), respectively, a new subsection (3) is added to that section, and paragraph (a) of subsection (1), paragraph (a) of subsection (2), and present subsection (4) of that section are amended, to read:

330.30 Approval of airport sites; registration and licensure of airports.—

(1) SITE APPROVALS; REQUIREMENTS, EFFECTIVE PERIOD, REVOCATION.—

(a) Except as provided in subsection (4) ~~(3)~~, the owner or lessee of a proposed airport shall, before site acquisition or construction or establishment of the proposed airport, obtain approval of the airport site from the department. Applications for approval of a site shall be made in a form and manner prescribed by the department. The department shall grant the site approval if it is satisfied:

1. That the site has adequate area allocated for the airport as proposed.

2. That the proposed airport will conform to licensing or registration requirements and will comply with the applicable local government land development regulations or zoning requirements.

3. That all affected airports, local governments, and property owners have been notified and any comments submitted by them have been given adequate consideration.

4. That safe air-traffic patterns can be established for the proposed airport with all existing airports and approved airport sites in its vicinity.

(2) LICENSES AND REGISTRATIONS; REQUIREMENTS, RENEWAL, REVOCATION.—

(a) Except as provided in subsection (4) ~~(3)~~, the owner or lessee of an airport in this state shall have a public airport license, private airport registration, or temporary airport registration before the operation of aircraft to or from the airport. Application for a license or registration shall be made in a form and manner prescribed by the department.

1. For a public airport, upon granting site approval, the department shall issue a license after a final airport inspection finds the airport to be in compliance with all requirements for the license. The license may be subject to any reasonable conditions the department deems necessary to protect the public health, safety, or welfare.

2. For a private airport, upon granting site approval, the department shall provide controlled electronic access to the state aviation facility data system to permit the applicant to complete the registration process. Registration shall be completed upon self-certification by the registrant of operational and configuration data deemed necessary by the department.

3. For a temporary airport, the department must publish notice of receipt of a completed registration application in the next available publication of the Florida Administrative Register and may not approve a registration application less than 14 days after the date of publication of the notice. The department must approve or deny a registration application within 30 days after receipt of a completed application and must issue the temporary airport registration concurrent with the airport site approval. A completed registration application that is not approved or denied within 30 days after the department receives the completed application is considered approved and shall be issued, subject to such reasonable conditions as are authorized by law. An applicant seeking to claim registration by default under this subparagraph must notify the agency clerk of the department, in writing, of the intent to rely upon the default registration provision of this subparagraph and may not take any action based upon the default registration until after receipt of such notice by the agency clerk.

(3) VERTIPORTS.—On or after July 1, 2024, the owner or lessee of a proposed vertiport must comply with subsection (1) in obtaining site approval and with subsection (2) in obtaining an airport license or registration. In conjunction with the granting of site approval, the department must conduct a final physical inspection of the vertiport to ensure compliance with all requirements for airport licensure or registration.

(5)~~(4)~~ EXCEPTIONS.—Private airports with 10 or more based aircraft may request to be inspected and licensed by the department. Private airports licensed according to this subsection shall be considered private airports as defined in s. 330.27 ~~s. 330.27(5)~~ in all other respects.

Section 3. Section 332.15, Florida Statutes, is created to read:

332.15 Advanced air mobility.—The Department of Transportation shall, within the resources provided pursuant to chapter 216:

(1) Address the need for vertiports, advanced air mobility, and other advances in aviation technology in the statewide aviation system plan as required under s. 332.006(1) and, as appropriate, in the department's work program.

(2) Designate a subject matter expert on advanced air mobility within the department to serve as a resource for local jurisdictions navigating advances in aviation technology.

(3) Lead a statewide education campaign for local officials to provide education on the benefits of advanced air mobility and advances in aviation technology and to support the efforts to make this state a leader in aviation technology.

(4) Provide local jurisdictions with a guidebook and technical resources to support uniform planning and zoning language across this state related to advanced air mobility and other advances in aviation technology.

(5) Ensure that a political subdivision of the state does not exercise its zoning and land use authority to grant or permit an exclusive right to one or more vertiport owners or operators and authorize a political subdivision to use its authority to promote reasonable access to advanced air mobility operators at public use vertiports within the jurisdiction of the subdivision.

(6) Conduct a review of airport hazard zone regulations and, as needed, make recommendations to the Legislature proposing any changes to regulations as a result of the review.

Section 4. Subsection (2) of section 333.03, Florida Statutes, is amended to read:

333.03 Requirement to adopt airport zoning regulations.—

(2) In the manner provided in subsection (1), political subdivisions shall adopt, administer, and enforce airport land use compatibility zoning regulations. At a minimum, airport land use compatibility zoning regulations must address ~~shall, at a minimum, consider~~ the following:

(a) The prohibition of new landfills and the restriction of existing landfills within the following areas:

1. Within 10,000 feet from the nearest point of any runway used or planned to be used by turbine aircraft.

2. Within 5,000 feet from the nearest point of any runway used by only nonturbine aircraft.

3. Outside the perimeters defined in subparagraphs 1. and 2., but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. s. 77.19. Case-by-case review of such landfills is advised.

(b) When ~~Where~~ any landfill is located and constructed in a manner that attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns of aircraft. The landfill operator must incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft.

(c) When ~~Where~~ an airport authority or other governing body operating a public-use airport has conducted a noise study in accordance with 14 C.F.R. part 150, or when ~~where~~ a public-use airport owner has established noise contours pursuant to another public study accepted by the Federal Aviation Administration, the prohibition of incompatible uses, as established in the noise study in 14 C.F.R. part 150, Appendix A or as a part of an alternative Federal Aviation Administration-accepted public study, within the noise contours established by any of these studies, except if such uses are specifically contemplated by such study with appropriate mitigation or similar techniques described in the study.

(d) When ~~Where~~ an airport authority or other governing body operating a public-use airport has not conducted a noise study, the prohibition ~~mitigation~~ of ~~potential incompatible uses associated with~~ residential construction and ~~any~~ educational facilities ~~facility~~, with the exception of aviation school facilities or residential property near a public-use airport that has as its sole runway a turf runway measuring less than 2,800 feet in length, within an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.

(e) The restriction of new incompatible uses, activities, or substantial modifications to existing incompatible uses within runway protection zones.

Section 5. For the purpose of incorporating the amendment made by this act to section 330.27, Florida Statutes, in a reference thereto, subsection (13) of section 365.172, Florida Statutes, is reenacted to read:

365.172 Emergency communications.—

(13) FACILITATING EMERGENCY COMMUNICATIONS SERVICE IMPLEMENTATION.—To balance the public need for reliable emergency communications services through reliable wireless systems and the public interest served by governmental zoning and land development regulations and notwithstanding any other law or local ordinance to the contrary, the following standards shall apply to a local government's actions, as a regulatory body, in the regulation of the placement, construction, or modification of a wireless communications facility. This subsection may not, however, be construed to waive or alter the provisions of s. 286.011 or s. 286.0115. For the purposes of this subsection only, "local government" shall mean any municipality or county and any agency of a municipality or county only. The term "local government" does not, however, include any airport, as defined by s. 330.27(2), even if it is owned or controlled by or through a municipality, county, or agency of a municipality or county. Further, notwithstanding anything in this section to the contrary, this subsection does not apply to or control a local government's actions as a property or structure owner in the use of any property or structure owned by such entity for the placement, construction, or modification of wireless communications facilities. In the use of property or structures owned by the local government, however, a local government may not use its regulatory authority so as to avoid compliance with, or in a manner that does not advance, the provisions of this subsection.

(a) Colocation among wireless providers is encouraged by the state.

1.a. Colocations on towers, including nonconforming towers, that meet the requirements in sub-sub-subparagraphs (I), (II), and (III), are subject to only building permit review, which may include a review for compliance with this subparagraph. Such colocations are not subject to any design or placement requirements of the local government's land development regulations in effect at the time of the colocation that are more restrictive than those in effect at the time of the initial antennae placement approval, to any other portion of the land development regulations, or to public hearing review. This sub-subparagraph may not preclude a public hearing for any appeal of the decision on the colocation application.

(I) The colocation does not increase the height of the tower to which the antennae are to be attached, measured to the highest point of any part of the tower or any existing antenna attached to the tower;

(II) The colocation does not increase the ground space area, commonly known as the compound, approved in the site plan for equipment enclosures and ancillary facilities; and

(III) The colocation consists of antennae, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with all applicable regulations, restrictions, or conditions, if any, applied to the initial antennae placed on the tower and to its accompanying equipment enclosures and ancillary facilities and, if applicable, applied to the tower supporting the antennae. Such regulations may include the design and aesthetic requirements, but not procedural requirements, other than those authorized by this section, of the local government's land development regulations in effect at the time the initial antennae placement was approved.

b. Except for a historic building, structure, site, object, or district, or a tower included in sub-subparagraph a., colocations on all other existing structures that meet the requirements in sub-sub-subparagraphs (I)-(IV) shall be subject to no more than building permit review, and an administrative review for compliance with this subparagraph. Such colocations are not subject to any portion of the local government's land development regulations not addressed herein, or to public hearing review. This sub-subparagraph may not preclude a public hearing for any appeal of the decision on the colocation application.

(I) The colocation does not increase the height of the existing structure to which the antennae are to be attached, measured to the highest point of any part of the structure or any existing antenna attached to the structure;

(II) The colocation does not increase the ground space area, otherwise known as the compound, if any, approved in the site plan for equipment enclosures and ancillary facilities;

(III) The colocation consists of antennae, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with any applicable structural or aesthetic design requirements and any requirements for location on the structure, but not prohibitions or restrictions on the placement of additional colocations on the existing structure or procedural requirements, other than those authorized by this section, of the local government's land development regulations in effect at the time of the colocation application; and

(IV) The colocation consists of antennae, equipment enclosures, and ancillary facilities that are of a design and configuration consistent with all applicable restrictions or conditions, if any, that do not conflict with sub-sub-subparagraph (III) and were applied to the initial antennae placed on the structure and to its accompanying equipment enclosures and ancillary facilities and, if applicable, applied to the structure supporting the antennae.

c. Regulations, restrictions, conditions, or permits of the local government, acting in its regulatory capacity, that limit the number of colocations or require review processes inconsistent with this subsection do not apply to colocations addressed in this subparagraph.

d. If only a portion of the colocation does not meet the requirements of this subparagraph, such as an increase in the height of the proposed antennae over the existing structure height or a proposal to expand the ground space approved in the site plan for the equipment enclosure, where all other portions of the colocation meet the requirements of this subparagraph, that portion of the colocation only may be reviewed under the local government's regulations applicable to an initial placement of that portion of the facility, including, but not limited to, its land development regulations, and within the review timeframes of subparagraph (d)2., and the rest of the colocation shall be reviewed in accordance with this subparagraph. A colocation proposal under this subparagraph that increases the ground space area, otherwise known as the compound, approved in the original site plan for equipment enclosures and ancillary facilities by no more than a cumulative amount of 400 square feet or 50 percent of the original compound size, whichever is greater, shall, however, require no more than administrative review for compliance with the local government's regulations, including, but not limited to, land development regulations review, and building permit review, with no public hearing review. This sub-subparagraph does not preclude a public hearing for any appeal of the decision on the colocation application.

2. If a colocation does not meet the requirements of subparagraph 1., the local government may review the application under the local government's regulations, including, but not limited to, land development regulations, applicable to the placement of initial antennae and their accompanying equipment enclosure and ancillary facilities.

3. If a colocation meets the requirements of subparagraph 1., the colocation may not be considered a modification to an existing structure or an impermissible modification of a nonconforming structure.

4. The owner of the existing tower on which the proposed antennae are to be colocated shall remain responsible for compliance with any applicable condition or requirement of a permit or agreement, or any applicable condition or requirement of the land development regulations to which the existing tower had to comply at the time the tower was permitted, including any aesthetic requirements, provided the condition or requirement is not inconsistent with this paragraph.

5. An existing tower, including a nonconforming tower, may be structurally modified in order to permit colocation or may be replaced through no more than administrative review and building permit review, and is not subject to public hearing review, if the overall height of the tower is not increased and, if a replacement, the replacement tower is a monopole tower or, if the existing tower is a camouflaged tower, the replacement tower is a like-camouflaged tower. This subparagraph may not preclude a public hearing for any appeal of the decision on the application.

(b)1. A local government's land development and construction regulations for wireless communications facilities and the local government's review of an application for the placement, construction, or modification of a wireless communications facility shall only address land development or zoning issues. In such local government regulations or review, the local government may not require information on or evaluate a wireless provider's business decisions about its service, customer demand for its service, or quality of its service to or from a particular area or site, unless the wireless provider voluntarily offers this information to the local government. In such local government regulations or review, a local government may not require information on or evaluate the wireless provider's designed service unless the information or materials are directly related to an identified land development or zoning issue or unless the wireless provider voluntarily offers the information. Information or materials directly related to an identified land development or zoning issue may include, but are not limited to, evidence that no existing structure can reasonably be used for the antennae placement instead of the construction of a new tower, that residential areas cannot be served from outside the residential area, as addressed in subparagraph 3., or that the proposed height of a new tower or initial antennae placement or a proposed height increase of a modified tower, replacement tower, or colocation is necessary to provide the provider's designed service. Nothing in this paragraph shall limit the local government from reviewing any applicable land development or zoning issue addressed in its adopted regulations that does not conflict with this section, including, but not limited to, aesthetics, landscaping, land use-based location priorities, structural design, and setbacks.

2. Any setback or distance separation required of a tower may not exceed the minimum distance necessary, as determined by the local government, to satisfy the structural safety or aesthetic concerns that are to be protected by the setback or distance separation.

3. A local government may exclude the placement of wireless communications facilities in a residential area or residential zoning district but only in a manner that does not constitute an actual or effective prohibition of the provider's service in that residential area or zoning district. If a wireless provider demonstrates to the satisfaction of the local government that the provider cannot reasonably provide its service to the residential area or zone from outside the residential area or zone, the municipality or county and provider shall cooperate to determine an appropriate location for a wireless communications facility of an appropriate design within the residential area or zone. The local government may require that the wireless provider reimburse the reasonable costs incurred by the local government for this cooperative determination. An application for such cooperative determination may not be considered an application under paragraph (d).

4. A local government may impose a reasonable fee on applications to place, construct, or modify a wireless communications facility only if a similar fee is imposed on applicants seeking other similar types of zoning, land use, or building permit review. A local government may impose fees for the review of applications for wireless communications facilities by consultants or experts who conduct code compliance review for the local government but any fee is limited to specifically identified reasonable expenses incurred in the review. A local government may impose reasonable surety requirements to ensure the removal of wireless communications facilities that are no longer being used.

5. A local government may impose design requirements, such as requirements for designing towers to support colocation or aesthetic requirements, except as otherwise limited in this section, but may not impose or require information on compliance with building code type standards for the construction or modification of wireless communications facilities beyond those adopted by the local government under chapter 553 and that apply to all similar types of construction.

(c) Local governments may not require wireless providers to provide evidence of a wireless communications facility's compliance with federal regulations, except evidence of compliance with applicable Federal Aviation Administration requirements under 14 C.F.R. part 77, as amended, and evidence of proper Federal Communications Commission licensure, or other evidence of Federal Communications Commission authorized spectrum use, but may request the Federal Communications Commission to provide information as to a wireless provider's compliance with federal regulations, as authorized by federal law.

(d)1. A local government shall grant or deny each properly completed application for a colocation under subparagraph (a)1. based on the application's compliance with the local government's applicable regulations, as provided for in subparagraph (a)1. and consistent with this subsection, and within the normal timeframe for a similar building permit review but in no case later than 45 business days after the date the application is determined to be properly completed in accordance with this paragraph.

2. A local government shall grant or deny each properly completed application for any other wireless communications facility based on the application's compliance with the local government's applicable regulations, including but not limited to land development regulations, consistent with this subsection and within the normal timeframe for a similar type review but in no case later than 90 business days after the date the application is determined to be properly completed in accordance with this paragraph.

3.a. An application is deemed submitted or resubmitted on the date the application is received by the local government. If the local government does not notify the applicant in writing that the application is not completed in compliance with the local government's regulations within 20 business days after the date the application is initially submitted or additional information resubmitted, the application is deemed, for administrative purposes only, to be properly completed and properly submitted. However, the determination may not be deemed as an approval of the application. If the application is not completed in compliance with the local government's regulations, the local government shall so notify the applicant in writing and the notification must indicate with specificity any deficiencies in the required documents or deficiencies in the content of the required documents which, if cured, make the application properly completed. Upon resubmission of information to cure the stated deficiencies, the local government shall notify the applicant, in writing, within the normal timeframes of review, but in no case longer than 20 business days after the additional information is submitted, of any remaining deficiencies that must be cured. Deficiencies in document type or content not specified by the local government do not make the application incomplete. Notwithstanding this sub-subparagraph, if a specified deficiency is not properly cured when the applicant resubmits its application to comply with the notice of deficiencies, the local government may continue to request the information until such time as the specified deficiency is cured. The local government may establish reasonable timeframes within which the required information to cure the application deficiency is to be provided or the application will be considered withdrawn or closed.

b. If the local government fails to grant or deny a properly completed application for a wireless communications facility within the timeframes set forth in this paragraph, the application shall be deemed automatically approved and the applicant may proceed with placement of the facilities

without interference or penalty. The timeframes specified in subparagraph 2. may be extended only to the extent that the application has not been granted or denied because the local government's procedures generally applicable to all other similar types of applications require action by the governing body and such action has not taken place within the timeframes specified in subparagraph 2. Under such circumstances, the local government must act to either grant or deny the application at its next regularly scheduled meeting or, otherwise, the application is deemed to be automatically approved.

c. To be effective, a waiver of the timeframes set forth in this paragraph must be voluntarily agreed to by the applicant and the local government. A local government may request, but not require, a waiver of the timeframes by the applicant, except that, with respect to a specific application, a one-time waiver may be required in the case of a declared local, state, or federal emergency that directly affects the administration of all permitting activities of the local government.

(e) The replacement of or modification to a wireless communications facility, except a tower, that results in a wireless communications facility not readily discernibly different in size, type, and appearance when viewed from ground level from surrounding properties, and the replacement or modification of equipment that is not visible from surrounding properties, all as reasonably determined by the local government, are subject to no more than applicable building permit review.

(f) Any other law to the contrary notwithstanding, the Department of Management Services shall negotiate, in the name of the state, leases for wireless communications facilities that provide access to state government-owned property not acquired for transportation purposes, and the Department of Transportation shall negotiate, in the name of the state, leases for wireless communications facilities that provide access to property acquired for state rights-of-way. On property acquired for transportation purposes, leases shall be granted in accordance with s. 337.251. On other state government-owned property, leases shall be granted on a space available, first-come, first-served basis. Payments required by state government under a lease must be reasonable and must reflect the market rate for the use of the state government-owned property. The Department of Management Services and the Department of Transportation are authorized to adopt rules for the terms and conditions and granting of any such leases.

(g) If any person adversely affected by any action, or failure to act, or regulation, or requirement of a local government in the review or regulation of the wireless communication facilities files an appeal or brings an appropriate action in a court or venue of competent jurisdiction, following the exhaustion of all administrative remedies, the matter shall be considered on an expedited basis.

Section 6. For the purpose of incorporating the amendment made by this act to section 330.27, Florida Statutes, in a reference thereto, subsection (2) of section 379.2293, Florida Statutes, is reenacted to read:

379.2293 Airport activities within the scope of a federally approved wildlife hazard management plan or a federal or state permit or other authorization for depredation or harassment.—

(2) An airport authority or other entity owning or operating an airport, as defined in s. 330.27(2), is not subject to any administrative or civil penalty, restriction, or other sanction with respect to any authorized action taken in a non-negligent manner for the purpose of protecting human life or aircraft safety from wildlife hazards.

Section 7. For the purpose of incorporating the amendment made by this act to section 330.27, Florida Statutes, in a reference thereto, subsection (22) of section 493.6101, Florida Statutes, is reenacted to read:

493.6101 Definitions.—

(22) "Repossession" means the recovery of a motor vehicle as defined under s. 320.01(1), a mobile home as defined in s. 320.01(2), a motorboat as defined under s. 327.02, an aircraft as defined in s. 330.27(1), a personal watercraft as defined in s. 327.02, an all-terrain vehicle as defined in s. 316.2074, farm equipment as defined under s. 686.402, or industrial equipment, by an individual who is authorized by the legal owner, lienholder, or lessor to recover, or to collect money payment in lieu of recovery of, that which has been sold or leased under a security agreement that contains a repossession clause. As used in this subsection, the term "industrial equipment" includes, but is not limited to, tractors, road rollers, cranes, forklifts, backhoes, and bulldozers. The term "industrial equipment" also includes other vehicles that are propelled by power other than muscular power and that are used in the manufacture of goods or used in the provision of services. A repossession is complete when a licensed recovery agent is in control, custody, and possession of such repossessed property. Property that is being repossessed shall be considered to be in the control, custody, and possession of a recovery agent if the property being repossessed is secured in preparation for transport from the site of the recovery by means of being attached to or placed on the towing or other transport vehicle or if the property being repossessed is being operated or about to be operated by an employee of the recovery agency.

Section 8. For the purpose of incorporating the amendment made by this act to section 330.27, Florida Statutes, in a reference thereto, paragraph (c) of subsection (1) of section 493.6403, Florida Statutes, is reenacted to read:

493.6403 License requirements.—

(1) In addition to the license requirements set forth in this chapter, each individual or agency shall comply with the following additional requirements:

(c) An applicant for a Class "E" license shall have at least 1 year of lawfully gained, verifiable, full-time experience in one, or a combination of more than one, of the following:

1. Repossession of motor vehicles as defined in s. 320.01(1), mobile homes as defined in s. 320.01(2), motorboats as defined in s. 327.02, aircraft as defined in s. 330.27(1), personal watercraft as defined in s. 327.02, all-terrain vehicles as defined in s. 316.2074, farm equipment as defined under s. 686.402, or industrial equipment as defined in s. 493.6101(22).

2. Work as a Class "EE" licensed intern.

Section 9. This act shall take effect July 1, 2024.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to aviation; amending s. 330.27, F.S.; revising definitions; amending s. 330.30, F.S.; beginning on a specified date, requiring the owner or lessee of a proposed vertiport to comply with a specified provision in obtaining certain approval and license or registration; requiring the Department of Transportation to conduct a final physical inspection of the vertiport to ensure compliance with specified requirements; conforming a cross-reference; creating s. 332.15, F.S.; providing duties of the department, within specified resources, with respect to vertiports, advanced air mobility, and other advances in aviation technology; amending s. 333.03, F.S.; revising requirements for the adoption of airport land use compatibility zoning regulations; reenacting ss. 365.172(13), 379.2293(2), 493.6101(22), and 493.6403(1)(c), F.S., relating to emergency communications, airport activities within the scope of a federally approved wildlife hazard management plan or a federal or state permit or other authorization for depredation or harassment, definitions, and license requirements, respectively, to incorporate the amendment made to s. 330.27, F.S., in references thereto; providing an effective date.

On motion by Rep. Bankson, the House refused to concur in **Senate Amendment 1 (163918)** and requested the Senate to recede therefrom. The action, together with the bill and amendment thereto, was immediately certified to the Senate.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 623, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/CS/HB 623—A bill to be entitled An act relating to home warranty transfers; amending s. 634.312, F.S.; limiting application of provisions relating to home warranty contract assignments; amending s. 634.331, F.S.; making technical changes; conforming provisions to changes made by the

act; creating part IV of ch. 634, F.S., entitled "Miscellaneous Provisions"; creating s. 634.601, F.S., providing definitions; creating s. 634.602, F.S.; providing requirements for express written warranties and home warranties transferred to subsequent home purchasers; providing construction; creating s. 634.603, F.S.; defining an unfair method of competition and unfair or deceptive act or practice; providing for application; renaming ch. 634, F.S.; providing an effective date.

(Amendment Bar Code: 615874)

Senate Amendment 1(with title amendment)—

Delete everything after the enacting clause
and insert:

Section 1. Section 553.837, Florida Statutes, is created to read:

553.837 Mandatory builder warranty.—

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

(a) "Builder" has the same meaning as in s. 553.993.

(b) "Material violation" has the same meaning as in s. 553.84.

(c) "Newly constructed home" means any residential real property or manufactured building, modular building, or factory-built building as defined in s. 553.36 which is a single-family dwelling, duplex, triplex, or quadruplex that has not been previously occupied.

(2) A builder shall warrant a newly constructed home for all construction defects of equipment, material, or workmanship furnished by the builder or any subcontractor or supplier resulting in a material violation of the Florida Building Code pursuant to this part, for a period of 1 year after the date of original conveyance of title to the initial owner or after the date of initial occupancy of the dwelling, whichever occurs first. Defects with respect to appliances or equipment that are covered under a manufacturer warranty do not fall within the scope of the required warranty under this subsection.

(a) This subsection may not be construed to require the builder's warranty to cover any of the following:

1. Normal wear and tear of the newly constructed home.

2. Normal house settling within generally acceptable trade practices.

3. Any object or part of a newly constructed home that contains a defect that is caused by any work performed or material supplied incident to construction, modification, or repair performed by the initial purchaser, a subsequent purchaser, or anyone acting on his or her behalf, other than the builder or its employees, agents, or contractors.

4. Any loss or damage to the newly constructed home, whether caused by the initial purchaser, a subsequent purchaser, a third party, or an act of God over which the builder has no control, such as a natural disaster or a fire caused by lightning.

(b) The builder shall remedy, at the builder's expense, any defects that are covered under this subsection and shall restore any work damaged in fulfilling the terms and conditions of the warranty. A builder may purchase a warranty from a home warranty association provided for under chapter 634 to cover the warranties required in this section.

(c) A builder shall comply with the requirement to warrant a newly constructed home, whether pursuant to the statutory warranty under this subsection or a builder's express written warranty as provided in subsection (3), for the full 1-year period required under this subsection even if the newly constructed home is sold or transferred and is no longer owned by the initial owner.

(3) Notwithstanding any other provision in this section, the terms and conditions of an express written warranty that is provided by a builder to the initial owner of a newly constructed home supersede any provisions in this section if the express written warranty contains provisions with respect to any of the following:

(a) The scope, coverage, and duration of the express written warranty is the same or greater than that required in subsection (2).

(b) The express written warranty automatically transfers to a new owner during at least the initial year of the warranty as provided in paragraph (2)(c).

(c) If the builder provides an express written warranty that is longer than that required under subsection (2), the express written warranty must state:

1. That the builder is providing a warranty that is longer than required under subsection (2) and the length of time for which the warranty is granted.

2. Whether the warranty is transferable for a duration beyond the 1 year required under paragraph (2)(c) and any terms under which the warranty may be transferred.

(4) Enforcement of this section is limited to a private civil cause of action by a purchaser against any builder that fails to comply with this section. This section may not be construed to extend the statute of repose beyond that provided by law.

Section 2. This act shall take effect July 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to builder warranties; creating s. 553.837, F.S.; defining terms; requiring a builder to provide certain warranties for a newly constructed home for a specified period; providing that certain defects are not covered by such warranties; providing construction; requiring the builder to remedy, at the builder's expense, certain defects and restore work damaged; providing that a builder may purchase a warranty from a certain home warranty association to cover specified warranties; requiring the builder to comply with the warranty requirement for a newly constructed home for a specified period even if it is sold or transferred; providing that certain express warranties supersede certain provisions under certain circumstances; specifying requirements for certain express warranties; providing that enforcement is limited to a private cause of action brought by a purchaser against the noncompliant builder; providing construction; providing an effective date.

On motion by Rep. Anderson, the House concurred in **Senate Amendment 1 (615874)**.

The question recurred on passage of **CS/CS/HB 623**, as amended. The vote was:

Session Vote Sequence: 957

Representative Clemons in the Chair.

Yeas—104

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

Nays—7

Bartleman	Harris	Robinson, F.	Williams
Eskamani	Nixon	Waldron	

Votes after roll call:

Yeas—Hunschofsky

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1335, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/CS/HB 1335—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 210.15 and creating s. 210.32, F.S.; requiring persons or entities licensed or permitted by the department's Division of Alcoholic Beverages and Tobacco, or applying for such license or permit, to create and maintain an account with the division's online system and provide an e-mail address to the division; requiring such persons and entities to maintain the accuracy of their contact information; specifying application requirements; prohibiting the division from processing applications not submitted through the online system; amending s. 210.40, F.S.; revising the amount of an initial corporate surety bond required as a condition of licensure as a tobacco product distributor; requiring the division to review corporate surety bond amounts on a specified basis; authorizing the division to increase a bond amount, subject to specified conditions; authorizing the division to adjust bond amounts by rule; authorizing the division to reduce a bond amount upon a showing of good cause; defining terms; requiring the division to notify distributors in writing if their corporate surety bond requirements change; providing applicability; prohibiting the division from reducing a bond amount under specified circumstances; authorizing the division to adopt rules; amending s. 310.0015, F.S.; deleting provisions requiring a competency-based mentor program at ports and requiring the department to submit an annual report on such program; amending s. 310.081, F.S.; deleting a requirement that the department consider certain characteristics for applicants for certification as a deputy pilot; making technical changes; creating s. 399.18, F.S.; requiring certain persons or entities certified or registered under the Elevator Safety Act, or applying for such certification or registration, to create and maintain an online account with the department's Division of Hotels and Restaurants and provide an e-mail address to the division; requiring such persons and entities to maintain the accuracy of their contact information; requiring the division to adopt rules; creating s. 468.519, F.S.; creating the employee leasing companies licensing program within the department; providing legislative findings; repealing s. 468.521, F.S., relating to the department's Board of Employee Leasing Companies; amending s. 469.006, F.S.; revising requirements for department rules governing evidence of financial responsibility of applicants seeking licensure as a business organization under ch. 469, F.S.; amending s. 471.003, F.S.; revising the list persons not required to be licensed as a licensed engineer; amending s. 473.306, F.S.; requiring applicants for the accountancy licensure examination to create and maintain an online account with and provide an e-mail address to the department; requiring such applicants to maintain the accuracy of their contact information; requiring that address changes be submitted through the department's online system within a specified timeframe; amending s. 473.308, F.S.; requiring a person seeking licensure as a Florida certified public accountant, or a firm seeking to engage in public accountancy, to create and maintain an online account with and provide an e-mail address to the department; requiring such accountants and firms to maintain the accuracy of their contact information; requiring that address changes be submitted through the department's online system within a specified timeframe; amending s. 476.114, F.S.; revising eligibility requirements for licensure as a barber; making technical changes; amending s. 477.019, F.S.; revising eligibility requirements for licensure by examination to practice cosmetology; amending s. 489.131, F.S.; revising the types of penalties that may be recommended by a local jurisdiction enforcement body against a contractor; specifying requirements for such recommended penalties; amending s. 489.143, F.S.; revising limitations for payments made from the department's Florida Homeowners' Construction Recovery Fund; amending s. 499.012, F.S.; revising requirements for certification as a designated representative of a prescription drug wholesale distributor; amending s. 561.15, F.S.; reducing the look-back period for criminal history for a license under the Beverage Law; amending s. 561.17, F.S.; requiring persons or entities licensed or permitted by the Division of Alcoholic Beverages and Tobacco, or applying for such license or permit, to create and maintain an account with the division's online system; requiring such applicants to maintain the accuracy of their contact information; specifying application requirements; prohibiting the division from processing applications not submitted through the online system; creating ss. 569.00256 and 569.3156, F.S.; requiring certain persons or entities licensed or permitted by the division, or applying for such license or permit, to create and maintain an account with the division's online system; requiring such licensees, permittees, and applicants to provide the division with an e-mail address and maintain the accuracy of their contact information; specifying application requirements; prohibiting the division from processing applications not submitted through the online system; amending ss. 20.165, 210.16, 212.08, 440.02, 448.26, 468.520, 468.522, 468.524, 468.5245, 468.525, 468.526, 468.527, 468.5275, 468.529, 468.530, 468.531, 468.532, 476.144, and 627.192, F.S.; conforming cross-references and provisions to changes made by the act; providing an effective date.

(Amendment Bar Code: 833732)

Senate Amendment 1(with title amendment)—

Delete everything after the enacting clause

and insert:

Section 1. Present paragraphs (a) through (h) of subsection (1) of section 210.15, Florida Statutes, are redesignated as paragraphs (b) through (i), respectively, and a new paragraph (a) is added to that subsection, to read:

210.15 Permits.—

(1)

(a) A person or an entity licensed or permitted by the division, or applying for a license or a permit, must create and maintain an account with the division's online system and provide an e-mail address to the division to function as the primary means of contact for all communication by the division to the licensee, permittee, or applicant. Licensees, permittees, and applicants are responsible for maintaining accurate contact information on file with the division. A person or an entity seeking a license or permit under this part must apply using forms furnished by the division which are filed through the division's online system before commencing operations. The division may not process an application for a license or permit issued by the division under this part unless the application is submitted through the division's online system.

Section 2. Section 210.32, Florida Statutes, is created to read:

210.32 Account; online system.—A person or an entity licensed or permitted by the division, or applying for a license or a permit, must create and maintain an account with the division's online system and provide an e-mail address to the division to function as the primary means of contact for all communication by the division to the licensee, permittee, or applicant. Licensees, permittees, and applicants are responsible for maintaining accurate contact information on file with the division. A person or an entity seeking a license or a permit under this part must apply using forms furnished by the division which are filed through the division's online system before commencing operations. The division may not process an application for a license or permit issued by the division under this part unless the application is submitted through the division's online system.

Section 3. Section 210.40, Florida Statutes, is amended to read:

210.40 License fees; surety bond; application for each place of business.—

(1) Each application for a distributor's license must ~~shall~~ be accompanied by a fee of $25. The application must ~~shall~~ also be accompanied by a corporate surety bond issued by a surety company authorized to do business in this state, conditioned for the payment when due of all taxes, penalties, and accrued interest which may be due the state. The initial corporate surety bond shall be in the sum of $25,000 ~~$1,000~~ and in a form prescribed by the division.

(a) The division shall review the amount of a corporate surety bond on a semiannual basis to ensure that the bond amount is adequate to protect the state.

(b) The division may increase the corporate surety bond amount before renewing a distributor's license or after completing its semiannual review of the bond amount.

(c) The corporate surety bond amount may be increased to the sum of the distributor's highest month of final audited tax liabilities, penalties, and accrued interest which are due to the state.

(2) A corporate surety bond, with the sum determined by the division in accordance with paragraph (1)(c), is required for renewal of a distributor's license.

(3) The division may prescribe by rule increases in the corporate surety bond amounts required as a condition of licensure.

(4)(a) The division may reduce the amount of a corporate surety bond upon a distributor's showing of good cause. For purposes of this subsection, the term:

1. "Fully resolved" means that criminal or administrative charges or investigations have been definitively closed or dismissed, have resulted in an acquittal, or have otherwise ended in such a manner that no further legal or administrative actions relating to charges or investigations are pending against a licensee under applicable laws, rules, or regulations.

2. "Good cause" means a consistent pattern of responsible financial behavior by the distributor over a period of at least the preceding 4 years, and having the sum of the distributor's final audited tax liabilities, penalties, and interest be less than the amount of the distributor's corporate surety bond for every month for a period of at least the preceding 4 years.

3. "Responsible financial behavior" includes the timely and complete reporting and payment of all tax liabilities, penalties, and accrued interest due to the state for a period of at least the preceding 4 years.

(b) The division may not reduce a corporate surety bond amount when a licensee:

1. Is in default of any tax liabilities, penalties, or interest due to the state;

2. Is the subject of a pending criminal prosecution in any jurisdiction until such prosecution has been fully resolved;

3. Has pending administrative charges brought by an authorized regulatory body or agency which have not been fully resolved in accordance with applicable rules and procedures; or

4. Is under investigation by any administrative body or agency for potential criminal violations until any such investigation is completed and the findings of the investigation have been fully resolved in accordance with applicable law.

(5) The division shall notify a distributor in writing of any change in the distributor's corporate surety bond requirements by the date on which the distributor's audited tax assessments become final.

(6) The provisions of this section governing corporate surety bonds are not subject to s. 120.60 ~~Whenever it is the opinion of the division that the bond given by a licensee is inadequate in amount to fully protect the state, the division shall require an additional bond in such amount as is deemed sufficient~~.

(7) A separate application for a license must ~~shall~~ be made for each place of business at which a distributor proposes to engage in business as a distributor under this part, but an applicant may provide one corporate surety bond in an amount determined by the division for all applications made by the distributor consistent with the requirements of this section.

(8) The division may adopt rules to administer this section.

Section 4. Paragraph (d) of subsection (3) of section 310.0015, Florida Statutes, is amended to read:

310.0015 Piloting regulation; general provisions.—

(3) The rate-setting process, the issuance of licenses only in numbers deemed necessary or prudent by the board, and other aspects of the economic regulation of piloting established in this chapter are intended to protect the public from the adverse effects of unrestricted competition which would result from an unlimited number of licensed pilots being allowed to market their services on the basis of lower prices rather than safety concerns. This system of regulation benefits and protects the public interest by maximizing safety, avoiding uneconomic duplication of capital expenses and facilities, and enhancing state regulatory oversight. The system seeks to provide pilots with reasonable revenues, taking into consideration the normal uncertainties of vessel traffic and port usage, sufficient to maintain reliable, stable piloting operations. Pilots have certain restrictions and obligations under this system, including, but not limited to, the following:

(d)~~1.~~ The pilot or pilots in a port shall train and compensate all member deputy pilots in that port. Failure to train or compensate such deputy pilots constitutes ~~shall constitute~~ a ground for disciplinary action under s. 310.101. Nothing in this subsection may ~~shall~~ be deemed to create an agency or employment relationship between a pilot or deputy pilot and the pilot or pilots in a port.

~~2. The pilot or pilots in a port shall establish a competency-based mentor program by which minority persons as defined in s. 288.703 may acquire the skills for the professional preparation and education competency requirements of a licensed state pilot or certificated deputy pilot. The department shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives with a report each year on the number of minority persons as defined in s. 288.703 who have participated in each mentor program, who are licensed state pilots or certificated deputy pilots, and who have applied for state pilot licensure or deputy pilot certification.~~

Section 5. Subsection (2) of section 310.081, Florida Statutes, is amended to read:

310.081 Department to examine and license state pilots and certificate deputy pilots; vacancies.—

(2) The department shall similarly examine persons who file applications for certificate as deputy pilot, and, if upon examination to determine proficiency the department finds them qualified, the department must ~~shall~~ certify as qualified all applicants who pass the examination, provided that not more than five persons who passed the examination are certified for each declared opening. If more than five applicants per opening pass the examination, the persons having the highest scores must ~~shall~~ be certified as qualified up to the number of openings times five. ~~The department shall give consideration to the minority and female status of applicants when qualifying deputy pilots, in the interest of ensuring diversification within the state piloting profession.~~ The department shall appoint and certificate such number of deputy pilots from those applicants deemed qualified as in the discretion of the board are required in the respective ports of the state. A deputy pilot shall be authorized by the department to pilot vessels within the limits and specifications established by the licensed state pilots at the port where the deputy is appointed to serve.

Section 6. Section 399.18, Florida Statutes, is created to read:

399.18 Online services account.—

(1) A certified elevator inspector, certified elevator technician, or registered elevator company; a person or entity seeking to become certified or registered as such; a person who has been issued an elevator certificate of competency; a person who is seeking such certificate; a person or entity who has been issued an elevator certificate of operation; and a person or entity who is seeking such a certificate must create and maintain an online account with the division and provide an e-mail address to the division to function as the primary means of contact for all communication from the division. Each person or entity is responsible for maintaining accurate contact information on file with the division.

(2) The division shall adopt rules to implement this section.

Section 7. Subsection (4) is added to section 468.521, Florida Statutes, to read:

468.521 Board of Employee Leasing Companies; membership; appointments; terms.—

(4) If at any time a sufficient number of appointed board members does not exist to constitute a quorum pursuant to s. 455.207, the department may, only during the absence of such quorum, exercise all powers and duties granted to the board pursuant to chapter 455 and this chapter.

Section 8. Paragraph (c) of subsection (2) of section 469.006, Florida Statutes, is amended to read:

469.006 Licensure of business organizations; qualifying agents.—

(2)

(c) As a prerequisite to the issuance of a license under this section, the applicant shall submit the following:

1. An affidavit on a form provided by the department attesting that the applicant has obtained workers' compensation insurance as required by chapter 440, public liability insurance, and property damage insurance, in

amounts determined by department rule. The department shall establish by rule a procedure to verify the accuracy of such affidavits based upon a random sample method.

2. Evidence of financial responsibility. The department shall adopt rules to determine financial responsibility which must ~~shall~~ specify grounds on which the department may deny licensure. Such criteria must ~~shall~~ include, but is not ~~be~~ limited to, credit history ~~and limits of bondability and credit~~.

Section 9. Paragraph (c) of subsection (2) of section 471.003, Florida Statutes, is amended to read:

471.003 Qualifications for practice; exemptions.—

(2) The following persons are not required to be licensed under the provisions of this chapter as a licensed engineer:

(c) Regular full-time employees of a business organization ~~corporation~~ not engaged in the practice of engineering as such, whose practice of engineering for such business organization ~~corporation~~ is limited to the design or fabrication of manufactured products and servicing of such products.

Section 10. Section 473.306, Florida Statutes, is amended to read:

473.306 Examinations.—

(1) A person desiring to be licensed as a Florida certified public accountant shall apply to the department to take the licensure examination.

(2) A person applying to the department to take the licensure examination must create and maintain an online account with the department and provide an e-mail address to function as the primary means of contact for all communication to the applicant from the department. Each applicant is responsible for maintaining accurate contact information on file with the department and must submit any change in the applicant's e-mail address or home address within 30 days after the change. All changes must be submitted through the department's online system.

(3) An applicant is entitled to take the licensure examination to practice in this state as a certified public accountant if:

(a) The applicant has completed 120 semester hours or 180 quarter hours from an accredited college or university with a concentration in accounting and business courses as specified by the board by rule; and

(b) The applicant shows that she or he has good moral character. For purposes of this paragraph, the term "good moral character" has the same meaning as provided in s. 473.308(7)(a) ~~s. 473.308(6)(a)~~. The board may refuse to allow an applicant to take the licensure examination for failure to satisfy this requirement if:

1. The board finds a reasonable relationship between the lack of good moral character of the applicant and the professional responsibilities of a certified public accountant; and

2. The finding by the board of lack of good moral character is supported by competent substantial evidence.

If an applicant is found pursuant to this paragraph to be unqualified to take the licensure examination because of a lack of good moral character, the board shall furnish to the applicant a statement containing the findings of the board, a complete record of the evidence upon which the determination was based, and a notice of the rights of the applicant to a rehearing and appeal.

(4)~~(3)~~ The board shall have the authority to establish the standards for determining and shall determine:

(a) What constitutes a passing grade for each subject or part of the licensure examination;

(b) Which educational institutions, in addition to the universities in the State University System of Florida, shall be deemed to be accredited colleges or universities;

(c) What courses and number of hours constitute a major in accounting; and

(d) What courses and number of hours constitute additional accounting courses acceptable under s. 473.308(4) ~~s. 473.308(3)~~.

(5)~~(4)~~ The board may adopt an alternative licensure examination for persons who have been licensed to practice public accountancy or its equivalent in a foreign country so long as the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has ratified an agreement with that country for reciprocal licensure.

(6)~~(5)~~ For the purposes of maintaining the proper educational qualifications for licensure under this chapter, the board may appoint an Educational Advisory Committee, which shall be composed of one member of the board, two persons in public practice who are licensed under this chapter, and four academicians on faculties of universities in this state.

Section 11. Present subsections (3) through (9) of section 473.308, Florida Statutes, are redesignated as subsections (4) through (10), respectively, a new subsection (3) is added to that section, and subsection (2), paragraph (b) of present subsection (4), and present subsection (8) of that section are amended, to read:

473.308 Licensure.—

(2) The board shall certify for licensure any applicant who successfully passes the licensure examination and satisfies the requirements of subsections (4), (5), and (6) ~~(3), (4), and (5)~~, and shall certify for licensure any firm that satisfies the requirements of ss. 473.309 and 473.3101. The board may refuse to certify any applicant or firm that has violated any of the provisions of s. 473.322.

(3) A person desiring to be licensed as a Florida certified public accountant or a firm desiring to engage in the practice of public accounting must create and maintain an online account with the department and provide an e-mail address to function as the primary means of contact for all communication from the department. Certified public accountants and firms are responsible for maintaining accurate contact information on file with the department and must submit any change in an e-mail address or street address within 30 days after the change. All changes must be submitted through the department's online system.

(5)~~(4)~~

(b) However, an applicant who completed the requirements of subsection (4) ~~(3)~~ on or before December 31, 2008, and who passes the licensure examination on or before June 30, 2010, is exempt from the requirements of this subsection.

(9)~~(8)~~ If the applicant has at least 5 years of experience in the practice of public accountancy in the United States or in the practice of public accountancy or its equivalent in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined has licensure standards that are substantially equivalent to those in the United States, or has at least 5 years of work experience that meets the requirements of subsection (5) ~~(4)~~, the board must ~~shall~~ waive the requirements of subsection (4) ~~(3)~~ which are in excess of a baccalaureate degree. All experience that is used as a basis for waiving the requirements of subsection (4) ~~(3)~~ must be while licensed as a certified public accountant by another state or territory of the United States or while licensed in the practice of public accountancy or its equivalent in a foreign country that the International Qualifications Appraisal Board of the National Association of State Boards of Accountancy has determined has licensure standards that are substantially equivalent to those in the United States. The board shall have the authority to establish the standards for experience that meet this requirement.

Section 12. Subsections (2) and (3) of section 476.114, Florida Statutes, are amended to read:

476.114 Examination; prerequisites.—

(2) An applicant is ~~shall be~~ eligible for licensure by examination to practice barbering if the applicant:

(a) Is at least 16 years of age;

(b) Pays the required application fee; and

(c)~~1. Holds an active valid license to practice barbering in another state, has held the license for at least 1 year, and does not qualify for licensure by endorsement as provided for in s. 476.144(5); or~~

~~2.~~ Has received a minimum of 900 hours of training in sanitation, safety, and laws and rules, as established by the board, which must ~~shall~~ include, but is ~~shall~~ not ~~be~~ limited to, the equivalent of completion of services directly related to the practice of barbering at one of the following:

1.~~a.~~ A school of barbering licensed pursuant to chapter 1005;

2.~~b.~~ A barbering program within the public school system; or

3.~~c.~~ A government-operated barbering program in this state.

The board shall establish by rule procedures whereby the school or program may certify that a person is qualified to take the required examination after the completion of a minimum of 600 actual school hours. If the person passes the examination, she or he has ~~shall have~~ satisfied this requirement; but if the

person fails the examination, she or he may ~~shall~~ not be qualified to take the examination again until the completion of the full requirements provided by this section.

(3) An applicant who meets the requirements set forth in paragraph (2)(c) ~~subparagraphs (2)(c)1. and 2.~~ who fails to pass the examination may take subsequent examinations as many times as necessary to pass, except that the board may specify by rule reasonable timeframes for rescheduling the examination and additional training requirements for applicants who, after the third attempt, fail to pass the examination. Prior to reexamination, the applicant must file the appropriate form and pay the reexamination fee as required by rule.

Section 13. Subsection (2) of section 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.—

(2) An applicant is ~~shall be~~ eligible for licensure by examination to practice cosmetology if the applicant:

(a) Is at least 16 years of age or has received a high school diploma;

(b) Pays the required application fee, which is not refundable, and the required examination fee, which is refundable if the applicant is determined to not be eligible for licensure for any reason other than failure to successfully complete the licensure examination; and

(c)~~1. Is authorized to practice cosmetology in another state or country, has been so authorized for at least 1 year, and does not qualify for licensure by endorsement as provided for in subsection (5); or~~

~~2.~~ Has received a minimum of 1,200 hours of training as established by the board, which must ~~shall~~ include, but is ~~shall~~ not ~~be~~ limited to, the equivalent of completion of services directly related to the practice of cosmetology at one of the following:

1.~~a.~~ A school of cosmetology licensed pursuant to chapter 1005.

2.~~b.~~ A cosmetology program within the public school system.

3.~~c.~~ The Cosmetology Division of the Florida School for the Deaf and the Blind, provided the division meets the standards of this chapter.

4.~~d.~~ A government-operated cosmetology program in this state.

The board shall establish by rule procedures whereby the school or program may certify that a person is qualified to take the required examination after the completion of a minimum of 1,000 actual school hours. If the person then passes the examination, he or she has ~~shall have~~ satisfied this requirement; but if the person fails the examination, he or she may ~~shall~~ not be qualified to take the examination again until the completion of the full requirements provided by this section.

Section 14. Paragraph (c) of subsection (7) of section 489.131, Florida Statutes, is amended to read:

489.131 Applicability.—

(7)

(c) In addition to any action the local jurisdiction enforcement body may take against the individual's local license, and any fine the local jurisdiction may impose, the local jurisdiction enforcement body shall issue a recommended penalty for board action. This recommended penalty may include a recommendation for no further action, or a recommendation for suspension, restitution, revocation, or restriction of the registration, or a fine to be levied by the board, or a combination thereof. The recommended penalty must specify the violations of this chapter upon which the recommendation is based. The local jurisdiction enforcement body shall inform the disciplined contractor and the complainant of the local license penalty imposed, the board penalty recommended, his or her rights to appeal, and the consequences should he or she decide not to appeal. The local jurisdiction enforcement body shall, upon having reached adjudication or having accepted a plea of nolo contendere, immediately inform the board of its action and the recommended board penalty.

Section 15. Subsections (3) and (6) of section 489.143, Florida Statutes, are amended to read:

489.143 Payment from the fund.—

(3) Beginning January 1, 2005, for each Division I contract entered into after July 1, 2004, payment from the recovery fund is subject to a $50,000 maximum payment for each Division I claim. Beginning January 1, 2017, for each Division II contract entered into on or after July 1, 2016, payment from the recovery fund is subject to a $15,000 maximum payment for each Division II claim. Beginning January 1, 2025, for Division I and Division II contracts entered into on or after July 1, 2024, payment from the recovery fund is subject to a $100,000 maximum payment for each Division I claim and a $30,000 maximum payment for each Division II claim.

(6) For contracts entered into before July 1, 2004, payments for claims against any one licensee may not exceed, in the aggregate, $100,000 annually, up to a total aggregate of $250,000. For any claim approved by the board which is in excess of the annual cap, the amount in excess of $100,000 up to the total aggregate cap of $250,000 is eligible for payment in the next and succeeding fiscal years, but only after all claims for the then-current calendar year have been paid. Payments may not exceed the aggregate annual or per claimant limits under law. Beginning January 1, 2005, for each Division I contract entered into after July 1, 2004, payment from the recovery fund is subject only to a total aggregate cap of $500,000 for each Division I licensee. Beginning January 1, 2017, for each Division II contract entered into on or after July 1, 2016, payment from the recovery fund is subject only to a total aggregate cap of $150,000 for each Division II licensee. Beginning January 1, 2025, for Division I and Division II contracts entered into on or after July 1, 2024, payment from the recovery fund is subject only to a total aggregate cap of $2 million for each Division I licensee and $600,000 for each Division II licensee.

Section 16. Subsection (19) of section 489.505, Florida Statutes, is amended to read:

489.505 Definitions.—As used in this part:

(19) "Specialty contractor" means a contractor whose scope of practice is limited to a specific segment of electrical or alarm system contracting established in a category adopted by board rule, including, but not limited to, residential electrical contracting, maintenance of electrical fixtures, and fabrication, erection, installation, and maintenance of electrical and nonelectrical advertising signs together with the interrelated parts and supports thereof.

Section 17. Paragraph (b) of subsection (15) of section 499.012, Florida Statutes, is amended to read:

499.012 Permit application requirements.—

(15)

(b) To be certified as a designated representative, a natural person must:

1. Submit an application on a form furnished by the department and pay the appropriate fees.

2. Be at least 18 years of age.

3. Have at least 2 years of verifiable full-time:

a. Work experience in a pharmacy licensed in this state or another state, where the person's responsibilities included, but were not limited to, recordkeeping for prescription drugs;

b. Managerial experience with a prescription drug wholesale distributor licensed in this state or in another state; ~~or~~

c. Managerial experience with the United States Armed Forces, where the person's responsibilities included, but were not limited to, recordkeeping, warehousing, distributing, or other logistics services pertaining to prescription drugs;

d. Managerial experience with a state or federal organization responsible for regulating or permitting establishments involved in the distribution of prescription drugs, whether in an administrative or a sworn law enforcement capacity; or

e. Work experience as a drug inspector or investigator with a state or federal organization, whether in an administrative or a sworn law enforcement capacity, where the person's responsibilities related primarily to compliance with state or federal requirements pertaining to the distribution of prescription drugs.

4. Receive a passing score of at least 75 percent on an examination given by the department regarding federal laws governing distribution of prescription drugs and this part and the rules adopted by the department governing the wholesale distribution of prescription drugs. This requirement shall be effective 1 year after the results of the initial examination are mailed to the persons that took the examination. The department shall offer such examinations at least four times each calendar year.

5. Provide the department with a personal information statement and fingerprints pursuant to subsection (9).

Section 18. Subsection (2) of section 561.15, Florida Statutes, is amended to read:

561.15 Licenses; qualifications required.—

(2) A ~~No~~ license under the Beverage Law may not ~~shall~~ be issued to any person who has been convicted within the last past 5 years of any offense against the beverage laws of this state, the United States, or any other state; who has been convicted within the last past 5 years in this state or any other state or the United States of soliciting for prostitution, pandering, letting premises for prostitution, or keeping a disorderly place or of any criminal violation of chapter 893 or the controlled substance act of any other state or the Federal Government; or who has been convicted in the last past 10 ~~15~~ years of any felony in this state or any other state or the United States; or to a corporation, any of the officers of which ~~shall~~ have been so convicted. The term "conviction" includes ~~shall include~~ an adjudication of guilt on a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime.

Section 19. Subsection (5) of section 561.17, Florida Statutes, is amended to read:

561.17 License and registration applications; approved person.—

(5) Any person or entity licensed or permitted by the division, or applying for a license or permit, must create and maintain an account with the division's online system and provide an e-mail ~~electronic mail~~ address to the division to function as the primary means of contact for all communication by the division to the licensee, ~~or~~ permittee, or applicant. Licensees, ~~and~~ permittees, and applicants are responsible for maintaining accurate contact information on file with the division. A person or an entity seeking a license or permit from the division must apply using forms prepared by the division and filed through the division's online system before engaging in any business for which a license or permit is required. The division may not process an application for an alcoholic beverage license unless the application is submitted through the division's online system.

Section 20. Section 569.00256, Florida Statutes, is created to read:

569.00256 Account; online system.—A person or an entity licensed or permitted by the division under this part, or applying for a license or a permit, must create and maintain an account with the division's online system and provide an e-mail address to the division to function as the primary means of contact for all communication by the division to the licensee, permittee, or applicant. Licensees, permittees, and applicants are responsible for maintaining accurate contact information with the division. A person or an entity seeking a license or permit from the division must apply using forms prepared by the division and filed through the division's online system before engaging in any business for which a license or permit is required. The division may not process an application to deal, at retail, in tobacco products unless the application is submitted through the division's online system.

Section 21. Section 569.3156, Florida Statutes, is created to read:

569.3156 Account; online system.—A person or an entity licensed or permitted by the division under this part, or applying for a license or a permit, must create and maintain an account with the division's online system and provide an e-mail address to the division to function as the primary means of contact for all communication by the division to the licensee, permittee, or applicant. Licensees, permittees, and applicants are responsible for maintaining accurate contact information with the division. A person or an entity seeking a license or permit from the division must apply using forms prepared by the division and filed through the division's online system before engaging in any business for which a license or permit is required. The division may not process an application to deal, at retail, in nicotine products unless the application is submitted through the division's online system.

Section 22. Subsection (2) of section 210.16, Florida Statutes, is amended to read:

210.16 Revocation or suspension of permit.—

(2) The division shall revoke the permit or permits of any person who would be ineligible to obtain a new license or renew a license by reason of any of the conditions for permitting provided in s. 210.15(1)(d)1.-6. ~~s. 210.15(1)(e)1.-6.~~

Section 23. Paragraph (a) of subsection (6) of section 476.144, Florida Statutes, is amended to read:

476.144 Licensure.—

(6) A person may apply for a restricted license to practice barbering. The board shall adopt rules specifying procedures for an applicant to obtain a restricted license if the applicant:

(a)1. Has successfully completed a restricted barber course, as established by rule of the board, at a school of barbering licensed pursuant to chapter 1005, a barbering program within the public school system, or a government-operated barbering program in this state; or

2.a. Holds or has within the previous 5 years held an active valid license to practice barbering in another state or country or has held a Florida barbering license which has been declared null and void for failure to renew the license, and the applicant fulfilled the requirements of s. 476.114(2)(c) ~~s. 476.114(2)(c) 2.~~ for initial licensure; and

b. Has not been disciplined relating to the practice of barbering in the previous 5 years; and

The restricted license shall limit the licensee's practice to those specific areas in which the applicant has demonstrated competence pursuant to rules adopted by the board.

Section 24. This act shall take effect July 1, 2024.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to the Department of Business and Professional Regulation; amending s. 210.15 and creating s. 210.32, F.S.; requiring persons or entities licensed or permitted by the department's Division of Alcoholic Beverages and Tobacco, or applying for such license or permit, to create and maintain an account with the division's online system and provide an e-mail address to the division; specifying application requirements; prohibiting the division from processing applications not submitted through the online system; amending s. 210.40, F.S.; revising the amount of an initial corporate surety bond required as a condition of licensure as a tobacco product distributor; requiring the division to review corporate surety bond amounts on a specified basis; authorizing the division to increase a bond amount, subject to specified conditions; authorizing the division to adjust bond amounts by rule; authorizing the division to reduce a bond amount upon a showing of good cause; defining terms; prohibiting the division from reducing a bond amount under specified circumstances; requiring the division to notify distributors in writing if their corporate surety bond requirements change; providing applicability; authorizing the division to adopt rules; amending s. 310.0015, F.S.; deleting a provision requiring a competency-based mentor program at ports; deleting a requirement that the department submit an annual report on the mentor program; amending s. 310.081, F.S.; deleting a requirement that the department consider certain characteristics for applicants for certification as a deputy pilot; making technical changes; creating s. 399.18, F.S.; requiring certain persons or entities certified or registered under the Elevator Safety Act, or applying for such certifications or registrations, to create and maintain an online account with the department's Division of Hotels and Restaurants and provide an e-mail address to the division; requiring such persons and entities to maintain the accuracy of their contact information; requiring the division to adopt rules; amending s. 468.521, F.S.; authorizing the department to exercise all powers and duties granted to the Board of Employee Leasing Companies if the board lacks the number of appointed members needed to constitute a quorum; amending s. 469.006, F.S.; revising requirements for department rules governing evidence of financial responsibility of applicants seeking licensure as a business organization under ch. 469, F.S.; amending s. 471.003, F.S.; expanding an exemption from certain engineering licensing requirements under ch. 471, F.S., to include regular full-time employees of certain business organizations, rather than regular full-time employees of certain corporations licensed under ch. 471, F.S.; amending s. 473.306, F.S.; requiring applicants for the accountancy licensure examination to create and maintain an online account with the

department and provide an e-mail address; requiring applicants to maintain the accuracy of their contact information; requiring that address changes be submitted through the department's online system within a specified timeframe; conforming cross-references; amending s. 473.308, F.S.; requiring a person seeking licensure as a Florida certified public accountant, or a firm seeking to engage in public accountancy, to create and maintain an online account with the department and provide an e-mail address; requiring certified public accountants and accounting firms to maintain the accuracy of their contact information; requiring that address changes be submitted through the department's online system within a specified timeframe; amending s. 476.114, F.S.; revising eligibility requirements for licensure as a barber; making technical changes; amending s. 477.019, F.S.; revising eligibility requirements for licensure by examination to practice cosmetology; amending s. 489.131, F.S.; revising the types of penalties that may be recommended by a local jurisdiction enforcement body against a contractor; specifying requirements for any such recommended penalties; amending s. 489.143, F.S.; revising payment limitations for payments made from the department's Florida Homeowners' Construction Recovery Fund; amending s. 489.505, F.S.; revising the definition of the term "specialty contractor"; amending s. 499.012, F.S.; revising requirements for certification as a designated representative of a prescription drug wholesale distributor; amending s. 561.15, F.S.; revising the requirements for the issuance of a license under the Beverage Law; making technical changes; amending s. 561.17, F.S.; requiring persons or entities licensed or permitted by the Division of Alcoholic Beverages and Tobacco, or applying for such license or permit, to create and maintain an account with the division's online system; specifying application requirements; prohibiting the division from processing applications not submitted through the online system; creating ss. 569.00256 and 569.3156, F.S.; requiring certain persons or entities licensed or permitted by the division, or applying for such a license or permit, to create and maintain an account with the division's online system; requiring licensees, permittees, and applicants to provide the division with an e-mail address and maintain accurate contact information; specifying application requirements; prohibiting the division from processing applications not submitted through the online system; amending ss. 210.16 and 476.144, F.S.; conforming cross-references; providing an effective date.

On motion by Rep. Maggard, the House concurred in **Senate Amendment 1 (833732)**.

The question recurred on passage of **CS/CS/HB 1335**, as amended. The vote was:

Session Vote Sequence: 958

Representative Clemons in the Chair.

Yeas—102

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

Nays—9

Bracy Davis	Harris	Robinson, F.
Eskamani	Joseph	Valdés
Gantt	Nixon	Williams

Votes after roll call:
Yeas—Bankson

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

Recessed

The House stood in informal recess at 4:19 p.m., to reconvene upon call of the Chair.

Reconvened

The House was called to order by the Speaker *pro tempore* at 4:41 p.m. A quorum was present [Session Vote Sequence: 959].

Messages from the Senate

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 601, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

HB 601—A bill to be entitled An act relating to complaints against law enforcement and correctional officers; creating s. 112.5331, F.S.; providing legislative intent; preempting regulation of complaints against law enforcement officers and correctional officers to the state; providing an effective date.

(Amendment Bar Code: 855090)

Senate Substitute Amendment 2 for Senate Amendment 2 (833240) (with title amendment)—

Delete everything after the enacting clause
and insert:

Section 1. Section 30.61, Florida Statutes, is created to read:

30.61 Establishment of civilian oversight boards.—

(1) A county sheriff may establish a civilian oversight board to review the policies and procedures of his or her office and its subdivisions.

(2) The board must be composed of at least three and up to seven members appointed by the sheriff, one of which shall be a retired law enforcement officer.

Section 2. Section 112.533, Florida Statutes, is amended to read:

112.533 Receipt and processing of complaints.—

(1) It is the intent of the Legislature to make the process for receiving, processing, and investigation of complaints against law enforcement or correctional officers, and the rights and privileges provided in this part while under investigation, apply uniformly throughout this state and its political subdivisions.

(2) As used in this section, the term "political subdivision" means a separate agency or unit of local government created or established by law or ordinance and the officers thereof and includes, but is not limited to, an authority, a board, a branch, a bureau, a city, a commission, a consolidated government, a county, a department, a district, an institution, a metropolitan government, a municipality, an office, an officer, a public corporation, a town, or a village.

(3) A political subdivision may not adopt or attempt to enforce any ordinance relating to either of the following:

(a) The receipt, processing, or investigation by any political subdivision of this state of complaints of misconduct by law enforcement or correctional officers, except as expressly provided in this section.

(b) Civilian oversight of law enforcement agencies' investigations of complaints of misconduct by law enforcement or correctional officers.

(4)(a) Every law enforcement agency and correctional agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints received by such agency from any person, which must ~~shall~~ be the procedure for investigating a complaint against a law enforcement or ~~and~~ correctional officer and for determining whether to proceed with disciplinary action or to file disciplinary charges, notwithstanding any other law or ordinance to the contrary. When law enforcement or correctional agency personnel assigned the responsibility of investigating the complaint prepare an investigative report or summary, regardless of form, the person preparing the report shall, at the time the report is completed:

1. Verify pursuant to s. 92.525 that the contents of the report are true and accurate based upon the person's personal knowledge, information, and belief.

2. Include the following statement, sworn and subscribed to pursuant to s. 92.525:

"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes."

The requirements of subparagraphs 1. and 2. must ~~shall~~ be completed before ~~prior to~~ the determination as to whether to proceed with disciplinary action or to file disciplinary charges. This subsection does not preclude the Criminal Justice Standards and Training Commission from exercising its authority under chapter 943.

(b)~~1.~~ Any political subdivision that initiates or receives a complaint against a law enforcement officer or correctional officer shall ~~must~~ within 5 business days forward the complaint to the employing agency of the officer who is the subject of the complaint for review or investigation.

~~2. For purposes of this paragraph, the term "political subdivision" means a separate agency or unit of local government created or established by law or ordinance and the officers thereof and includes, but is not limited to, an authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village.~~

Notwithstanding the rights and privileges provided under this part or any provisions provided in a collective bargaining agreement, the agency head or the agency head's designee may request a sworn or certified investigator from a separate law enforcement or correctional agency to conduct the investigation when a conflict is identified with having an investigator conduct the investigation of an officer of the same employing agency; the employing agency does not have an investigator trained to conduct such investigations; or the agency's investigator is the subject of, or a witness in, the investigation and such agency is composed of any combination of 35 or fewer law enforcement officers or correctional officers. The employing agency must document the identified conflict. Upon completion of the investigation, the investigator shall present the findings without any disciplinary recommendation to the employing agency.

(5)(a)~~(2)(a)~~ A complaint filed against a law enforcement officer or correctional officer with a law enforcement agency or correctional agency and all information obtained pursuant to the investigation by the agency of the complaint is confidential and exempt from the provisions of s. 119.07(1) until the investigation ceases to be active, or until the agency head or the agency head's designee provides written notice to the officer who is the subject of the complaint, either personally or by mail, that the agency has concluded the investigation with either a finding:

1. ~~Concluded the investigation with a finding~~ Not to proceed with disciplinary action or to file charges; or

2. ~~Concluded the investigation with a finding~~ To proceed with disciplinary action or to file charges.

Notwithstanding the foregoing provisions, the officer who is the subject of the complaint, along with legal counsel or any other representative of his or her choice, may review the complaint and all statements regardless of form made by the complainant and witnesses and all existing evidence, including, but not limited to, incident reports, analyses, GPS locator information, and audio or video recordings relating to the investigation, immediately before beginning the investigative interview. All statements, regardless of form, provided by a law enforcement officer or correctional officer during the course of a complaint investigation of that officer must ~~shall~~ be made under oath pursuant to s. 92.525. Knowingly false statements given by a law enforcement officer or correctional officer under investigation may subject the law enforcement officer or correctional officer to prosecution for perjury. If a witness to a complaint is incarcerated in a correctional facility and may be under the supervision of, or have contact with, the officer under investigation, only the names and written statements of the complainant and nonincarcerated witnesses may be reviewed by the officer under investigation immediately before ~~prior to~~ the beginning of the investigative interview.

(b) This subsection does not apply to any public record which is exempt from public disclosure pursuant to chapter 119. For the purposes of this subsection, an investigation is ~~shall be~~ considered active as long as it is continuing with a reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation is ~~shall be~~ presumed to be inactive if no finding is made within 45 days after the complaint is filed.

(c) Notwithstanding ~~other provisions of~~ this section, the complaint and information must ~~shall~~ be available to law enforcement agencies, correctional agencies, and state attorneys in the conduct of a lawful criminal investigation.

(6)~~(3)~~ A law enforcement officer or correctional officer has the right to review his or her official personnel file at any reasonable time under the supervision of the designated records custodian. A law enforcement officer or correctional officer may attach to the file a concise statement in response to any items included in the file identified by the officer as derogatory, and copies of such items must be made available to the officer.

(7)~~(4)~~ Any person who is a participant in an internal investigation, including the complainant, the subject of the investigation and the subject's legal counsel or a representative of his or her choice, the investigator conducting the investigation, and any witnesses in the investigation, who willfully discloses any information obtained pursuant to the agency's investigation, including, but not limited to, the identity of the officer under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential internal investigation of an agency, before such complaint, document, action, or proceeding becomes a public record as provided in this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. However, this subsection does not limit a law enforcement or correctional officer's ability to gain access to information under paragraph (5)(a) ~~(2)(a)~~. Additionally, a sheriff, police chief, or other head of a law enforcement agency, or his or her designee, is not precluded by this section from acknowledging the existence of a complaint and the fact that an investigation is underway.

Section 3. Paragraph (b) of subsection (4) of section 112.532, Florida Statutes, is amended to read:

112.532 Law enforcement officers' and correctional officers' rights.—All law enforcement officers and correctional officers employed by or appointed to a law enforcement agency or a correctional agency shall have the following rights and privileges:

(4) NOTICE OF DISCIPLINARY ACTION; COPY OF AND OPPORTUNITY TO ADDRESS CONTENTS OF INVESTIGATIVE FILE; CONFIDENTIALITY.—

(b) Notwithstanding s. 112.533(5) ~~s. 112.533(2)~~, whenever a law enforcement officer or correctional officer is subject to disciplinary action consisting of suspension with loss of pay, demotion, or dismissal, the officer or the officer's representative must ~~shall~~, upon request, be provided with a complete copy of the investigative file, including the final investigative report

and all evidence, and with the opportunity to address the findings in the report with the employing law enforcement agency before imposing disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. The contents of the complaint and investigation must ~~shall~~ remain confidential until such time as the employing law enforcement agency makes a final determination whether ~~or not~~ to issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. This paragraph does not provide law enforcement officers with a property interest or expectancy of continued employment, employment, or appointment as a law enforcement officer.

Section 4. Subsection (1) of section 145.071, Florida Statutes, is amended to read:

145.071 Sheriff.—

(1) Each sheriff shall receive as salary the amount indicated, based on the population of his or her county. In addition, a compensation shall be made for population increments over the minimum for each group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate.

Pop. Group	County Pop. Range		Base Salary	Group Rate
	Minimum	Maximum		
I	-0-	49,999	$33,350 ~~$28,350~~	$0.07875
II	50,000	99,999	36,500 ~~31,500~~	0.06300
III	100,000	199,999	39,650 ~~34,650~~	0.02625
IV	200,000	399,999	42,275 ~~37,275~~	0.01575
V	400,000	999,999	45,425 ~~40,425~~	0.00525
VI	1,000,000		48,575 ~~43,575~~	0.00400

Section 5. The Legislature hereby determines and declares that this act fulfills an important state interest.

Section 6. Section 166.0486, Florida Statutes, is created to read:

166.0486 Establishment of civilian oversight boards.—

(1) The chief of a municipal police department may establish a civilian oversight board to review the policies and procedures of his or her department and its subdivisions.

(2) The board must be composed of at least three and up to seven members appointed by the chief of the municipal police department, one of which shall be a retired law enforcement officer.

Section 7. This act shall take effect July 1, 2024.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to law enforcement and correctional officers; creating s. 30.61, F.S.; authorizing county sheriffs to establish civilian oversight boards to review the policies and procedures of the sheriff's office and its subdivisions; providing for membership of such boards; amending s. 112.533, F.S.; providing legislative intent; revising the definition of "political subdivision"; prohibiting a political subdivision from adopting or attempting to enforce certain ordinances relating to the receipt, processing, or investigation of complaints against law enforcement officers or correctional officers, or relating to civilian oversight of law enforcement agency investigations of complaints of misconduct by such officers; making technical changes; amending s. 112.532, F.S.; conforming a cross-reference; making technical changes; amending s. 145.071, F.S.; revising the base salary for sheriffs; providing a declaration of important state interest; creating s. 166.0486, F.S.; authorizing the chief of a municipal police department to establish a civilian oversight board to review the policies and procedures of the chief's department and its subdivisions; providing for membership of such boards; providing an effective date.

Rep. Duggan moved the House concur in **Senate Substitute Amendment 2 (855090)**.

REPRESENTATIVE TOMKOW IN THE CHAIR

The question recurred on the motion to concur in **Senate Substitute Amendment 2 (855090)**, which was agreed to.

The question recurred on passage of **HB 601**, as amended. The vote was:

Session Vote Sequence: 960

Representative Tomkow in the Chair.

Yeas—81

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

Nays—28

Antone	Daley	Harris	Nixon
Arrington	Driskell	Hart	Rayner
Benjamin	Dunkley	Hinson	Robinson, F.
Bracy Davis	Eskamani	Hunschofsky	Tant
Campbell	Franklin	Joseph	Valdés
Cassel	Gantt	Keen	Williams
Chambliss	Gottlieb	López, J.	Woodson

Votes after roll call:
Yeas—Maggard

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

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 1555, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/CS/CS/HB 1555—A bill to be entitled An act relating to cybersecurity; amending s. 110.205, F.S.; exempting the state chief technology officer from the career service; amending s. 282.0041, F.S.; providing definitions; amending s. 282.0051, F.S.; revising the purposes for which the Florida Digital Service is established; revising the date by which Department of Management Services, acting through the Florida Digital Service, must provide certain recommendations to the Executive Office of the Governor and the Legislature; requiring the state chief information officer, in consultation with the Secretary of Management Services, to designate a state chief technology officer; providing duties of the state chief technology officer;

amending s. 282.318, F.S.; providing that the Florida Digital Service is the lead entity for a certain purpose; requiring the Cybersecurity Operations Center to provide certain notifications; requiring the state chief information officer to make certain reports in consultation with the state chief information security officer; requiring a state agency to report ransomware and cybersecurity incidents within certain time periods; requiring the Cybersecurity Operations Center to immediately notify a certain entity of reported incidents and take certain actions; requiring the department to preserve certain data and provide certain aid in certain circumstances; requiring the state chief information security officer to notify the Legislature of certain incidents within a certain period; requiring the Cybersecurity Operations Center to provide a certain report to certain entities by a specified date; authorizing the Florida Digital Service to obtain certain access to certain state agency accounts and instances and direct certain measures; prohibiting the department from taking certain actions; providing applicability; revising the purpose of an agency's information security manager and the date by which he or she must be designated; authorizing the chairs of certain legislative committees or subcommittees to attend exempt portions of meetings of the Florida Cybersecurity Advisory Council if authorized by the President of the Senate or Speaker of the House of Representatives, as applicable; amending s. 282.3185, F.S.; requiring a local government to report ransomware and certain cybersecurity incidents to the Cybersecurity Operations Center within certain time periods; requiring the Cybersecurity Operations Center to immediately notify certain entities of certain incidents and take certain actions; requiring the Department of Law Enforcement to coordinate certain incident responses; amending s. 282.319, F.S.; revising the membership of the Florida Cybersecurity Advisory Council; amending s. 1004.444, F.S.; providing that the Florida Center for Cybersecurity may be referred to in a certain manner; providing that the center is established under the direction of the president of the University of South Florida and may be assigned within a college that meets certain requirements; revising the mission and goals of the center; authorizing the center to take certain actions relating to certain initiatives; providing an effective date.

(Amendment Bar Code: 656380)

Senate Amendment 1 (with title amendment)—

Delete everything after the enacting clause
and insert:

Section 1. Section 1004.444, Florida Statutes, is amended to read:

1004.444 Florida Center for Cybersecurity.—

(1) The Florida Center for Cybersecurity, which may also be referred to as "Cyber Florida," is established within the University of South Florida, under the direction of the president of the university or the president's designee.

(2) The mission and goals of the center are to:

(a) Position Florida as the national leader in cybersecurity and its related workforce primarily through advancing and funding education and~~,~~ research and development initiatives in cybersecurity and related fields, with a secondary emphasis on~~, and~~ community engagement and cybersecurity awareness.

(b) Assist in the creation of jobs in the state's cybersecurity industry and enhance the existing cybersecurity workforce through education, research, applied science, and engagements and partnerships with the private and military sectors.

(c) Act as a cooperative facilitator for state business and higher education communities to share cybersecurity knowledge, resources, and training.

(d) Seek out research and development agreements and other partnerships with major military installations and affiliated contractors to assist, when possible, in homeland cybersecurity defense initiatives.

(e) Attract cybersecurity companies and jobs to this ~~the~~ state, with an emphasis on the defense, finance, health care, transportation, and utility sectors.

(f) Conduct, fund, and facilitate research and applied science that leads to the creation of new technologies and software packages that have military and civilian applications and that can be transferred for military and homeland defense purposes or for sale or use in the private sector.

(3) Upon receiving a request for assistance from the Department of Management Services, the Florida Digital Service, or another state agency, the center is authorized, but may not be compelled by the agency, to conduct, consult on, or otherwise assist any state-funded initiatives related to:

(a) Cybersecurity training, professional development, and education for state and local government employees, including school districts and the judicial branch; and

(b) Increasing the cybersecurity effectiveness of the state's and local governments' technology platforms and infrastructure, including school districts and the judicial branch.

Section 2. This act shall take effect July 1, 2024.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to cybersecurity; amending s. 1004.444, F.S.; providing that the Florida Center for Cybersecurity may also be referred to as "Cyber Florida"; providing that the center is established under the direction of the president of the University of South Florida, or his or her designee; revising the mission and goals of the center; authorizing the center to take certain actions relating to certain initiatives; providing an effective date.

On motion by Rep. Giallombardo, the House concurred in **Senate Amendment 1 (656380)**.

The question recurred on passage of **CS/CS/CS/HB 1555**, as amended. The vote was:

Session Vote Sequence: 961

Representative Tomkow in the Chair.

Yeas—112

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

Nays—None

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 761, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

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.

(Amendment Bar Code: 930838)

Senate Amendment 1—
Delete line 158
and insert:
FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE. ~~I HAVE READ EVERY STATEMENT MADE IN THIS PETITION AND EACH STATEMENT IS TRUE AND CORRECT.~~ I

On motion by Rep. Garcia, the House concurred in **Senate Amendment 1 (930838)**.

The question recurred on passage of **CS/HB 761**, as amended. The vote was:

Session Vote Sequence: 962

Representative Tomkow in the Chair.

Yeas—113

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

Nays—None

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 1281, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/HB 1281—A bill to be entitled An act relating to interception and disclosure of wire, oral, or electronic communications; amending s. 934.03, F.S.; permitting the intercept and recording of an oral communication by the parent of a child under a specified age in certain circumstances if the recording is provided to a law enforcement agency; permitting the intercept and recording of an oral communication in certain circumstances concerning specified offenses; providing an effective date.

(Amendment Bar Code: 353898)

Senate Amendment 1 (with title amendment)—
Delete everything after the enacting clause
and insert:
Section 1. Present paragraph (l) of subsection (2) of section 934.03, Florida Statutes, is redesignated as paragraph (m), and a new paragraph (l) is added to that subsection, to read:
934.03 Interception and disclosure of wire, oral, or electronic communications prohibited.—
(2)
(l)1. It is lawful under this section and ss. 934.04-934.09 for a parent or legal guardian of a child under 18 years of age to intercept and record an oral communication if the child is a party to the communication and the parent or legal guardian has reasonable grounds to believe that recording the communication will capture a statement by another party to the communication that the other party intends to commit, is committing, or has committed an unlawful sexual act or an unlawful act of physical force or violence against the child.
2. A recording authorized under this paragraph which captures a statement by a party that the party intends to commit, is committing, or has committed an unlawful sexual act or an unlawful act of physical force or violence against a child must be provided to a law enforcement agency and may be used for the purpose of evidencing the intent to commit or the commission of a crime specified in subparagraph 1. against a child. A recording authorized under this paragraph may not be otherwise disseminated or shared.
Section 2. This act shall take effect upon becoming a law.

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:
Delete everything before the enacting clause
and insert:
A bill to be entitled
An act relating to interception and disclosure of oral communications; amending s. 934.03, F.S.; authorizing the interception and recording of an oral communication by the parent or legal guardian of a child under a specified age under certain circumstances; requiring that the recording be provided to a law enforcement agency; prohibiting any further dissemination or sharing of the recording; providing an effective date.

On motion by Rep. Persons-Mulicka, the House concurred in **Senate Amendment 1 (353898)**.

The question recurred on passage of **CS/HB 1281**, as amended. The vote was:

Session Vote Sequence: 963

Representative Tomkow in the Chair.

Yeas—112

Abbott	Baker	Black	Campbell
Altman	Bankson	Borrero	Canady
Alvarez	Barnaby	Botana	Caruso
Amesty	Bartleman	Brackett	Cassel
Anderson	Basabe	Bracy Davis	Chamberlin
Andrade	Bell	Brannan	Chambliss
Antone	Benjamin	Buchanan	Chaney
Arrington	Berfield	Busatta Cabrera	Clemons

Cross	Griffitts	Michael	Salzman
Daley	Harris	Mooney	Shoaf
Daniels	Hart	Nixon	Silvers
Driskell	Hinson	Overdorf	Sirois
Duggan	Holcomb	Payne	Smith
Dunkley	Hunschofsky	Perez	Snyder
Eskamani	Jacques	Persons-Mulicka	Stark
Esposito	Joseph	Plakon	Stevenson
Fabricio	Keen	Plasencia	Tant
Fine	Killebrew	Porras	Temple
Franklin	Koster	Rayner	Tomkow
Gantt	LaMarca	Redondo	Trabulsy
Garcia	Leek	Renner	Truenow
Garrison	Lopez, V.	Rizo	Tuck
Giallombardo	Maggard	Roach	Valdés
Gonzalez Pittman	Maney	Robinson, F.	Waldron
Gossett-Seidman	Massullo	Robinson, W.	Williams
Gottlieb	McClain	Rommel	Woodson
Grant	McClure	Roth	Yarkosky
Gregory	McFarland	Rudman	Yeager

Nays—None

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 7013, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/CS/HB 7013—A bill to be entitled An act relating to special districts; repealing s. 163.3756, F.S., relating to inactive community redevelopment agencies; amending s. 163.504, F.S.; prohibiting the creation of new neighborhood improvement districts after a date certain; repealing s. 165.0615 F.S., relating to municipal conversion of independent special districts upon elector-initiated and approved referendum; creating s. 189.0312, F.S.; providing term limits for elected members of governing bodies of independent special districts; providing an exception; providing construction; creating s. 189.0313, F.S.; providing the method for changing boundaries of an independent special district; providing an exception; amending s. 189.062, F.S.; providing additional criteria for declaring a special district inactive; requiring certain special districts to provide notice of a proposed declaration of inactive status in the county or municipality under certain circumstances; revising the time period for filing an objection to a proposed declaration; authorizing a specific objection; providing that a district declared inactive may only expend funds as necessary to service outstanding debt and to comply with existing bond covenants and contractual obligations; creating s. 189.0694, F.S.; requiring special districts to establish performance measures to assess performance; requiring special districts to publish an annual report concerning performance measures; amending s. 189.0695, F.S.; requiring the Office of Program Policy Analysis and Governmental Accountability to conduct performance reviews; amending s. 190.005, F.S.; requiring the petition for creation of a community development district to contain specified information; repealing s. 190.047, F.S., relating to incorporation or annexation of a district; amending s. 191.013, F.S.; requiring independent special fire control districts to annually report training information to the Division of State Fire Marshal; amending s. 388.211, F.S.; providing the boundaries of a mosquito control district may only be changed by special act; amending s. 388.221, F.S.; reducing the maximum millage rate for mosquito control districts; amending s. 388.271, F.S.; requiring, instead of authorizing, special districts to file tentative work plans and work plan budgets at specified intervals; requiring the Department of Agriculture and Consumer Services to report to the Department of Commerce if certain special districts fail to submit specified information; amending s. 388.46, F.S.; requiring the Florida Coordinating Council on Mosquito Control to establish model measures to assist districts in conducting performance monitoring; providing an effective date.

(Amendment Bar Code: 613928)

Senate Amendment 1(with title amendment)—

Delete lines 82 - 383

and insert:

(1) A member elected by the qualified electors of the district to the governing body of an independent special district may not serve for more than 12 consecutive years, unless the district's charter provides for more restrictive terms of office. Service of a term of office that commenced before November 5, 2024, does not count toward the limitation imposed by this subsection.

(2) This section does not apply to a community development district established under chapter 190, or an independent special district created pursuant to a special act that provides that any amendment to chapter 190 to grant additional powers constitutes a power of the district.

(3) This section does not require an independent special district governed by an appointed governing body to convert to an elected governing body.

Section 1. Section 189.0313, Florida Statutes, is created to read:

189.0313 Independent special districts; boundaries; exception.—Notwithstanding any special law or general law of local application to the contrary, the boundaries of an independent special district shall only be changed by general law or special act. This section does not apply to a community development district established pursuant to chapter 190.

Section 2. Subsections (1) and (2) of section 189.062, Florida Statutes, are amended to read:

189.062 Special procedures for inactive districts.—

(1) The department shall declare inactive any special district in this state by documenting that:

(a) The special district meets one of the following criteria:

1. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that the district has taken no action for 2 or more years;

2. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that the district has not had a governing body or a sufficient number of governing body members to constitute a quorum for 2 or more years;

3. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government fails to respond to an inquiry by the department within 21 days;

4. The department determines, pursuant to s. 189.067, that the district has failed to file any of the reports listed in s. 189.066;

5. The district has not had a registered office and agent on file with the department for 1 or more years; ~~or~~

6. The governing body of a special district provides documentation to the department that it has unanimously adopted a resolution declaring the special district inactive. The special district is responsible for payment of any expenses associated with its dissolution;~~.~~

7. The district is an independent special district or a community redevelopment district created under part III of chapter 163 that has reported no revenue, no expenditures, and no debt under s. 189.016(9) or s. 218.32 for at least 5 consecutive fiscal years beginning no earlier than October 1, 2018. This subparagraph does not apply to a community development district established under chapter 190 or to any independent special district operating pursuant to a special act that provides that any amendment to chapter 190 to grant additional powers constitutes a power of that district; or

8. For a mosquito control district created pursuant to chapter 388, the department has received notice from the Department of Agriculture and Consumer Services that the district has failed to file a tentative work plan and tentative detailed work plan budget as required by s. 388.271.

(b) The department, special district, or local general-purpose government has published a notice of proposed declaration of inactive status in a newspaper of general circulation in the county or municipality in which the territory of the special district is located and has sent a copy of such notice by

certified mail to the registered agent or chair of the governing body, if any. If the special district is a dependent special district with a governing body that is not identical to the governing body of a single county or a single municipality, a copy of such notice must also be sent by certified mail to the governing body of the county or municipality on which the district is dependent. Such notice must include the name of the special district, the law under which it was organized and operating, a general description of the territory included in the special district, and a statement that any objections must be filed pursuant to chapter 120 within 30 ~~21~~ days after the publication date. The objections may include that the special district has outstanding debt obligations that are not included in reports required under s. 189.016(9) or s. 218.32.

(c) Thirty ~~Twenty-one~~ days have elapsed from the publication date of the notice of proposed declaration of inactive status and no administrative appeals were filed.

(2) If any special district is declared inactive pursuant to this section, the district may only expend funds as necessary to service outstanding debt and to comply with existing bond covenants and other contractual obligations. The property or assets of the special district are subject to legal process for payment of any debts of the district. After the payment of all the debts of said inactive special district, the remainder of its property or assets shall escheat to the county or municipality wherein located. If, however, it shall be necessary, in order to pay any such debt, to levy any tax or taxes on the property in the territory or limits of the inactive special district, the same may be assessed and levied by order of the local general-purpose government wherein the same is situated and shall be assessed by the county property appraiser and collected by the county tax collector.

Section 3. Section 189.0694, Florida Statutes, is created to read:

189.0694 Special districts; performance measures and standards.-

(1) Beginning October 1, 2024, or by the end of the first full fiscal year after its creation, whichever is later, each special district must establish goals and objectives for each program and activity undertaken by the district, as well as performance measures and standards to determine if the district's goals and objectives are being achieved.

(2) By December 1 of each year thereafter, each special district must publish an annual report on the district's website describing:

(a) The goals and objectives achieved by the district, as well as the performance measures and standards used by the district to make this determination.

(b) Any goals or objectives the district failed to achieve.

Section 4. Paragraph (c) is added to subsection (3) of section 189.0695, Florida Statutes, to read:

189.0695 Independent special districts; performance reviews.—

(3) The Office of Program Policy Analysis and Government Accountability must conduct a performance review of all independent special districts within the classifications described in paragraphs (a), ~~and~~ (b), and (c) and may contract as needed to complete the requirements of this subsection. The Office of Program Policy Analysis and Government Accountability shall submit the final report of the performance review to the President of the Senate and the Speaker of the House of Representatives as follows:

(c) For all safe neighborhood improvement districts as defined in s. 163.503(1), no later than September 30, 2025.

Section 5. Section 190.047, Florida Statutes, is repealed.

Section 6. Subsection (3) is added to section 191.013, Florida Statutes, to read:

191.013 Intergovernmental coordination.—

(3) By October 1 of each year, each independent special fire control district shall report to the Division of State Fire Marshal regarding whether each of the district's volunteer firefighters has completed the required trainings and received the required certifications established by the division pursuant to s. 633.408.

Section 7. Section 388.211, Florida Statutes, is amended to read:

388.211 Change in district boundaries.—

~~(1)~~ The boundaries of each district may only be changed by a special act of the Legislature ~~The board of commissioners of any district formed prior to July 1, 1980, may, for and on behalf of the district or the qualified electors within or without the district, request that the board of county commissioners in each county having land within the district approve a change in the boundaries of the district~~.

~~(2) If the board of county commissioners approves such change, an amendment shall be made to the order creating the district to conform with the boundary change.~~

Section 8. Subsection (1) of section 388.221, Florida Statutes, is amended to read:

388.221 Tax levy.—

(1) The board of commissioners of such district may levy upon all of the real and personal taxable property in said district a special tax not exceeding 1 mill ~~10 mills~~ on the dollar during each year as maintenance tax to be used solely for the purposes authorized and prescribed by this chapter. The board of commissioners of a district may increase such special tax to no more than 2 mills on the dollar if the increase is approved by a referendum of the qualified electors of the district held at a general election. Said board shall by resolution certify to the property appraiser of the county in which the property is situate, timely for the preparation of the tax roll, the tax rate to be applied in determining the amount of the district's annual maintenance tax. Certified copies of such resolution executed in the name of said board by its chair and secretary and under its corporate seal shall be made and delivered to the property appraiser and the board of county commissioners of the county in which such district is located, and to the Department of Revenue not later than September 30 of such year. The property appraiser of said county shall assess and the tax collector of said county shall collect the amount of taxes so assessed and levied by said board of commissioners of said district upon all of the taxable real and personal property in said district at the rate of taxation adopted by said board for said year and included in said resolution, and said levy shall be included in the warrants of the property appraiser and attached to the assessment roll of taxes for said county each year. The tax collector shall collect such taxes so levied by said board in the same manner as other taxes are collected and shall pay the same within the time and in the manner prescribed by law to the treasurer of said board. The Department of Revenue shall assess and levy on all the railroad lines and railroad property and telegraph and telephone lines and telegraph and telephone property situated in said district in the amount of each such levy as in case of other state and county taxes and shall collect said taxes thereon in the same manner as it is required by law to assess and collect taxes for state and county purposes and remit the same to the treasurer of said board. All such taxes shall be held by said treasurer for the credit of said board and paid out by him or her as ordered by said board.

Section 9. Subsection (1) of section 388.271, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

388.271 Prerequisites to participation.—

(1) When state funds are involved, it is the duty of the department to guide, review, approve, and coordinate the activities of all county governments and special districts receiving state funds in furtherance of the goal of integrated arthropod control. Each county ~~or district~~ eligible to participate ~~hereunder~~ may, and each district must, begin participation on October 1 of any year by filing with the department not later than July 15 a tentative work plan and tentative detailed work plan budget providing for the control of arthropods. Following approval of the plan and budget by the department, two copies of the county's or district's certified budget based on the approved work plan and detailed work plan budget shall be submitted to the department by September 30 following. State funds, supplies, and services shall be made available to such county or district by and through the department immediately upon release of funds by the Executive Office of the Governor.

(3) If a special district fails to submit a tentative work plan and tentative detailed work plan budget as required by subsection (1), the department shall send notice of such failure to the Department of Commerce within 30 days.

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

And the title is amended as follows:

Delete lines 10 - 54

and insert:

providing term limits for members of governing bodies of independent special districts elected by the qualified electors of the district; providing an exception; providing construction; creating s. 189.0313, F.S.; providing the method for changing boundaries of an independent special district; providing an exception; amending s. 189.062, F.S.; providing additional criteria for

declaring a special district inactive; requiring certain special districts to provide notice of a proposed declaration of inactive status in the county or municipality under certain circumstances; revising the time period for filing an objection to a proposed declaration; authorizing a specific objection; providing that a district declared inactive may only expend funds as necessary to service outstanding debt and to comply with existing bond covenants and contractual obligations; creating s. 189.0694, F.S.; requiring special districts to establish performance measures to assess performance; requiring special districts to publish an annual report concerning performance measures; amending s. 189.0695, F.S.; requiring the Office of Program Policy Analysis and Governmental Accountability to conduct performance reviews; repealing s. 190.047, F.S., relating to incorporation or annexation of a district; amending s. 191.013, F.S.; requiring independent special fire control districts to annually report training and certification information regarding volunteer firefighters to the Division of State Fire Marshal; amending s. 388.211, F.S.; providing the boundaries of a mosquito control district may only be changed by special act; amending s. 388.221, F.S.; reducing the maximum millage rate for mosquito control districts; providing an exception; amending s. 388.271, F.S.; requiring, instead of authorizing, special districts to file tentative work plans and work plan budgets at specified intervals; requiring the Department of Agriculture and Consumer Services to report to the Department of Commerce if certain special districts fail to submit specified information; providing an effective date.

On motion by Rep. Persons-Mulicka, the House concurred in **Senate Amendment 1 (613928)**.

The question recurred on passage of **CS/CS/HB 7013**, as amended. The vote was:

Session Vote Sequence: 964

Representative Tomkow in the Chair.

Yeas—112

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

Nays—1

Nixon

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

Recessed

The House recessed at 5:20 p.m., to reconvene upon the call of the Chair.

Reconvened

The House was called to order by the Chair [Rep. Tomkow] at 5:22 p.m. A quorum was present [Session Vote Sequence: 965].

Messages from the Senate

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 1301, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/CS/CS/HB 1301—A bill to be entitled An act relating to the Department of Transportation; amending s. 20.23, F.S.; revising the list of areas of program responsibility within the Department of Transportation; removing provisions requiring the secretary of the department to appoint an inspector general; amending s. 311.101, F.S.; providing an appropriation from the State Transportation Trust Fund for the Intermodal Logistics Center Infrastructure Support Program; requiring the department to include certain projects in the tentative work program; amending s. 334.046, F.S.; revising provisions relating to the department's mission, goals, and objectives; creating s. 334.61, F.S.; requiring a governmental entity that proposes a certain project to conduct a traffic study; requiring notice to affected property owners, impacted municipalities, and counties in which the project is located within a specified timeframe; providing notice requirements; requiring such governmental entity to hold a public meeting before completion of the design phase of such project; providing requirements for such public meeting; requiring such governmental entity to review and take into consideration comments and alternatives presented in such public meeting in the final project design; amending s. 338.231, F.S.; revising the time period for which a prepaid toll account must remain inactive in order to be presumed unclaimed; amending s. 339.08, F.S.; prohibiting the department from expending certain state funds to support certain projects or programs; amending s. 339.0803, F.S.; prioritizing availability of certain revenues deposited into the State Transportation Trust Fund for payments under service contracts with the Florida Department of Transportation Financing Corporation to fund arterial highway projects; authorizing two or more of such projects to be treated as a single project for certain purposes; amending s. 339.0809, F.S.; specifying priority of availability of funds appropriated for payments under a service contract with the corporation; authorizing the department to enter into service contracts to finance certain projects; providing requirements for annual service contract payments; amending s. 339.2818, F.S.; authorizing certain local governments, subject to appropriation, to compete for additional funding for certain county roads; amending s. 341.051, F.S.; providing voting and meeting notice requirements for specified public transit projects; providing meeting notice requirements for discussion of specified actions by a public transit provider; requiring certain unallocated funds for the New Starts Transit Program to be reallocated for the purpose of the Strategic Intermodal System; limiting the displays a public transit provider, as a condition of receiving state funds, may display on certain vehicles; providing the department and any state agency priority to contract for certain marketing or advertising activities; providing definitions; providing applicability; requiring the department to incorporate guidelines in the public transportation grant agreement entered into with each public transit provider; prohibiting certain media on passenger windows of public transit provider vehicles from being darker than certain window tinting requirements; amending s. 341.071, F.S.; providing definitions; requiring each public transit provider to annually certify that its budgeted and general administration costs do not exceed the annual state average of administrative costs by more than a certain percentage, to annually present a specified budget report, and to annually post a specified disclosure on its website; specifying the method by which the department is required to determine a certain annual state average; requiring a specified increase in general administration costs to be reviewed and approved by

certain entities; amending s. 341.822, F.S.; revising powers of the Florida Rail Enterprise; providing an effective date.

(Amendment Bar Code: 299830)

Senate Amendment 1 (with title amendment)—

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (1) and paragraphs (b) and (d) of subsection (3) of section 20.23, Florida Statutes, are amended to read:

20.23 Department of Transportation.—There is created a Department of Transportation which shall be a decentralized agency.

(1)(a) The head of the Department of Transportation is the Secretary of Transportation. The secretary shall be appointed by the Governor ~~from among three persons nominated by the Florida Transportation Commission~~ and shall be subject to confirmation by the Senate. The secretary shall serve at the pleasure of the Governor.

(3)

(b) The secretary may appoint positions at the level of deputy assistant secretary or director which the secretary deems necessary to accomplish the mission and goals of the department, including, but not limited to, the areas of program responsibility provided in this paragraph, each of whom shall be appointed by and serve at the pleasure of the secretary. The secretary may combine, separate, or delete offices as needed in consultation with the Executive Office of the Governor. The department's areas of program responsibility include, but are not limited to, all of the following:

1. Administration.~~;~~
2. Planning.~~;~~
3. Modal development. ~~Public transportation;~~
4. Design.~~;~~
5. Highway operations.~~;~~
6. Right-of-way.~~;~~
7. Toll operations.~~;~~
8. Transportation technology.
9.~~8.~~ Information systems.~~;~~
10.~~9.~~ Motor carrier weight inspection.~~;~~
11.~~10.~~ Work program ~~Management~~ and budget.~~;~~
12.~~11.~~ Comptroller.~~;~~
13.~~12.~~ Construction.~~;~~
14. Statewide corridors.
15.~~13.~~ Maintenance.~~; and~~
16. Forecasting and performance.
17. Emergency management.
18. Safety.
19.~~14.~~ Materials.
20. Infrastructure and innovation.
21. Permitting.
22. Traffic operations.

~~(d) The secretary shall appoint an inspector general pursuant to s. 20.055 who shall be directly responsible to the secretary and shall serve at the pleasure of the secretary.~~

Section 2. Present subsection (7) of section 311.101, Florida Statutes, is redesignated as subsection (8), and a new subsection (7) is added to that section, to read:

311.101 Intermodal Logistics Center Infrastructure Support Program.—

(7) Beginning with the 2024-2025 fiscal year through the 2029-2030 fiscal year, $15 million in recurring funds shall be made available from the State Transportation Trust Fund for the program. The Department of Transportation shall include projects proposed to be funded under this section in the tentative work program developed pursuant to s. 339.135(4).

Section 3. Subsection (2) of section 333.03, Florida Statutes, is amended to read:

333.03 Requirement to adopt airport zoning regulations.—

(2) In the manner provided in subsection (1), political subdivisions shall adopt, administer, and enforce airport land use compatibility zoning regulations. At a minimum, airport land use compatibility zoning regulations must address ~~shall, at a minimum, consider~~ the following:

(a) The prohibition of new landfills and the restriction of existing landfills within the following areas:

1. Within 10,000 feet from the nearest point of any runway used or planned to be used by turbine aircraft.

2. Within 5,000 feet from the nearest point of any runway used by only nonturbine aircraft.

3. Outside the perimeters defined in subparagraphs 1. and 2., but still within the lateral limits of the civil airport imaginary surfaces defined in 14 C.F.R. s. 77.19. Case-by-case review of such landfills is advised.

(b) When ~~Where~~ any landfill is located and constructed in a manner that attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns of aircraft. The landfill operator must incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft.

(c) When ~~Where~~ an airport authority or other governing body operating a public-use airport has conducted a noise study in accordance with 14 C.F.R. part 150, or when ~~where~~ a public-use airport owner has established noise contours pursuant to another public study accepted by the Federal Aviation Administration, the prohibition of incompatible uses, as established in the noise study in 14 C.F.R. part 150, Appendix A or as a part of an alternative Federal Aviation Administration-accepted public study, within the noise contours established by any of these studies, except if such uses are specifically contemplated by such study with appropriate mitigation or similar techniques described in the study.

(d) When ~~Where~~ an airport authority or other governing body operating a public-use airport has not conducted a noise study, the prohibition ~~mitigation~~ of ~~potential incompatible uses associated with~~ residential construction and ~~any~~ educational facilities ~~facility~~, with the exception of aviation school facilities or residential property near a public-use airport that has as its sole runway a turf runway measuring less than 2,800 feet in length, within an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline.

(e) The restriction of new incompatible uses, activities, or substantial modifications to existing incompatible uses within runway protection zones.

Section 4. Section 334.046, Florida Statutes, is amended to read:

334.046 Department mission, goals, and objectives.—

(1) The department shall consider the following prevailing principles when ~~to be considered in~~ planning and developing the state's multimodal ~~an integrated, balanced statewide~~ transportation system ~~are~~: preserving Florida's ~~the existing~~ transportation infrastructure; supporting its ~~enhancing Florida's~~ economic competitiveness; promoting the efficient movement of people and goods; and preserving Florida's quality of life ~~improving travel choices to ensure mobility~~.

(2) The mission of the Department of Transportation shall be to provide a safe statewide transportation system that promotes the efficient movement ~~ensures the mobility~~ of people and goods, supports the state's ~~enhances~~ economic competitiveness, prioritizes Florida's environment and natural resources ~~prosperity~~, and preserves the quality of life and connectedness of the state's ~~our environment and~~ communities.

(3) The ~~department shall document in the Florida Transportation Plan, in accordance with s. 339.155 and based upon the~~ prevailing principles outlined in this section shall be incorporated into all ~~of preserving the existing transportation infrastructure, enhancing Florida's economic competitiveness, and improving travel choices to ensure mobility, the~~ goals and objectives that provide statewide policy guidance for accomplishing the department's mission, including the Florida Transportation Plan outlined in s. 339.155.

(4) At a minimum, the department's goals shall address the following prevailing principles:~~.~~

(a) *Maintaining investments* ~~*Preservation*~~.—Protecting the state's transportation infrastructure investment, which~~. Preservation~~ includes:

1. Ensuring that 80 percent of the pavement on the State Highway System meets department standards;

2. Ensuring that 90 percent of department-maintained bridges meet department standards; and

3. Ensuring that the department achieves 100 percent of the acceptable maintenance standard on the state highway system.

(b) *Economic competitiveness.*—Ensuring that the state has a clear understanding of the return on investment and economic impacts ~~consequences~~ of transportation infrastructure investments~~,~~ and how such investments affect the state's economic competitiveness. The department must develop a macroeconomic analysis of the linkages between transportation investment and economic performance, as well as a method to quantifiably measure the economic benefits of the district-work-program investments. Such an analysis must analyze:

1. The state's and district's economic performance relative to the competition.

2. The business environment as viewed from the perspective of companies evaluating the state as a place in which to do business.

3. The state's capacity to sustain long-term growth.

(c) *Connected transportation system* ~~*Mobility.*~~—Ensuring a cost-effective, statewide, interconnected transportation system that provides for the most efficient and effective multimodality and mobility.

(d) *Preserving Florida's natural resources and quality of life.*—Prioritizing Florida's natural resources and the quality of life of its communities.

Section 5. Section 334.61, Florida Statutes, is created to read:

334.61 Traffic lane repurposing.—

(1) When a governmental entity proposes any project that will repurpose one or more existing traffic lanes, the governmental entity shall include a traffic study to address any potential adverse impacts of the project, including, but not limited to, changes in traffic congestion and impacts on safety.

(2) If, following the study required by subsection (1), the governmental entity elects to continue with the design of the project, it must notify all affected property owners, impacted municipalities, and the counties in which the project is located at least 180 days before the design phase of the project is completed. The notice must provide a written explanation regarding the need for the project and information on how to review the traffic study required by subsection (1), and must indicate that all affected parties will be given an opportunity to provide comments to the proposing entity regarding potential impacts of the change.

(3) The governmental entity shall hold at least one public meeting, with at least 30 days prior notice, before completing the design phase of the project in the jurisdiction where the project is located. At the public meeting, the governmental entity shall explain the purpose of the project and receive public input, including possible alternatives, to determine the manner in which the project will affect the community.

(4) The governmental entity shall review all comments from the public meeting and take the comments and any alternatives presented during the meeting into consideration in the final design of the project.

Section 6. Paragraph (c) of subsection (3) of section 338.231, Florida Statutes, is amended to read:

338.231 Turnpike tolls, fixing; pledge of tolls and other revenues.—The department shall at all times fix, adjust, charge, and collect such tolls and amounts for the use of the turnpike system as are required in order to provide a fund sufficient with other revenues of the turnpike system to pay the cost of maintaining, improving, repairing, and operating such turnpike system; to pay the principal of and interest on all bonds issued to finance or refinance any portion of the turnpike system as the same become due and payable; and to create reserves for all such purposes.

(3)

(c) Notwithstanding any other provision of law to the contrary, any prepaid toll account of any kind which has remained inactive for 10 ~~3~~ years is ~~shall be~~ presumed unclaimed and its disposition shall be handled by the Department of Financial Services in accordance with all applicable provisions of chapter 717 relating to the disposition of unclaimed property, and the prepaid toll account shall be closed by the department.

Section 7. Paragraph (a) of subsection (3) of section 338.26, Florida Statutes, is amended to read:

338.26 Alligator Alley toll road.—

(3)(a) Fees generated from tolls shall be deposited in the State Transportation Trust Fund and shall be used:

1. To reimburse outstanding contractual obligations;

2. To operate and maintain the highway and toll facilities, including reconstruction and restoration;

3. To pay for those projects that are funded with Alligator Alley toll revenues and that are contained in the 1993-1994 adopted work program or the 1994-1995 tentative work program submitted to the Legislature on February 22, 1994; and

4. By interlocal agreement ~~effective July 1, 2019, through no later than June 30, 2027~~, to reimburse a local governmental entity for the direct actual costs of operating the fire station at mile marker 63 on Alligator Alley, which shall be used by the local governmental entity to provide fire, rescue, and emergency management services exclusively to the public on Alligator Alley. The local governmental entity must contribute 10 percent of the direct actual operating costs.

a. The interlocal agreement effective July 1, 2019, through 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 may 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 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 agreement, the ownership and title of all fire, rescue, and emergency equipment purchased with state funds and used at the fire station during the term of the interlocal agreement transfers to the state.

Section 8. Subsection (5) is added to section 339.08, Florida Statutes, to read:

339.08 Use of moneys in State Transportation Trust Fund.—

(5) The department may not expend any state funds as described in s. 215.31 to support a project or program of any of the following entities:

(a) A public transit provider as defined in s. 341.031(1);

(b) An authority created pursuant to chapter 343, chapter 348, or chapter 349;

(c) A public-use airport as defined in s. 332.004; or

(d) A port listed in s. 311.09(1),

which is found in violation of s. 381.00316. The department shall withhold state funds until the public transit provider, authority, public-use airport, or port is found in compliance with s. 381.00316.

Section 9. Section 339.0803, Florida Statutes, is amended to read:

339.0803 Allocation of increased revenues derived from amendments to s. 320.08 by ch. 2019-43.—

(1) Beginning in the 2021-2022 fiscal year and each fiscal year thereafter, funds that result from increased revenues to the State Transportation Trust Fund derived from the amendments to s. 320.08 made by chapter 2019-43, Laws of Florida, and deposited into the fund pursuant to s. 320.20(5)(a) must be used to fund arterial highway projects identified by the department in accordance with s. 339.65 and may be used for projects as specified in ss. 339.66 and 339.67. For purposes of the funding provided in this section, the department shall prioritize use of existing facilities or portions thereof when upgrading arterial highways to limited or controlled access facilities. However,

this section does not preclude use of the funding for projects that enhance the capacity of an arterial highway. The funds allocated as provided in this section shall be in addition to any other statutory funding allocations provided by law.

(2) Revenues deposited into the State Transportation Trust Fund pursuant to s. 320.20(5)(a) shall first be available for appropriation for payments under a service contract entered into with the Florida Department of Transportation Financing Corporation pursuant to s. 339.0809(4) to fund arterial highway projects. For the corporation's bonding purposes, two or more such projects in the department's adopted work program may be treated as a single project.

Section 10. Subsection (13) of section 339.0809, Florida Statutes, is amended, and subsection (14) is added to that section, to read:

339.0809 Florida Department of Transportation Financing Corporation.—

(13) The department may enter into a service contract in conjunction with the issuance of debt obligations as provided in this section which provides for periodic payments for debt service or other amounts payable with respect to debt obligations, plus any administrative expenses of the Florida Department of Transportation Financing Corporation. Funds appropriated for payments under a service contract shall be available after funds pledged to payment on bonds, but before other statutorily required distributions.

(14) The department may enter into a service contract to finance the projects authorized in s. 215 of chapter 2023-239, Laws of Florida, and in budget amendment EOG #2024-B0112, and subsequently adopted into the 5-year work program. Service contract payments may not exceed 7 percent of the funds deposited in the State Transportation Trust Fund in each fiscal year. The annual payments under such service contract shall be included in the department's work program and legislative budget request developed pursuant to s. 339.135. The department shall ensure that the annual payments are programmed for the life of the service contract before execution of the service contract and shall remain programmed until fully paid.

Section 11. Notwithstanding s. 215 of chapter 2023-239, Laws of Florida, the Department of Transportation is authorized to retain the interest earnings on funds appropriated to finance the projects authorized in s. 215 of chapter 2023-239, Laws of Florida, and in EOG# 2024-B0112 and subsequently adopted into the 5-year work program. The interest earnings must be used by the department to implement such projects.

Section 12. Subsection (8) is added to section 339.2818, Florida Statutes, to read:

339.2818 Small County Outreach Program.—

(8) Subject to a specific appropriation in addition to funds appropriated for projects under this section, a local government either wholly or partially within the Everglades Agricultural Area as defined in s. 373.4592(15), the Peace River Basin, or the Suwannee River Basin may compete for additional funding using the criteria listed in paragraph (4)(c) at up to 100 percent of project costs on state or county roads used primarily as farm-to-market connections between rural agricultural areas and market distribution centers, excluding capacity improvement projects.

Section 13. Subsection (6) of section 341.051, Florida Statutes, is amended, paragraphs (c) and (d) are added to subsection (2) of that section, and subsection (8) is added to that section, to read:

341.051 Administration and financing of public transit and intercity bus service programs and projects.—

(2) PUBLIC TRANSIT PLAN.—

(c) Any lane elimination or lane repurposing, recommendation, or application relating to public transit projects must be approved by a two-thirds vote of the transit authority board in a public meeting to be held after a 30-day public notice.

(d) Any action of eminent domain for acquisition of public transit facilities carried out by a public transit provider must be discussed by the public transit provider at a public meeting to be held after a 30-day public notice.

(6) ANNUAL APPROPRIATION.—

(a) Funds paid into the State Transportation Trust Fund pursuant to s. 201.15 for the New Starts Transit Program are hereby annually appropriated for expenditure to support the New Starts Transit Program.

(b) The remaining unallocated New Starts Transit Program funds as of June 30, 2024, shall be reallocated for the purpose of the Strategic Intermodal System within the State Transportation Trust Fund. This paragraph expires June 30, 2026.

(8) EXTERIOR VEHICLE WRAP, TINTING, PAINT, MARKETING, AND ADVERTISING.—

(a) As a condition of receiving funds from the department, a public transit provider may not expend department funds for marketing or advertising activities, including any wrap, tinting, paint, or other medium displayed, attached, or affixed on a bus, commercial motor vehicle, or motor vehicle that is owned, leased, or operated by the public transit provider. Such vehicles are limited to displaying a brand or logo of the public transit provider, the official seal of the jurisdictional governmental entity, or a state agency public service announcement.

(b) The department shall incorporate guidelines for the marketing or advertising activities allowed under paragraph (a) in the public transportation grant agreement entered into with each public transit provider.

(c) Any new wrap, tinting, paint, medium, or advertisement on the passenger windows of a vehicle used by a public transit provider may not be darker than the legally allowed window tinting requirements provided in s. 316.2954.

For purposes of this section, the term "net operating costs" means all operating costs of a project less any federal funds, fares, or other sources of income to the project.

Section 14. Subsection (4) is added to section 341.071, Florida Statutes, to read:

341.071 Transit productivity and performance measures; reports.—

(4)(a) As used in this subsection, the term:

1. "General administrative costs" includes, but is not limited to, costs related to transit service development, injuries and damages, safety, personnel administration, legal services, data processing, finance and accounting, purchasing and stores, engineering, real estate management, office management and services, customer service, promotion, market research, and planning. The term does not include insurance costs.

2. "Public transit provider" means a public agency providing public transit service, including an authority created pursuant to part II of chapter 343 or chapter 349. The term does not apply to the Central Florida Commuter Rail Commission or the authority created pursuant to part I of chapter 343.

3. "Tier 1 provider" has the same meaning as in 49 C.F.R. part 625.

4. "Tier 2 provider" has the same meaning as in 49 C.F.R. part 625.

(b) Beginning November 1, 2024, and annually thereafter, each public transit provider, during a publicly noticed meeting, shall:

1. Certify that its budgeted and general administrative costs are not greater than 20 percent above the annual state average of administrative costs for its respective tier.

2. Present a line-item budget report of its budgeted and actual general administrative costs.

3. Disclose all salaried executive management-level employees' total compensation packages, ridership performance and metrics, and any gift as defined in s. 112.312 accepted in exchange for contracts. This disclosure shall be posted annually on the public transit provider's website.

(c) To support compliance with paragraph (b), the department shall determine, by tier, the annual state average of general administrative costs by determining the percentage of the total operating budget which is expended on general administrative costs in this state annually by March 31 to inform the public transit provider's budget for the following fiscal year. Upon review and certification by the department, costs budgeted and expended in association with nontransit-related engineering and construction services may be excluded.

(d) A year-over-year cumulative increase of 5 percent or more in general administrative costs must be reviewed before the start of the next fiscal year and must be reviewed and approved by the department before approval by the public transportation provider's governing board.

Section 15. Paragraph (a) of subsection (2) of section 341.822, Florida Statutes, is amended to read:

341.822 Powers and duties.—

(2)(a) In addition to the powers granted to the department, the enterprise has full authority to exercise all powers granted to it under this chapter. Powers shall include, but are not limited to, the ability to plan, construct, maintain, repair, and operate a high-speed rail system, ~~to acquire corridors, and~~ to

coordinate the development and operation of publicly funded passenger rail systems in the state, and to preserve and acquire future rail corridors and rights-of-way in coordination with the department's planning of the State Highway System.

Section 16. Paragraph (e) of subsection (1) of section 768.1382, Florida Statutes, is amended to read:

768.1382 Streetlights, security lights, and other similar illumination; limitation on liability.—

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

(e) "Streetlight provider" means the state or any of the state's officers, agencies, or instrumentalities, any political subdivision as defined in s. 1.01, any public utility as defined in s. 366.02(8), or any electric utility as defined in s. 366.02(4). For purposes of this section, electric utility shall include subsidiaries of an electric utility, regardless of whether the electric utility or subsidiary is providing electric street light service inside or outside of its regulated territory.

Section 17. Section 316.1575, Florida Statutes, is amended to read:

316.1575 Obedience to traffic control devices at railroad-highway grade crossings.—

(1) A ~~Any~~ person cycling, walking or driving a vehicle and approaching a railroad-highway grade crossing under any of the circumstances stated in this section must ~~shall~~ stop within 50 feet but not less than 15 feet from the nearest rail of such railroad and may ~~shall~~ not proceed until the railroad tracks are clear and he or she can do so safely. This subsection applies ~~The foregoing requirements apply~~ when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train or railroad track equipment;

(b) A crossing gate is lowered or a law enforcement officer or a human flagger gives or continues to give a signal of the approach or passage of a railroad train or railroad track equipment;

(c) An approaching railroad train or railroad track equipment emits an audible signal or the railroad train or railroad track equipment, by reason of its speed or nearness to the crossing, is an immediate hazard; or

(d) An approaching railroad train or railroad track equipment is plainly visible and is in hazardous proximity to the railroad-highway grade crossing, regardless of the type of traffic control devices installed at the crossing.

(2) A ~~No~~ person may not ~~shall~~ drive a ~~any~~ vehicle through, around, or under any crossing gate or barrier at a railroad-highway grade crossing while the gate or barrier is closed or is being opened or closed.

(3) A person who violates ~~violation of~~ this section commits ~~is~~ a noncriminal traffic infraction, punishable pursuant to chapter 318 as:

(a) ~~either~~ A pedestrian violation; or~~,~~

(b) If the infraction resulted from the operation of a vehicle, as a moving violation.

1. For a first violation, the person must pay a fine of $500 or perform 25 hours of community service and shall have 6 points assessed against his or her driver license as set forth in s. 322.27(3)(d)7.

2. For a second or subsequent violation, the person must pay a fine of $1,000 and shall have an additional 6 points assessed against his or her driver license as set forth in s. 322.27(3)(d)7.

Section 18. Section 316.1576, Florida Statutes, is amended to read:

316.1576 Insufficient clearance at a railroad-highway grade crossing.—

(1) A person may not drive a ~~any~~ vehicle through a railroad-highway grade crossing that does not have sufficient space to drive completely through the crossing without stopping or without obstructing the passage of other vehicles, pedestrians, railroad trains, or other railroad equipment, notwithstanding any traffic control signal indication to proceed.

(2) A person may not drive a ~~any~~ vehicle through a railroad-highway grade crossing that does not have sufficient undercarriage clearance to drive completely through the crossing without stopping or without obstructing the passage of a railroad train or other railroad equipment.

(3) A person who violates ~~violation of~~ this section commits ~~is~~ a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

(a) For a first violation, the person must pay a fine of $500 or perform 25 hours of community service and shall have 6 points assessed against his or her driver license as set forth in s. 322.27(3)(d)7.

(b) For a second or subsequent violation, the person must pay a fine of $1,000, shall have an additional 6 points assessed against his or her driver license as set forth in s. 322.27(3)(d)7., and, notwithstanding s. 322.27(3)(a), (b), and (c), shall have his or her driving privilege suspended for not more than 6 months.

Section 19. Present subsections (10) through (23) of section 318.18, Florida Statutes, are redesignated as subsections (11) through (24), respectively, a new subsection (10) is added to that section, and subsection (9) of that section is amended, to read:

318.18 Amount of penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 or a criminal offense listed in s. 318.17 are as follows:

(9) Five ~~One~~ hundred dollars for a first violation and $1,000 for a second or subsequent violation of s. 316.1575.

(10) Five hundred dollars for a first violation and $1,000 for a second or subsequent violation of s. 316.1576. In addition to this penalty, for a second or subsequent violation, the department shall suspend the driver license of the person for not more than 6 months.

Section 20. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke driver license or identification card.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.

2. Leaving the scene of a crash resulting in property damage of more than $50—6 points.

3. Unlawful speed, or unlawful use of a wireless communications device, resulting in a crash—6 points.

4. Passing a stopped school bus:

a. Not causing or resulting in serious bodily injury to or death of another—4 points.

b. Causing or resulting in serious bodily injury to or death of another—6 points.

c. Points may not be imposed for a violation of passing a stopped school bus as provided in s. 316.172(1)(a) or (b) when enforced by a school bus infraction detection system pursuant s. 316.173. In addition, a violation of s. 316.172(1)(a) or (b) when enforced by a school bus infraction detection system pursuant to s. 316.173 may not be used for purposes of setting motor vehicle insurance rates.

5. Unlawful speed:

a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.

b. In excess of 15 miles per hour of lawful or posted speed—4 points.

c. Points may not be imposed for a violation of unlawful speed as provided in s. 316.1895 or s. 316.183 when enforced by a traffic infraction enforcement officer pursuant to s. 316.1896. In addition, a violation of s. 316.1895 or s. 316.183 when enforced by a traffic infraction enforcement officer pursuant to s. 316.1896 may not be used for purposes of setting motor vehicle insurance rates.

6. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points. However, points may not be imposed for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer. In addition, a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates.

7. Unlawfully driving a vehicle through a railroad-highway grade crossing—6 points.

8.~~7.~~ All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, points may not be imposed for a violation of s. 316.0741 or s. 316.2065(11); and points may be imposed for a violation of s. 316.1001 only when imposed by the court after a hearing pursuant to s. 318.14(5).

9.~~8.~~ Any moving violation covered in this paragraph, excluding unlawful speed and unlawful use of a wireless communications device, resulting in a crash—4 points.

10.~~9.~~ Any conviction under s. 403.413(6)(b)—3 points.

11.~~10.~~ Any conviction under s. 316.0775(2)—4 points.

12.~~11.~~ A moving violation covered in this paragraph which is committed in conjunction with the unlawful use of a wireless communications device within a school safety zone—2 points, in addition to the points assigned for the moving violation.

Section 21. Subsection (6) of section 28.37, Florida Statutes, is amended to read:

28.37 Fines, fees, service charges, and costs remitted to the state.—

(6) Ten percent of all court-related fines collected by the clerk, except for penalties or fines distributed to counties or municipalities under s. 316.0083(1)(b)3. or s. 318.18(16)(a) ~~s. 318.18(15)(a)~~, must be deposited into the fine and forfeiture fund to be used exclusively for clerk court-related functions, as provided in s. 28.35(3)(a).

Section 22. Paragraph (c) of subsection (1) of section 142.01, Florida Statutes, is amended to read:

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

(1) 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:

(c) Court costs pursuant to ss. 28.2402(1)(b), 34.045(1)(b), 318.14(10)(b), 318.18(12)(a) ~~318.18(11)(a)~~, 327.73(9)(a) and (11)(a), and 938.05(3).

Section 23. Subsection (4) of section 316.1951, Florida Statutes, is amended to read:

316.1951 Parking for certain purposes prohibited; sale of motor vehicles; prohibited acts.—

(4) A local government may adopt an ordinance to allow the towing of a motor vehicle parked in violation of this section. A law enforcement officer, compliance officer, code enforcement officer from any local government agency, or supervisor of the department may issue a citation and cause to be immediately removed at the owner's expense any motor vehicle found in violation of subsection (1), except as provided in subsections (2) and (3), or in violation of subsection (5), subsection (6), subsection (7), or subsection (8), and the owner shall be assessed a penalty as provided in s. 318.18(22) ~~s. 318.18(21)~~ by the government agency or authority that orders immediate removal of the motor vehicle. A motor vehicle removed under this section shall not be released from an impound or towing and storage facility before a release form prescribed by the department has been completed verifying that the fine has been paid to the government agency or authority that ordered immediate removal of the motor vehicle. However, the owner may pay towing and storage charges to the towing and storage facility pursuant to s. 713.78 before payment of the fine or before the release form has been completed.

Section 24. Subsection (4) of section 316.306, Florida Statutes, is amended to read:

316.306 School and work zones; prohibition on the use of a wireless communications device in a handheld manner.—

(4)(a) Any person who violates this section commits a noncriminal traffic infraction, punishable as a moving violation, as provided in chapter 318, and shall have 3 points assessed against his or her driver license as set forth in s. 322.27(3)(d)8. ~~s. 322.27(3)(d)7.~~ For a first offense under this section, in lieu of the penalty specified in s. 318.18 and the assessment of points, a person who violates this section may elect to participate in a wireless communications device driving safety program approved by the Department of Highway Safety and Motor Vehicles. Upon completion of such program, the penalty specified in s. 318.18 and associated costs may be waived by the clerk of the court and the assessment of points must be waived.

(b) The clerk of the court may dismiss a case and assess court costs in accordance with s. 318.18(12)(a) ~~s. 318.18(11)(a)~~ for a nonmoving traffic infraction for a person who is cited for a first time violation of this section if the person shows the clerk proof of purchase of equipment that enables his or her personal wireless communications device to be used in a hands-free manner.

Section 25. Subsection (7) of section 316.622, Florida Statutes, is amended to read:

316.622 Farm labor vehicles.—

(7) A violation of this section is a noncriminal traffic infraction, punishable as provided in s. 318.18(17) ~~s. 318.18(16)~~.

Section 26. Section 318.121, Florida Statutes, is amended to read:

318.121 Preemption of additional fees, fines, surcharges, and costs.—Notwithstanding any general or special law, or municipal or county ordinance, additional fees, fines, surcharges, or costs other than the court costs and surcharges assessed under s. 318.18(12), (14), (19), (20), and (23) ~~s. 318.18(11), (13), (18), (19), and (22)~~ may not be added to the civil traffic penalties assessed under this chapter.

Section 27. Subsections (13), (16) through (19), and (21) of section 318.21, Florida Statutes, are amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(13) Of the proceeds from the fine under s. 318.18(16) ~~s. 318.18(15)~~, $65 shall be remitted to the Department of Revenue for deposit into the Administrative Trust Fund of the Department of Health and the remaining $60 shall be distributed pursuant to subsections (1) and (2).

(16) The proceeds from the fines described in s. 318.18(17) ~~s. 318.18(16)~~ shall be remitted to the law enforcement agency that issues the citation for a violation of s. 316.622. The funds must be used for continued education and enforcement of s. 316.622 and other related safety measures contained in chapter 316.

(17) Notwithstanding subsections (1) and (2), the proceeds from the administrative fee ~~surcharge~~ imposed under s. 318.18(18) ~~s. 318.18(17)~~ shall be distributed as provided in that subsection. This subsection expires July 1, 2026.

(18) Notwithstanding subsections (1) and (2), the proceeds from the administrative fee imposed under s. 318.18(19) ~~s. 318.18(18)~~ shall be distributed as provided in that subsection.

(19) Notwithstanding subsections (1) and (2), the proceeds from the fees ~~Article V assessment~~ imposed under s. 318.18(20) ~~s. 318.18(19)~~ shall be distributed as provided in that subsection.

(21) Notwithstanding subsections (1) and (2), the proceeds from the additional penalties imposed pursuant to s. 318.18(5)(c) and (21) ~~(20)~~ shall be distributed as provided in that section.

Section 28. Subsection (1) of section 395.4036, Florida Statutes, is amended to read:

395.4036 Trauma payments.—

(1) Recognizing the Legislature's stated intent to provide financial support to the current verified trauma centers and to provide incentives for the establishment of additional trauma centers as part of a system of state-sponsored trauma centers, the department shall utilize funds collected under s. 318.18 and deposited into the Emergency Medical Services Trust Fund of the department to ensure the availability and accessibility of trauma services throughout the state as provided in this subsection.

(a) Funds collected under s. 318.18(16) ~~s. 318.18(15)~~ shall be distributed as follows:

1. Twenty percent of the total funds collected during the state fiscal year shall be distributed to verified trauma centers that have a local funding contribution as of December 31. Distribution of funds under this subparagraph shall be based on trauma caseload volume for the most recent calendar year available.

2. Forty percent of the total funds collected shall be distributed to verified trauma centers based on trauma caseload volume for the most recent calendar year available. The determination of caseload volume for distribution of funds

under this subparagraph shall be based on the hospital discharge data for patients who meet the criteria for classification as a trauma patient reported by each trauma center pursuant to s. 408.061.

3. Forty percent of the total funds collected shall be distributed to verified trauma centers based on severity of trauma patients for the most recent calendar year available. The determination of severity for distribution of funds under this subparagraph shall be based on the department's International Classification Injury Severity Scores or another statistically valid and scientifically accepted method of stratifying a trauma patient's severity of injury, risk of mortality, and resource consumption as adopted by the department by rule, weighted based on the costs associated with and incurred by the trauma center in treating trauma patients. The weighting of scores shall be established by the department by rule.

(b) Funds collected under s. 318.18(5)(c) and (21) ~~(20)~~ shall be distributed as follows:

1. Thirty percent of the total funds collected shall be distributed to Level II trauma centers operated by a public hospital governed by an elected board of directors as of December 31, 2008.

2. Thirty-five percent of the total funds collected shall be distributed to verified trauma centers based on trauma caseload volume for the most recent calendar year available. The determination of caseload volume for distribution of funds under this subparagraph shall be based on the hospital discharge data for patients who meet the criteria for classification as a trauma patient reported by each trauma center pursuant to s. 408.061.

3. Thirty-five percent of the total funds collected shall be distributed to verified trauma centers based on severity of trauma patients for the most recent calendar year available. The determination of severity for distribution of funds under this subparagraph shall be based on the department's International Classification Injury Severity Scores or another statistically valid and scientifically accepted method of stratifying a trauma patient's severity of injury, risk of mortality, and resource consumption as adopted by the department by rule, weighted based on the costs associated with and incurred by the trauma center in treating trauma patients. The weighting of scores shall be established by the department by rule.

Section 29. This act shall take effect July 1, 2024.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to the Department of Transportation; amending s. 20.23, F.S.; removing the requirement that the Secretary of Transportation be nominated by the Florida Transportation Commission; revising the list of areas of program responsibility within the Department of Transportation; deleting the requirement that the secretary of the department appoint the department's inspector general and that he or she be directly responsible to the secretary; amending s. 311.101, F.S.; requiring that a specified amount of recurring funds from the State Transportation Trust Fund be made available for the Intermodal Logistics Center Infrastructure Support Program; requiring the department to include specified projects in its tentative work program; amending s. 333.03, F.S.; revising requirements for the adoption of airport land use compatibility zoning regulations; amending s. 334.046, F.S.; revising provisions relating to the department's mission, goals, and objectives; creating s. 334.61, F.S.; requiring governmental entities that propose certain projects to conduct a traffic study; requiring the governmental entity to give notice of a decision to continue with the design phase of a project to property owners, impacted municipalities, and counties affected by such projects within a specified timeframe; providing notice requirements; requiring such governmental entities to hold a public meeting, with a specified period of prior notice, before completion of the design phase of such projects; providing requirements for such public meetings; requiring such governmental entities to review and take into consideration comments and alternatives presented in public meetings in the final project design; amending s. 338.231, F.S.; revising the length of time before which an inactive prepaid toll account becomes unclaimed property; amending s. 338.26, F.S.; providing that a specified interlocal agreement related to the Alligator Alley toll road controls the use of certain State Transportation Trust Fund moneys until the local governmental entity and the department enter into a new agreement or agree to extend the existing agreement; limiting the amount of reimbursement for the 2024-2025 fiscal year; requiring the local governmental entity, by a specified date and at specified intervals thereafter, to provide a maintenance and operations comprehensive plan to the department; providing requirements for the comprehensive plan; requiring the local governmental entity and the department to review and adopt the comprehensive plan as part of the interlocal agreement; requiring the department, in accordance with certain projections, to include the corresponding funding needs in the department's work program; requiring the local governmental entity to include such needs in its capital comprehensive plan and appropriate fiscal year budget; requiring that ownership and title of certain equipment purchased with state funds and used at a specified fire station during the term of the interlocal agreement transfer to the state at the end of the term of the agreement; amending s. 339.08, F.S.; prohibiting the department from expending state funds to support a project or program of specified entities; requiring the department to withhold state funds until such entities are in compliance with a specified provision; amending s. 339.0803, F.S.; prioritizing availability of certain revenues deposited into the State Transportation Trust Fund for payments under service contracts with the Florida Department of Transportation Financing Corporation to fund arterial highway projects; providing that two or more such projects may be treated as a single project for certain purposes; amending s. 339.0809, F.S.; specifying availability of funds appropriated for payments under a service contract with the corporation; authorizing the department to enter into service contracts to finance certain projects; providing requirements for annual service contract payments; requiring the department, before execution of a service contract, to ensure that annual payments are programmed for the life of the contract and to ensure that they remain programmed until fully paid; authorizing the department to retain interest earnings on specified appropriations; requiring such interest earnings to be spent on specified projects; amending s. 339.2818, F.S.; authorizing, subject to appropriation, a local government within a specified area to compete for funding using specified criteria on specified roads; providing an exception; amending s. 341.051, F.S.; providing voting and meeting notice requirements for specified public transit projects; providing meeting notice requirements for discussion of specified actions by a public transit provider; requiring that certain unallocated funds for the New Starts Transit Program be reallocated for the purpose of the Strategic Intermodal System; providing for expiration of the reallocation; prohibiting, as a condition of receiving state funds, public transit providers from expending such funds for specified marketing or advertising activities; requiring the department to incorporate certain guidelines in the public transportation grant agreement entered into with each public transit provider; prohibiting certain wraps, tinting, paint, media, or advertisements on passenger windows of public transit provider vehicles from being darker than certain window tinting requirements; amending s. 341.071, F.S.; defining terms; beginning on a specified date and annually thereafter, requiring each public transit provider to take specified actions during a publicly noticed meeting; requiring that a certain disclosure be posted on public transit providers' websites; requiring the department to determine the annual state average of general administrative costs; authorizing certain costs to be excluded from such annual state average; requiring a specified increase in general administrative costs to be reviewed and approved by certain entities; amending s. 341.822, F.S.; revising the powers of the Florida Rail Enterprise; amending s. 768.1382, F.S.; revising the definition of the term "streetlight provider"; 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. 318.18, F.S.; revising the penalties for certain offenses; amending s. 322.27, F.S.; revising the point system for convictions for violations of motor vehicle laws and ordinances; amending ss. 28.37, 142.01, 316.1951, 316.306, 316.622, 318.121, 318.21, and 395.4036, F.S.; conforming cross-references; conforming provisions to changes made by the act; providing an effective date.

On motion by Rep. Abbott, the House concurred in **Senate Amendment 1 (299830)**.

The question recurred on passage of **CS/CS/CS/HB 1301**, as amended. The vote was:

Session Vote Sequence: 966

Representative Tomkow in the Chair.

Yeas—79

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

Nays—32

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

Votes after roll call:
Yeas—Berfield

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7067, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

HB 7067—A bill to be entitled An act relating to pretrial detention hearings; amending s. 907.041, F.S.; authorizing a court to base an order of pretrial detention solely on hearsay; making technical changes; providing an effective date.

(Amendment Bar Code: 137798)

Senate Amendment 1 (with title amendment)—
Delete everything after the enacting clause
and insert:
Section 1. Paragraphs (j) through (m) of subsection (5) of section 907.041, Florida Statutes, are redesignated as paragraphs (k) through (n), respectively, paragraph (i) of that subsection is amended, and a new paragraph (j) is added to that subsection, to read:
907.041 Pretrial detention and release.—
(5) PRETRIAL DETENTION.—
(i) ~~The defendant is entitled to be represented by counsel, to present witnesses and evidence, and to cross-examine witnesses.~~ The rules concerning admissibility of evidence in criminal trials do not apply to the presentation and consideration of evidence at the detention hearing. The court may base an order of pretrial detention under paragraph (d) solely on hearsay.~~, but~~ Evidence secured in violation of the United States Constitution or the Constitution of the State of Florida shall not be admissible.
(j) The defendant is entitled to be represented by counsel, to present witnesses and evidence, and to cross-examine witnesses. No testimony by the defendant shall be admissible to prove guilt at any other judicial proceeding, but such testimony may be admitted in an action for perjury, based upon the defendant's statements made at the pretrial detention hearing, or for impeachment.
Section 2. This act shall take effect upon becoming a law.

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:
Delete everything before the enacting clause
and insert:
A bill to be entitled
An act relating to pretrial detention hearings; amending s. 907.041, F.S.; authorizing a court to base certain orders of pretrial detention solely on hearsay; making technical changes; providing an effective date.

On motion by Rep. Jacques, the House concurred in **Senate Amendment 1 (137798)**.

The question recurred on passage of **HB 7067**, as amended. The vote was:

Session Vote Sequence: 967

Representative Tomkow in the Chair.

Yeas—81

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

Nays—31

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

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 537, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

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.

(Amendment Bar Code: 319730)

Senate Amendment 2 (with title amendment)—

Delete everything after the enacting clause
and insert:

Section 1. Section 1003.482, Florida Statutes, is created to read:

1003.482 mSCALES Pilot Program.—

(1)(a) The Music-based Supplemental Content to Accelerate Learner Engagement and Success (mSCALES) Pilot Program is created within the Department of Education. The purpose of the pilot program is to assist districts in adopting music-based supplemental materials that support STEM courses for middle school students.

(b) The music-based supplemental materials must be used by teachers who are certified to teach mathematics pursuant to s. 1012.55(1)(c). The supplemental materials must be used at a minimum twice per week to supplement mathematics instruction.

(c) Classes that use the supplemental materials are subject to the class size requirements of s. 1003.03.

(d) The school districts in Alachua, Marion, and Miami-Dade Counties are eligible to participate in the pilot program. District school superintendents may contact the Department of Education, in a format prescribed by the department, for their district to participate in the pilot program. Subject to legislative appropriation, the department may approve a school district to participate in the pilot program if sufficient funding is available.

(e) Participating school districts shall receive $6 per student. Eligible middle schools must be in the same attendance zone as an elementary school that participated in the Early Childhood Music Education Incentive Program.

(f) To maintain eligibility for the pilot program, a participating school district must annually certify to the department, in a format prescribed by the department, that each participating middle school within the district meets the requirements of paragraphs (b) and (c).

(2)(a) The College of Education at the University of Florida shall continuously evaluate the program's effectiveness. The College of Education must annually share the findings of its evaluations with the department and the Legislature.

(b) The College of Education at the University of Florida shall prepare a comprehensive final report of the program's overall effectiveness. The report must be presented, no later than October 1, 2026, to the department, the Legislature, and the Florida Center for Partnerships in Arts-Integrated Teaching.

(3) This section expires June 30, 2026.

Section 2. This act shall take effect July 1, 2024.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to student achievement; 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.

On motion by Rep. Valdés, the House concurred in **Senate Amendment 2 (319730)** .

The question recurred on passage of **CS/CS/HB 537**, as amended. The vote was:

Session Vote Sequence: 968

Representative Tomkow in the Chair.

Yeas—111

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

Nays—None

Votes after roll call:
Yeas—Bartleman

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1503, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

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 and to personal lines residential risks that are not 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.

(Amendment Bar Code: 102780)

Senate Amendment 1 (with title amendment)—

Delete everything after the enacting clause
and insert:

Section 1. Effective upon becoming a law, paragraph (aa) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(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.

Section 2. Present subsection (7) of section 627.351, Florida Statutes, is redesignated as subsection (8), a new subsection (7) is added to that section, paragraph (nn) is added to subsection (6) of that section, and paragraph (b) of subsection (2) and paragraphs (a), (b), (c), (e), (o), (p), (q), (v), (w), (x), (z), and (ii) of subsection (6) of that section are amended, to read:

627.351 Insurance risk apportionment plans.—

(2) WINDSTORM INSURANCE RISK APPORTIONMENT.—

(b) The department shall require all insurers holding a certificate of authority to transact property insurance on a direct basis in this state, other than joint underwriting associations and other entities formed pursuant to this section, to provide windstorm coverage to applicants from areas determined to be eligible pursuant to paragraph (c) who in good faith are entitled to, but are unable to procure, such coverage through ordinary means; or it shall adopt a reasonable plan or plans for the equitable apportionment or sharing among such insurers of windstorm coverage, which may include formation of an association for this purpose. As used in this subsection, the term "property insurance" means insurance on real or personal property, as defined in s. 624.604, including insurance for fire, industrial fire, allied lines, farmowners multiperil, homeowners multiperil, commercial multiperil, and mobile homes, and including liability coverages on all such insurance, but excluding inland marine as defined in s. 624.607(3) and excluding vehicle insurance as defined in s. 624.605(1)(a) other than insurance on mobile homes used as permanent dwellings. The department shall adopt rules that provide a formula for the recovery and repayment of any deferred assessments.

1. For the purpose of this section, properties eligible for such windstorm coverage are defined as dwellings, buildings, and other structures, including mobile homes which are used as dwellings and which are tied down in compliance with mobile home tie-down requirements prescribed by the Department of Highway Safety and Motor Vehicles pursuant to s. 320.8325, and the contents of all such properties. An applicant or policyholder is eligible for coverage only if an offer of coverage cannot be obtained by or for the applicant or policyholder from an admitted insurer at approved rates.

2.a.(I) All insurers required to be members of such association shall participate in its writings, expenses, and losses. Surplus of the association shall be retained for the payment of claims and shall not be distributed to the member insurers. Such participation by member insurers shall be in the proportion that the net direct premiums of each member insurer written for property insurance in this state during the preceding calendar year bear to the aggregate net direct premiums for property insurance of all member insurers, as reduced by any credits for voluntary writings, in this state during the preceding calendar year. For the purposes of this subsection, the term "net direct premiums" means direct written premiums for property insurance, reduced by premium for liability coverage and for the following if included in allied lines: rain and hail on growing crops; livestock; association direct premiums booked; National Flood Insurance Program direct premiums; and similar deductions specifically authorized by the plan of operation and approved by the department. A member's participation shall begin on the first day of the calendar year following the year in which it is issued a certificate of authority to transact property insurance in the state and shall terminate 1 year after the end of the calendar year during which it no longer holds a certificate of authority to transact property insurance in the state. The commissioner, after review of annual statements, other reports, and any other statistics that the commissioner deems necessary, shall certify to the association the aggregate direct premiums written for property insurance in this state by all member insurers.

(II) Effective July 1, 2002, the association shall operate subject to the supervision and approval of a board of governors who are the same individuals that have been appointed by the Treasurer to serve on the board of governors of the Citizens Property Insurance Corporation.

(III) The plan of operation shall provide a formula whereby a company voluntarily providing windstorm coverage in affected areas will be relieved wholly or partially from apportionment of a regular assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-subparagraph d.(II).

(IV) A company which is a member of a group of companies under common management may elect to have its credits applied on a group basis, and any company or group may elect to have its credits applied to any other company or group.

(V) There shall be no credits or relief from apportionment to a company for emergency assessments collected from its policyholders under sub-sub-subparagraph d.(III).

(VI) The plan of operation may also provide for the award of credits, for a period not to exceed 3 years, from a regular assessment pursuant to sub-sub-subparagraph d.(I) or sub-sub-subparagraph d.(II) as an incentive for taking policies out of the Residential Property and Casualty Joint Underwriting Association. In order to qualify for the exemption under this sub-sub-subparagraph, the take-out plan must provide that at least 40 percent of the policies removed from the Residential Property and Casualty Joint Underwriting Association cover risks located in Miami-Dade, Broward, and Palm Beach Counties or at least 30 percent of the policies so removed cover risks located in Miami-Dade, Broward, and Palm Beach Counties and an additional 50 percent of the policies so removed cover risks located in other coastal counties, and must also provide that no more than 15 percent of the policies so removed may exclude windstorm coverage. With the approval of the department, the association may waive these geographic criteria for a take-out plan that removes at least the lesser of 100,000 Residential Property and Casualty Joint Underwriting Association policies or 15 percent of the total number of Residential Property and Casualty Joint Underwriting Association policies, provided the governing board of the Residential Property and Casualty Joint Underwriting Association certifies that the take-out plan will materially reduce the Residential Property and Casualty Joint Underwriting Association's 100-year probable maximum loss from hurricanes. With the approval of the department, 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 Residential Property and Casualty Joint Underwriting Association, or for 2 additional years if the insurer guarantees 2 additional years of renewability for all policies removed from the Residential Property and Casualty Joint Underwriting Association.

b. Assessments to pay deficits in the association under this subparagraph shall be included as an appropriate factor in the making of rates as provided in s. 627.3512.

c. The Legislature finds that the potential for unlimited deficit assessments under this subparagraph may induce insurers to attempt to reduce their writings in the voluntary market, and that such actions would worsen the availability problems that the association was created to remedy. It is the intent of the Legislature that insurers remain fully responsible for paying regular assessments and collecting emergency assessments for any deficits of the association; however, it is also the intent of the Legislature to provide a means by which assessment liabilities may be amortized over a period of years.

d.(I) When the deficit incurred in a particular calendar year is 10 percent or less of the aggregate statewide direct written premium for property insurance for the prior calendar year for all member insurers, the association shall levy an assessment on member insurers in an amount equal to the deficit.

(II) When the deficit incurred in a particular calendar year exceeds 10 percent of the aggregate statewide direct written premium for property insurance for the prior calendar year for all member insurers, the association shall levy an assessment on member insurers in an amount equal to the greater of 10 percent of the deficit or 10 percent of the aggregate statewide direct written premium for property insurance for the prior calendar year for member insurers. Any remaining deficit shall be recovered through emergency assessments under sub-sub-subparagraph (III).

(III) Upon a determination by the board of directors that a deficit exceeds the amount that will be recovered through regular assessments on member insurers, pursuant to sub-sub-subparagraph (I) or sub-sub-subparagraph (II), the board shall levy, after verification by the department, emergency assessments to be collected by member insurers and by underwriting associations created pursuant to this section which write property insurance, upon issuance or renewal of property insurance policies other than National Flood Insurance policies in the year or years following levy of the regular assessments. The amount of the emergency assessment collected in a particular year shall be a uniform percentage of that year's direct written premium for property insurance for all member insurers and underwriting associations, excluding National Flood Insurance policy premiums, as annually determined by the board and verified by the department. The department shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. Notwithstanding any other provision of law, each member insurer and each underwriting association created pursuant to this section shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment. The emergency assessments so collected shall be transferred directly to the association on a periodic basis as determined by the association. The aggregate amount of emergency assessments levied under this sub-sub-subparagraph in any calendar year may not exceed the greater of 10 percent of the amount needed to cover the original deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing of the original deficit, or 10 percent of the aggregate statewide direct written premium for property insurance written by member insurers and underwriting associations for the prior year, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit. The board may pledge the proceeds of the emergency assessments under this sub-sub-subparagraph as the source of revenue for bonds, to retire any other debt incurred as a result of the deficit or events giving rise to the deficit, or in any other way that the board determines will efficiently recover the deficit. The emergency assessments under this sub-sub-subparagraph shall continue as long as any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the document governing such bonds or other indebtedness. Emergency assessments collected under this sub-sub-subparagraph are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium.

(IV) Each member insurer's share of the total regular assessments under sub-sub-subparagraph (I) or sub-sub-subparagraph (II) shall be in the proportion that the insurer's net direct premium for property insurance in this state, for the year preceding the assessment bears to the aggregate statewide net direct premium for property insurance of all member insurers, as reduced by any credits for voluntary writings for that year.

(V) If regular deficit assessments are made under sub-sub-subparagraph (I) or sub-sub-subparagraph (II)~~, or by the Residential Property and Casualty Joint Underwriting Association under sub-subparagraph (6)(b)3.a.~~, the association shall levy upon the association's policyholders, as part of its next rate filing, or by a separate rate filing solely for this purpose, a market equalization surcharge in a percentage equal to the total amount of such regular assessments divided by the aggregate statewide direct written premium for property insurance for member insurers for the prior calendar year. Market equalization surcharges under this sub-sub-subparagraph are not considered premium and are not subject to commissions, fees, or premium taxes; however, failure to pay a market equalization surcharge shall be treated as failure to pay premium.

e. The governing body of any unit of local government, any residents of which are insured under the plan, may issue bonds as defined in s. 125.013 or s. 166.101 to fund an assistance program, in conjunction with the association, for the purpose of defraying deficits of the association. 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 association, 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 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 the protection and preservation of the economic stability of insurers operating in this state, and declaring it an essential public purpose to permit certain municipalities or counties to issue bonds as will provide relief to claimants and policyholders of the association and insurers responsible for apportionment of plan losses. Any such unit of local government may enter into such contracts with the association and with any other entity created pursuant to this subsection as are necessary to carry out this paragraph. Any bonds issued under this sub-subparagraph shall be payable from and secured by moneys received by the association from assessments under this subparagraph, 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. If any of the bonds remain unsold 60 days after issuance, the department shall require all insurers subject to assessment to purchase the bonds, which shall be treated as admitted assets; each insurer shall be required to purchase that percentage of the unsold portion of the bond issue that equals the insurer's relative share of assessment liability under this subsection. An insurer shall not be required to purchase the bonds to the extent that the department determines that the purchase would endanger or impair the solvency of the insurer. The authority granted by this sub-subparagraph is additional to any bonding authority granted by subparagraph 6.

3. The plan shall also provide that any member 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 department, within the first 90 days of each calendar year, to qualify as a limited apportionment company. The apportionment of such a member company in any calendar year for which it is qualified shall not exceed its gross participation, which shall not be affected by the formula for voluntary writings. In no event shall a limited apportionment company be required to participate in any apportionment of losses pursuant to sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II) in the aggregate which exceeds $50 million after payment of available plan funds in any calendar year. However, a limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-sub-subparagraph 2.d.(III). The plan shall provide that, if the department determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the department may direct that all or part of such assessment be deferred. However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-sub-subparagraph 2.d.(III).

4. The plan shall provide for the deferment, in whole or in part, of a regular assessment of a member insurer under sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II), but not for an emergency assessment collected from policyholders under sub-sub-subparagraph 2.d.(III), if, in the opinion of the commissioner, payment of such regular assessment would endanger or impair the solvency of the member insurer. In the event a regular assessment against a member insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in sub-sub-subparagraph 2.d.(I) or sub-sub-subparagraph 2.d.(II).

5.a. The plan of operation may include deductibles and rules for classification of risks and rate modifications consistent with the objective of providing and maintaining funds sufficient to pay catastrophe losses.

b. It is the intent of the Legislature that the rates for coverage provided by the association be actuarially sound and not competitive with approved rates charged in the admitted voluntary market such that the association functions as a residual market mechanism to provide insurance only when the insurance cannot be procured in the voluntary market. The plan of operation shall provide a mechanism to assure that, beginning no later than January 1, 1999, the rates charged by the association for each line of business are reflective of approved rates in the voluntary market for hurricane coverage for each line of business in the various areas eligible for association coverage.

c. The association shall provide for windstorm coverage on residential properties in limits up to $10 million for commercial lines residential risks and up to $1 million for personal lines residential risks. If coverage with the association is sought for a residential risk valued in excess of these limits, coverage shall be available to the risk up to the replacement cost or actual cash value of the property, at the option of the insured, if coverage for the risk cannot be located in the authorized market. The association must accept a commercial lines residential risk with limits above $10 million or a personal lines residential risk with limits above $1 million if coverage is not available in the authorized market. The association may write coverage above the limits specified in this subparagraph with or without facultative or other reinsurance coverage, as the association determines appropriate.

d. The plan of operation must provide objective criteria and procedures, approved by the department, to be uniformly applied for 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 shall be considered:

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

(II) 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 association pursuant to such criteria and procedures must be construed as the private placement of insurance, and the provisions of chapter 120 do not apply.

e. If the risk accepts an offer of coverage through the market assistance program or through a mechanism established by the association, either before the policy is issued by the association or during the first 30 days of coverage by the association, and the producing agent who submitted the application to the association is not currently appointed by the insurer, the insurer shall:

(I) 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 association; 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 greater of the insurer's or the association'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-subparagraph (I). Subject to the provisions of s. 627.3517, the policies issued by the association must provide that if the association obtains an offer from an authorized insurer to cover the risk at its approved rates under either a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the department, a basic policy including wind coverage, the risk is no longer eligible for coverage through the association. Upon termination of eligibility, the association shall provide written notice to the policyholder and agent of record stating that the association policy must be canceled as of 60 days after the date of the notice because of the offer of coverage from an authorized insurer. Other provisions of the insurance code relating to cancellation and notice of cancellation do not apply to actions under this sub-subparagraph.

f. When the association enters into a contractual agreement for a take-out plan, the producing agent of record of the association policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(I) Pay to the producing agent of record of the association 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 association; or

(II) Offer to allow the producing agent of record of the association policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the association'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-subparagraph (I).

6.a. The plan of operation may authorize the formation of a private nonprofit corporation, a private nonprofit unincorporated association, a partnership, a trust, a limited liability company, or a nonprofit mutual company which may be empowered, among other things, to borrow money by issuing bonds or by incurring other indebtedness and to accumulate reserves or funds to be used for the payment of insured catastrophe losses. The plan may authorize all actions necessary to facilitate the issuance of bonds, including the pledging of assessments or other revenues.

b. Any entity created under this subsection, or any entity formed for the purposes of this subsection, may sue and be sued, may borrow money; issue bonds, notes, or debt instruments; pledge or sell assessments, market equalization surcharges and other surcharges, rights, premiums, contractual rights, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, and other assets as security for such bonds, notes, or debt instruments; enter into any contracts or agreements necessary or proper to accomplish such borrowings; and take other actions necessary to carry out the purposes of this subsection. The association may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (6)(q)2., in the absence of a hurricane or other weather-related event, upon a determination by the association subject to approval by the department that such action would enable it to efficiently meet the financial obligations of the association and that such financings are reasonably necessary to effectuate the requirements of this subsection. Any such entity may accumulate reserves and retain surpluses as of the end of any association year to provide for the payment of losses incurred by the association during that year or any future year. The association shall incorporate and continue the plan of operation and articles of agreement in effect on the effective date of chapter 76-96, Laws of Florida, to the extent that it is not inconsistent with chapter 76-96, and as subsequently modified consistent with chapter 76-96. The board of directors and officers currently serving shall continue to serve until their successors are duly qualified as provided under the plan. The assets and obligations of the plan in effect immediately prior to the effective date of chapter 76-96 shall be construed to be the assets and obligations of the successor plan created herein.

c. 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 issued or incurred by the association or any other entity created under this subsection.

7. On such coverage, an agent's remuneration shall be that amount of money payable to the agent by the terms of his or her contract with the company with which the business is placed. However, no commission will be paid on that portion of the premium which is in excess of the standard premium of that company.

8. Subject to approval by the department, the association may establish different eligibility requirements and operational procedures for any line or type of coverage for any specified eligible area or portion of an eligible area if the board determines that such changes to the eligibility requirements and operational procedures 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 would continue to have access to coverage from the association. When coverage is sought in connection with a real property transfer, such requirements and procedures shall not provide for 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.

9. Notwithstanding any other provision of law:

a. The pledge or sale of, the lien upon, and the security interest in any rights, revenues, or other assets of the association created or purported to be created pursuant to any financing documents to secure any bonds or other indebtedness of the association 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 association under the laws of this state or any other applicable laws.

b. No such proceeding shall relieve the association of its obligation, or otherwise affect its ability to perform its obligation, to continue to collect, or levy and collect, assessments, market equalization or other surcharges, projected recoveries from the Florida Hurricane Catastrophe Fund, reinsurance recoverables, or any other rights, revenues, or other assets of the association pledged.

c. 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, emergency assessments, market equalization or renewal surcharges, projected recoveries from the Florida Hurricane Catastrophe Fund, reinsurance recoverables, 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.

d. As used in this subsection, the term "financing documents" means any agreement, instrument, or other document now existing or hereafter created evidencing any bonds or other indebtedness of the association 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 association 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 of the association related to such bonds or indebtedness.

e. Any such pledge or sale of assessments, revenues, contract rights or other rights or assets of the association shall constitute a lien and security interest, or sale, as the case may be, that is immediately effective and attaches to such assessments, revenues, contract, 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 association 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, contract, 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.

f. There shall be no liability on the part of, and no cause of action of any nature shall arise against, any member insurer or its agents or employees,

agents or employees of the association, members of the board of directors of the association, or the department 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 actions for breach of any contract or agreement pertaining to insurance, or any willful tort.

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(a) The public purpose of this subsection is to ensure that there is an orderly market for property insurance for residents and businesses of this state.

1. The Legislature finds that private insurers are unwilling or unable to provide affordable property insurance coverage in this state to the extent sought and needed. The absence of affordable property insurance threatens the public health, safety, and welfare and likewise threatens the economic health of the state. The state therefore has a compelling public interest and a public purpose to assist in assuring that property in the state is insured and that it is insured at affordable rates so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare, to the economy of the state, and to the revenues of the state and local governments which are needed to provide for the public welfare. It is necessary, therefore, to provide affordable property insurance to applicants who are in good faith entitled to procure insurance through the voluntary market but are unable to do so. The Legislature intends, therefore, that affordable property insurance be provided and that it continue to be provided, as long as necessary, through Citizens Property Insurance Corporation, a government entity that is an integral part of the state, and that is not a private insurance company. To that end, the corporation shall strive to increase the availability of affordable property insurance in this state, while achieving efficiencies and economies, and while providing service to policyholders, applicants, and agents which is no less than the quality generally provided in the voluntary market, for the achievement of the foregoing public purposes. Because it is essential for this government entity to have the maximum financial resources to pay claims following a catastrophic hurricane, it is the intent of the Legislature that the corporation continue to be an integral part of the state and that the income of the corporation be exempt from federal income taxation and that interest on the debt obligations issued by the corporation be exempt from federal income taxation.

2. The Residential Property and Casualty Joint Underwriting Association originally created by this statute shall be known as the Citizens Property Insurance Corporation. The corporation shall provide insurance for residential and commercial property, for applicants who are entitled, but, in good faith, are unable to procure insurance through the voluntary market. The corporation shall operate pursuant to a plan of operation approved by order of the Financial Services Commission. The plan is subject to continuous review by the commission. The commission may, by order, withdraw approval of all or part of a plan if the commission determines that conditions have changed since approval was granted and that the purposes of the plan require changes in the plan. For the purposes of this subsection, residential coverage includes both personal lines residential coverage, which consists of the type of coverage provided by homeowner, mobile home owner, dwelling, tenant, condominium unit owner, and similar policies; and commercial lines residential coverage, which consists of the type of coverage provided by condominium association, apartment building, and similar policies.

3. With respect to coverage for personal lines residential structures:

a. ~~Effective January 1, 2014, a structure that has a dwelling replacement cost of $1 million or more, or a single condominium unit that has a combined dwelling and contents replacement cost of $1 million or more, is not eligible for coverage by the corporation. Such dwellings insured by the corporation on December 31, 2013, may continue to be covered by the corporation until the end of the policy term. The office shall approve the method used by the corporation for valuing the dwelling replacement cost for the purposes of this subparagraph. If a policyholder is insured by the corporation before being determined to be ineligible pursuant to this subparagraph and such policyholder files a lawsuit challenging the determination, the policyholder may remain insured by the corporation until the conclusion of the litigation.~~

b. ~~Effective January 1, 2015, a structure that has a dwelling replacement cost of $900,000 or more, or a single condominium unit that has a combined dwelling and contents replacement cost of $900,000 or more, is not eligible for coverage by the corporation. Such dwellings insured by the corporation on December 31, 2014, may continue to be covered by the corporation only until the end of the policy term.~~

c. ~~Effective January 1, 2016, a structure that has a dwelling replacement cost of $800,000 or more, or a single condominium unit that has a combined dwelling and contents replacement cost of $800,000 or more, is not eligible for coverage by the corporation. Such dwellings insured by the corporation on December 31, 2015, may continue to be covered by the corporation until the end of the policy term.~~

~~d.~~ Effective January 1, 2017, a structure that has a dwelling replacement cost of $700,000 or more, or a single condominium unit that has a combined dwelling and contents replacement cost of $700,000 or more, is not eligible for coverage by the corporation. ~~Such dwellings insured by the corporation on December 31, 2016, may continue to be covered by the corporation until the end of the policy term.~~

b. The requirements of sub-subparagraph a. ~~sub-subparagraphs b.-d.~~ do not apply in counties where the office determines there is not a reasonable degree of competition. In such counties a personal lines residential structure that has a dwelling replacement cost of less than $1 million, or a single condominium unit that has a combined dwelling and contents replacement cost of less than $1 million, is eligible for coverage by the corporation.

4. It is the intent of the Legislature that policyholders, applicants, and agents of the corporation receive service and treatment of the highest possible level but never less than that generally provided in the voluntary market. It is also intended that the corporation be held to service standards no less than those applied to insurers in the voluntary market by the office with respect to responsiveness, timeliness, customer courtesy, and overall dealings with policyholders, applicants, or agents of the corporation.

5.a. Effective January 1, 2009, a personal lines residential structure that is located in the "wind-borne debris region," as defined in s. 1609.2, International Building Code (2006), and that has an insured value on the structure of $750,000 or more is not eligible for coverage by the corporation unless the structure has opening protections as required under the Florida Building Code for a newly constructed residential structure in that area. A residential structure is deemed to comply with this sub-subparagraph if it has shutters or opening protections on all openings and if such opening protections complied with the Florida Building Code at the time they were installed.

b. Any major structure, as defined in s. 161.54(6)(a), that is newly constructed, or rebuilt, repaired, restored, or remodeled to increase the total square footage of finished area by more than 25 percent, pursuant to a permit applied for after July 1, 2015, is not eligible for coverage by the corporation if the structure is seaward of the coastal construction control line established pursuant to s. 161.053 or is within the Coastal Barrier Resources System as designated by 16 U.S.C. ss. 3501-3510.

6. With respect to wind-only coverage for commercial lines residential condominiums, effective July 1, 2014, a condominium shall be deemed ineligible for coverage if 50 percent or more of the units are rented more than eight times in a calendar year for a rental agreement period of less than 30 days.

(b)1. All insurers authorized to write one or more subject lines of business in this state are subject to assessment by the corporation and, for the purposes of this subsection, are referred to collectively as "assessable insurers." Insurers writing one or more subject lines of business in this state pursuant to part VIII of chapter 626 are not assessable insurers; however, insureds who procure one or more subject lines of business in this state pursuant to part VIII of chapter 626 are subject to assessment by the corporation and are referred to collectively as "assessable insureds." An insurer's assessment liability begins on the first day of the calendar year following the year in which the insurer was issued a certificate of authority to transact insurance for subject lines of business in this state and terminates 1 year after the end of the first calendar year during which the insurer no longer holds a certificate of authority to transact insurance for subject lines of business in this state.

2.~~a.~~ All revenues, assets, liabilities, losses, and expenses of the corporation shall be maintained in the Citizens account. The Citizens account may provide ~~divided into three separate accounts as follows~~:

a.~~(I) A personal lines account for~~ Personal residential policies that provide ~~issued by the corporation which provides~~ comprehensive, multiperil coverage on risks that are not located in areas eligible for coverage by the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002, and for policies that do not provide coverage for the peril of wind on risks that are located in such areas;

b.~~(II) A commercial lines account for~~ Commercial residential and commercial nonresidential policies that provide ~~issued by the corporation which provides~~ coverage for basic property perils on risks that are not located in areas eligible for coverage by the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002, and for policies that do not provide coverage for the peril of wind on risks that are located in such areas; and

c.~~(III) A coastal account for~~ Personal residential policies and commercial residential and commercial nonresidential property policies that provide ~~issued by the corporation which provides~~ coverage for the peril of wind on risks that are located in areas eligible for coverage by the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002. The corporation may offer policies that provide multiperil coverage and shall offer policies that provide coverage only for the peril of wind for risks located in areas eligible for coverage by the Florida Windstorm Underwriting Association, as those areas were defined on January 1, 2002 ~~in the coastal account~~. ~~Effective July 1, 2014,~~ The corporation may not offer ~~shall cease offering~~ new commercial residential policies providing multiperil coverage but ~~and~~ shall ~~instead~~ continue to offer commercial residential wind-only policies, and may offer commercial residential policies excluding wind. However, the corporation may~~, however,~~ continue to renew a commercial residential multiperil policy on a building that was ~~is~~ insured by the corporation on June 30, 2014, under a multiperil policy. In issuing multiperil coverage under this sub-subparagraph, the corporation may use its approved policy forms and rates for risks located in areas not eligible for coverage by the Florida Windstorm Underwriting Association, as those areas were defined on January 1, 2002, and for policies that do not provide coverage for the peril of wind on risks that are located in such areas ~~the personal lines account~~. An applicant or insured who is eligible to purchase a multiperil policy from the corporation may purchase a multiperil policy from an authorized insurer without prejudice to the applicant's or insured's eligibility to prospectively purchase a policy that provides coverage only for the peril of wind from the corporation. An applicant or insured who is eligible for a corporation policy that provides coverage only for the peril of wind may elect to purchase or retain such policy and also purchase or retain coverage excluding wind from an authorized insurer without prejudice to the applicant's or insured's eligibility to prospectively purchase a policy that provides multiperil coverage from the corporation. The following policies, which provide coverage only for the peril of wind, must also include quota share primary insurance under subparagraph (c)2.:

(I) Personal residential policies and commercial residential and commercial nonresidential property policies that provide coverage for the peril of wind on risks that are located in areas eligible for coverage by the Florida Windstorm Underwriting Association, as those areas were defined on January 1, 2002;

(II) Policies that provide multiperil coverage, if offered by the corporation, and policies that provide coverage only for the peril of wind for risks located in areas eligible for coverage by the Florida Windstorm Underwriting Association, as those areas were defined on January 1, 2002;

(III) Commercial residential wind-only policies;

(IV) Commercial residential policies excluding wind, if offered by the corporation; and

(V) Commercial residential multiperil policies on a building that was insured by the corporation on June 30, 2014 ~~It is the goal of the Legislature that there be an overall average savings of 10 percent or more for a policyholder who currently has a wind-only policy with the corporation, and an ex-wind policy with a voluntary insurer or the corporation, and who obtains a multiperil policy from the corporation. It is the intent of the Legislature that the offer of multiperil coverage in the coastal account be made and implemented in a manner that does not adversely affect the tax-exempt status of the corporation or creditworthiness of or security for currently outstanding financing obligations or credit facilities of the coastal account, the personal lines account, or the commercial lines account. The coastal account must also include quota share primary insurance under subparagraph (c)2.~~

The area eligible for coverage with the corporation under this sub-subparagraph ~~under the coastal account also~~ includes the area within Port Canaveral, which is bordered on the south by the City of Cape Canaveral, bordered on the west by the Banana River, and bordered on the north by Federal Government property.

3. With respect to a deficit in the Citizens account:

a. Upon a determination by the board of governors that the Citizens account has a projected deficit, the board shall levy a Citizens policyholder surcharge against all policyholders of the corporation.

(I) The surcharge shall be levied as a uniform percentage of the premium for the policy of up to 15 percent of such premium, which funds shall be used to offset the deficit.

(II) The surcharge is payable upon cancellation or termination of the policy, upon renewal of the policy, or upon issuance of a new policy by the corporation within the first 12 months after the date of the levy or the period of time necessary to fully collect the surcharge amount.

(III) The surcharge is not considered premium and is not subject to commissions, fees, or premium taxes. However, failure to pay the surcharge shall be treated as failure to pay premium.

~~b. The three separate accounts must be maintained as long as financing obligations entered into by the Florida Windstorm Underwriting Association or Residential Property and Casualty Joint Underwriting Association are outstanding, in accordance with the terms of the corresponding financing documents. If no such financing obligations remain outstanding or if the financing documents allow for combining of accounts, the corporation may consolidate the three separate accounts into a new account, to be known as the Citizens account, for all revenues, assets, liabilities, losses, and expenses of the corporation. The Citizens account, if established by the corporation, is authorized to provide coverage to the same extent as provided under each of the three separate accounts. The authority to provide coverage under the Citizens account is set forth in subparagraph 4. Consistent with this subparagraph and prudent investment policies that minimize the cost of carrying debt, the board shall exercise its best efforts to retire existing debt or obtain the approval of necessary parties to amend the terms of existing debt, so as to structure the most efficient plan for consolidating the three separate accounts into a single account. Once the accounts are combined into one account, this subparagraph and subparagraph 3. shall be replaced in their entirety by subparagraphs 4. and 5.~~

~~c. Creditors of the Residential Property and Casualty Joint Underwriting Association and the accounts specified in sub-sub-subparagraphs a.(I) and (II) may have a claim against, and recourse to, those accounts and no claim against, or recourse to, the account referred to in sub-sub-subparagraph a.(III). Creditors of the Florida Windstorm Underwriting Association have a claim against, and recourse to, the account referred to in sub-sub-subparagraph a.(III) and no claim against, or recourse to, the accounts referred to in sub-sub-subparagraphs a.(I) and (II).~~

~~d. Revenues, assets, liabilities, losses, and expenses not attributable to particular accounts shall be prorated among the accounts.~~

~~e. The Legislature finds that the revenues of the corporation are revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds under this subsection.~~

~~f. The income of the corporation may not inure to the benefit of any private person.~~

~~3. With respect to a deficit in an account:~~

~~a. After accounting for the Citizens policyholder surcharge imposed under sub-subparagraph j., if the remaining projected deficit incurred in the coastal account in a particular calendar year:~~

~~(I) Is not greater than 2 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year, the entire deficit shall be recovered through regular assessments of assessable insurers under paragraph (q) and assessable insureds.~~

~~(II) Exceeds 2 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year, the corporation~~

~~shall levy regular assessments on assessable insurers under paragraph (q) and on assessable insureds in an amount equal to the greater of 2 percent of the projected deficit or 2 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year. Any remaining projected deficit shall be recovered through emergency assessments under sub-subparagraph e.~~

~~b. Each assessable insurer's share of the amount being assessed under sub-subparagraph a. must be in the proportion that the assessable insurer's direct written premium for the subject lines of business for the year preceding the assessment bears to the aggregate statewide direct written premium for the subject lines of business for that year. The assessment percentage applicable to each assessable insured is the ratio of the amount being assessed under sub-subparagraph a. to the aggregate statewide direct written premium for the subject lines of business for the prior year. Assessments levied by the corporation on assessable insurers under sub-subparagraph a. must be paid as required by the corporation's plan of operation and paragraph (q). Assessments levied by the corporation on assessable insureds under sub-subparagraph a. shall be collected by the surplus lines agent at the time the surplus lines agent collects the surplus lines tax required by s. 626.932, and paid to the Florida Surplus Lines Service Office at the time the surplus lines agent pays the surplus lines tax to that office. Upon receipt of regular assessments from surplus lines agents, the Florida Surplus Lines Service Office shall transfer the assessments directly to the corporation as determined by the corporation.~~

~~e. The corporation may not levy regular assessments under paragraph (q) pursuant to sub-subparagraph a. or sub-subparagraph b. if the three separate accounts in sub-sub-subparagraphs 2.a.(I)-(III) have been consolidated into the Citizens account pursuant to sub-subparagraph 2.b. However, the outstanding balance of any regular assessment levied by the corporation before establishment of the Citizens account remains payable to the corporation.~~

b.~~d.~~ After accounting for the Citizens policyholder surcharge imposed under sub-subparagraph a. ~~j.~~, the remaining projected deficits in the Citizens ~~personal lines~~ account a~~nd in the commercial lines account~~ in a particular calendar year shall be recovered through emergency assessments under sub-subparagraph c. ~~e.~~

c.~~e.~~ Upon a determination by the board of governors that a projected deficit in the Citizens ~~an~~ account exceeds the amount that is expected to be recovered through surcharges ~~regular assessments under sub-subparagraph a., plus the amount that is expected to be recovered through surcharges under sub-subparagraph j.~~, the board, after verification by the office, shall levy emergency assessments for as many years as necessary to cover the deficits, to be collected by assessable insurers and the corporation and collected from assessable insureds upon issuance or renewal of policies for subject lines of business, excluding National Flood Insurance Program policies. The amount collected in a particular year must be a uniform percentage of that year's direct written premium for subject lines of business and the Citizens account ~~all accounts of the corporation~~, excluding National Flood Insurance Program policy premiums, as annually determined by the board and verified by the office. The office shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. The office shall notify assessable insurers and the Florida Surplus Lines Service Office of the date on which assessable insurers shall begin to collect and assessable insureds shall begin to pay such assessment. The date must be at least 90 days after the date the corporation levies emergency assessments pursuant to this sub-subparagraph. Notwithstanding any other ~~provision of~~ law, the corporation and each assessable insurer that writes subject lines of business shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment. Emergency assessments levied by the corporation on assessable insureds shall be collected by the surplus lines agent at the time the surplus lines agent collects the surplus lines tax required by s. 626.932 and paid to the Florida Surplus Lines Service Office at the time the surplus lines agent pays the surplus lines tax to that office. The emergency assessments collected shall be transferred directly to the corporation on a periodic basis as determined by the corporation and held by the corporation solely in the Citizens ~~applicable~~ account. The aggregate amount of emergency assessments levied for the Citizens ~~an~~ account in any calendar year may be less than but may not exceed the greater of 10 percent of the amount needed to cover the deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit, or 10 percent of the aggregate statewide direct written premium for subject lines of business and the Citizens account ~~all accounts~~ of the corporation for the prior year, plus interest, fees, commissions, required reserves, and other costs associated with financing the deficit.

d.~~f.~~ The corporation may pledge the proceeds of assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other insurance and reinsurance recoverables, policyholder surcharges and other surcharges, and other funds available to the corporation as the source of revenue for and to secure bonds issued under paragraph (q), bonds or other indebtedness issued under subparagraph (c)3., or lines of credit or other financing mechanisms issued or created under this subsection, or to retire any other debt incurred as a result of deficits or events giving rise to deficits, or in any other way that the board determines will efficiently recover such deficits. The purpose of the lines of credit or other financing mechanisms is to provide additional resources to assist the corporation in covering claims and expenses attributable to a catastrophe. As used in this subsection, the term "assessments" includes emergency ~~regular~~ assessments under sub-subparagraph c. ~~a. or subparagraph (q)1. and emergency assessments under sub-subparagraph e.~~ Emergency assessments collected under sub-subparagraph c. ~~e.~~ are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium. The emergency assessments shall continue as long as any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the documents governing such bonds or indebtedness.

e.~~g.~~ As used in this subsection and for purposes of any deficit incurred on or after January 25, 2007, the term "subject lines of business" means insurance written by assessable insurers or procured by assessable insureds for all property and casualty lines of business in this state, but not including workers' compensation or medical malpractice. As used in this sub-subparagraph, the term "property and casualty lines of business" includes all lines of business identified on Form 2, Exhibit of Premiums and Losses, in the annual statement required of authorized insurers under s. 624.424 and any rule adopted under this section, except for those lines identified as accident and health insurance and except for policies written under the National Flood Insurance Program or the Federal Crop Insurance Program. For purposes of this sub-subparagraph, the term "workers' compensation" includes both workers' compensation insurance and excess workers' compensation insurance.

f.~~h.~~ The Florida Surplus Lines Service Office shall annually determine ~~annually~~ the aggregate statewide written premium in subject lines of business procured by assessable insureds and report that information to the corporation in a form and at a time the corporation specifies to ensure that the corporation can meet the requirements of this subsection and the corporation's financing obligations.

g.~~i.~~ The Florida Surplus Lines Service Office shall verify the proper application by surplus lines agents of assessment percentages for ~~regular assessments and~~ emergency assessments levied under this subparagraph on assessable insureds and assist the corporation in ensuring the accurate, timely collection and payment of assessments by surplus lines agents as required by the corporation.

~~j. Upon determination by the board of governors that an account has a projected deficit, the board shall levy a Citizens policyholder surcharge against all policyholders of the corporation.~~

~~(I) The surcharge shall be levied as a uniform percentage of the premium for the policy of up to 15 percent of such premium, which funds shall be used to offset the deficit.~~

~~(II) The surcharge is payable upon cancellation or termination of the policy, upon renewal of the policy, or upon issuance of a new policy by the corporation within the first 12 months after the date of the levy or the period of time necessary to fully collect the surcharge amount.~~

~~(III) The corporation may not levy any regular assessments under paragraph (q) pursuant to sub-subparagraph a. or sub-subparagraph b. with respect to a particular year's deficit until the corporation has first levied the full amount of the surcharge authorized by this sub-subparagraph.~~

~~(IV) The surcharge is not considered premium and is not subject to commissions, fees, or premium taxes. However, failure to pay the surcharge shall be treated as failure to pay premium.~~

h.~~k.~~ If the amount of any assessments or surcharges collected from corporation policyholders, assessable insurers or their policyholders, or assessable insureds exceeds the amount of the deficits, such excess amounts shall be remitted to and retained by the corporation in a reserve to be used by the corporation, as determined by the board of governors and approved by the office, to pay claims or reduce any past, present, or future plan-year deficits or to reduce outstanding debt.

~~4. The Citizens account, if established by the corporation pursuant to sub-subparagraph 2.b., is authorized to provide:~~

~~a. Personal residential policies that provide comprehensive, multiperil coverage on risks that are not located in areas eligible for coverage by the Florida Windstorm Underwriting Association, as those areas were defined on January 1, 2002, and for policies that do not provide coverage for the peril of wind on risks that are located in such areas;~~

~~b. Commercial residential and commercial nonresidential policies that provide coverage for basic property perils on risks that are not located in areas eligible for coverage by the Florida Windstorm Underwriting Association, as those areas were defined on January 1, 2002, and for policies that do not provide coverage for the peril of wind on risks that are located in such areas; and~~

~~c. Personal residential policies and commercial residential and commercial nonresidential property policies that provide coverage for the peril of wind on risks that are located in areas eligible for coverage by the Florida Windstorm Underwriting Association, as those areas were defined on January 1, 2002. The corporation may offer policies that provide multiperil coverage and shall offer policies that provide coverage only for the peril of wind for risks located in areas eligible for coverage by the Florida Windstorm Underwriting Association, as those areas were defined on January 1, 2002. The corporation may not offer new commercial residential policies providing multiperil coverage, but shall continue to offer commercial residential wind-only policies, and may offer commercial residential policies excluding wind. However, the corporation may continue to renew a commercial residential multiperil policy on a building that was insured by the corporation on June 30, 2014, under a multiperil policy. In issuing multiperil coverage under this sub-subparagraph, the corporation may use its approved policy forms and rates for risks located in areas not eligible for coverage by the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002, and for policies that do not provide coverage for the peril of wind on risks that are located in such areas. An applicant or insured who is eligible to purchase a multiperil policy from the corporation may purchase a multiperil policy from an authorized insurer without prejudice to the applicant's or insured's eligibility to prospectively purchase a policy that provides coverage only for the peril of wind from the corporation. An applicant or insured who is eligible for a corporation policy that provides coverage only for the peril of wind may elect to purchase or retain such policy and also purchase or retain coverage excluding wind from an authorized insurer without prejudice to the applicant's or insured's eligibility to prospectively purchase a policy that provides multiperil coverage from the corporation. The following policies, which provide coverage only for the peril of wind, must also include quota share primary insurance under subparagraph (e)2.: Personal residential policies and commercial residential and commercial nonresidential property policies that provide coverage for the peril of wind on risks that are located in areas eligible for coverage by the Florida Windstorm Underwriting Association, as those areas were defined on January 1, 2002; policies that provide multiperil coverage, if offered by the corporation, and policies that provide coverage only for the peril of wind for risks located in areas eligible for coverage by the Florida Windstorm Underwriting Association, as those areas were defined on January 1, 2002; commercial residential wind-only policies; commercial residential policies excluding wind, if offered by the corporation; and commercial residential multiperil policies on a building that was insured by the corporation on June 30, 2014. The area eligible for coverage with the corporation under this sub-subparagraph includes the area within Port Canaveral, which is bordered on the south by the City of Cape Canaveral, bordered on the west by the Banana River, and bordered on the north by Federal Government property.~~

~~5. With respect to a deficit in the Citizens account:~~

~~a. Upon a determination by the board of governors that the Citizens account has a projected deficit, the board shall levy a Citizens policyholder surcharge against all policyholders of the corporation.~~

~~(I) The surcharge shall be levied as a uniform percentage of the premium for the policy of up to 15 percent of such premium, which funds shall be used to offset the deficit.~~

~~(II) The surcharge is payable upon cancellation or termination of the policy, upon renewal of the policy, or upon issuance of a new policy by the corporation within the first 12 months after the date of the levy or the period of time necessary to fully collect the surcharge amount.~~

~~(III) The surcharge is not considered premium and is not subject to commissions, fees, or premium taxes. However, failure to pay the surcharge shall be treated as failure to pay premium.~~

~~b. After accounting for the Citizens policyholder surcharge imposed under sub-subparagraph a., the remaining projected deficit incurred in the Citizens account in a particular calendar year shall be recovered through emergency assessments under sub-subparagraph c.~~

~~c. Upon a determination by the board of governors that a projected deficit in the Citizens account exceeds the amount that is expected to be recovered through surcharges under sub-subparagraph a., the board, after verification by the office, shall levy emergency assessments for as many years as necessary to cover the deficits, to be collected by assessable insurers and the corporation and collected from assessable insureds upon issuance or renewal of policies for subject lines of business, excluding National Flood Insurance Program policies. The amount collected in a particular year must be a uniform percentage of that year's direct written premium for subject lines of business and the Citizens account, National Flood Insurance Program policy premiums, as annually determined by the board and verified by the office. The office shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. The office shall notify assessable insurers and the Florida Surplus Lines Service Office of the date on which assessable insurers shall begin to collect and assessable insureds shall begin to pay such assessment. The date must be at least 90 days after the date the corporation levies emergency assessments pursuant to this sub-subparagraph. Notwithstanding any other law, the corporation and each assessable insurer that writes subject lines of business shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment. Emergency assessments levied by the corporation on assessable insureds shall be collected by the surplus lines agent at the time the surplus lines agent collects the surplus lines tax required by s. 626.932 and paid to the Florida Surplus Lines Service Office at the time the surplus lines agent pays the surplus lines tax to that office. The emergency assessments collected shall be transferred directly to the corporation on a periodic basis as determined by the corporation and held by the corporation solely in the Citizens account. The aggregate amount of emergency assessments levied for the Citizens account in any calendar year may be less than, but may not exceed the greater of, 10 percent of the amount needed to cover the deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit or 10 percent of the aggregate statewide direct written premium for subject lines of business and the Citizens accounts for the prior year, plus interest, fees, commissions, required reserves, and other costs associated with financing the deficit.~~

~~d. The corporation may pledge the proceeds of assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other insurance and reinsurance recoverables, policyholder surcharges and other surcharges, and other funds available to the corporation as the source of revenue for and to secure bonds issued under paragraph (q), bonds or other indebtedness issued under subparagraph (e)3., or lines of credit or other financing mechanisms issued or created under this subsection; or to retire any other debt incurred as a result of deficits or events giving rise to deficits, or in any other way that the~~

~~board determines will efficiently recover such deficits. The purpose of the lines of credit or other financing mechanisms is to provide additional resources to assist the corporation in covering claims and expenses attributable to a catastrophe. As used in this subsection, the term "assessments" includes emergency assessments under sub-subparagraph c. Emergency assessments collected under sub-subparagraph c. are not part of an insurer's rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium. The emergency assessments shall continue as long as any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the documents governing such bonds or indebtedness.~~

~~e. As used in this subsection and for purposes of any deficit incurred on or after January 25, 2007, the term "subject lines of business" means insurance written by assessable insurers or procured by assessable insureds for all property and casualty lines of business in this state, but not including workers' compensation or medical malpractice. As used in this sub-subparagraph, the term "property and casualty lines of business" includes all lines of business identified on Form 2, Exhibit of Premiums and Losses, in the annual statement required of authorized insurers under s. 624.424 and any rule adopted under this section, except for those lines identified as accident and health insurance and except for policies written under the National Flood Insurance Program or the Federal Crop Insurance Program. For purposes of this sub-subparagraph, the term "workers' compensation" includes both workers' compensation insurance and excess workers' compensation insurance.~~

~~f. The Florida Surplus Lines Service Office shall annually determine the aggregate statewide written premium in subject lines of business procured by assessable insureds and report that information to the corporation in a form and at a time the corporation specifies to ensure that the corporation can meet the requirements of this subsection and the corporation's financing obligations.~~

~~g. The Florida Surplus Lines Service Office shall verify the proper application by surplus lines agents of assessment percentages for emergency assessments levied under this subparagraph on assessable insureds and assist the corporation in ensuring the accurate, timely collection and payment of assessments by surplus lines agents as required by the corporation.~~

~~h. If the amount of any assessments or surcharges collected from corporation policyholders, assessable insurers or their policyholders, or assessable insureds exceeds the amount of the deficits, such excess amounts shall be remitted to and retained by the corporation in a reserve to be used by the corporation, as determined by the board of governors and approved by the office, to pay claims or reduce any past, present, or future plan year deficits or to reduce outstanding debt.~~

(c) The corporation's plan of operation:

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

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

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which is more limited than the coverage under a standard policy.

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

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to residential properties located in areas eligible for coverage by the Florida Windstorm Underwriting Association, as those areas were defined on January 1, 2002.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage by the Florida Windstorm Underwriting Association, as those areas were defined on January 1, 2002.

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

g. The corporation shall offer a basic personal lines policy similar to an HO-8 policy with dwelling repair based on common construction materials and methods.

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

a. As used in this subsection, the term:

(I) "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) Does not, as part of any take-out plan approved by the office, offer coverage on any personal lines residential risk that is a primary residence or has a homestead exemption under chapter 196;

(E) 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

(F) Provides data to the office related to coverage and rates in a format promulgated by the commission.

(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 <u>that are primary residences</u>, 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 <u>that is a primary residence</u> 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 must:

(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~~ b., and c., 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~~ b., and c. 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 or the approved surplus line insurer; the same mitigation credits, to the extent the same types of credits are offered both by the corporation and the authorized insurer or the approved surplus lines 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 or the approved surplus lines 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 or the approved surplus lines insurer refuses or is unable to provide such information, the corporation may treat the offer as not being an offer of coverage from an authorized insurer at the insurer's approved rate.

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

7. Must provide that if premium and investment income~~:~~

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

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

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

13. ~~Must provide that:~~

~~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.c. An emergency assessment to be collected from policyholders under sub-subparagraph (b)5.e. may not be limited or deferred.~~

~~14.~~ Must provide that the corporation appoint as its licensed agents only those agents who throughout such appointments also hold an appointment as defined in s. 626.015 by 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 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.

21. Must provide that the income of the corporation may not inure to the benefit of any private person.

(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 of the corporation 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.

(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. may ~~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 may ~~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~~. 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. ~~sub-subparagraph (b)3.c. or sub-subparagraph (b)5.c.~~

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).~~

~~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.

(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, <u>a licensed surplus lines agent,</u> 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 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.

(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.

(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. ~~(e)5.e~~. This subparagraph applies to take-out offers that are part of an application to participate in depopulation submitted to the office on or after January 1, 2023. This subparagraph only applies to a policy that covers a primary residence.

4. The corporation must provide written notice to the policyholder and the agent of record regarding all insurers requesting to take out the policy. The notice must be in a format prescribed by the corporation and include, for each take-out offer:

a. The amount of the estimated premium;

b. A description of the coverage; and

c. A comparison of the estimated premium and coverage offered by the insurer to the estimated premium and coverage provided by the corporation.

(nn) The corporation may share its claims data with the National Insurance Crime Bureau, provided that the National Insurance Crime Bureau agrees to maintain the confidentiality of such documents as otherwise provided for in paragraph (x).

(7) TRADEMARKS, COPYRIGHTS, OR PATENTS.—Notwithstanding any other law, the corporation is authorized, in its own name, to:

(a) Perform all things necessary to secure letters of patent, copyrights, or trademarks on any work products and enforce its rights therein.

(b) License, lease, assign, or otherwise give written consent to any person, firm, or corporation for the manufacture or use thereof, on a royalty basis or for such other consideration as the corporation deems proper.

(c) Take any action necessary, including legal action, to protect trademarks, copyrights, or patents against improper or unlawful use or infringement.

(d) Enforce the collection of any sums due the corporation for the manufacture or use thereof by any other party.

(e) Sell any of its trademarks, copyrights, or patents and execute all instruments necessary to consummate any such sale.

(f) Do all other acts necessary and proper for the execution of powers and duties herein conferred upon the corporation in order to administer this subsection.

Section 3. Subsection (3) and paragraphs (d), (e), and (f) of subsection (6) of section 627.3511, Florida Statutes, are amended to read:

627.3511 Depopulation of Citizens Property Insurance Corporation.—

(3) EXEMPTION FROM DEFICIT ASSESSMENTS.—

~~(a) The calculation of an insurer's assessment liability under s. 627.351(6)(b)3.a. shall, for an insurer that in any calendar year removes 50,000 or more risks from the Citizens Property Insurance Corporation, either by issuance of a policy upon expiration or cancellation of the corporation policy or by assumption of the corporation's obligations with respect to in-force policies, exclude such removed policies for the succeeding 3 years, as follows:~~

~~1. In the first year following removal of the risks, the risks are excluded from the calculation to the extent of 100 percent.~~

~~2. In the second year following removal of the risks, the risks are excluded from the calculation to the extent of 75 percent.~~

~~3. In the third year following removal of the risks, the risks are excluded from the calculation to the extent of 50 percent.~~

~~If the removal of risks is accomplished through assumption of obligations with respect to in-force policies, the corporation shall pay to the assuming insurer all unearned premium with respect to such policies less any policy acquisition costs agreed to by the corporation and assuming insurer. The term "policy acquisition costs" is defined as costs of issuance of the policy by the corporation which includes agent commissions, servicing company fees, and premium tax. This paragraph does not apply to an insurer that, at any time within 5 years before removing the risks, had a market share in excess of 0.1 percent of the statewide aggregate gross direct written premium for any line of property insurance, or to an affiliate of such an insurer. This paragraph does not apply unless either at least 40 percent of the risks removed from the corporation are located in Miami-Dade, Broward, and Palm Beach Counties, or at least 30 percent of the risks removed from the corporation are located in such counties and an additional 50 percent of the risks removed from the corporation are located in other coastal counties.~~

~~(b) An insurer that first wrote personal lines residential property coverage in this state on or after July 1, 1994, is exempt from regular deficit assessments imposed pursuant to s. 627.351(6)(b)3.a., but not emergency assessments collected from policyholders pursuant to s. 627.351(6)(b)3.e., of the Citizens Property Insurance Corporation until the earlier of the following:~~

~~1. The end of the calendar year in which it first wrote 0.5 percent or more of the statewide aggregate direct written premium for any line of residential property coverage; or~~

~~2. December 31, 1997, or December 31 of the third year in which it wrote such coverage in this state, whichever is later.~~

~~(c) Other than an insurer that is exempt under paragraph (b), an insurer that in any calendar year increases its total structure exposure subject to wind coverage by 25 percent or more over its exposure for the preceding calendar year is, with respect to that year, exempt from deficit assessments imposed pursuant to s. 627.351(6)(b)3.a., but not emergency assessments collected from policyholders pursuant to s. 627.351(6)(b)3.e., of the Citizens Property Insurance Corporation attributable to such increase in exposure.~~

~~(d)~~ Any exemption or credit from regular assessments authorized by this section shall last no longer than 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.

(6) COMMERCIAL RESIDENTIAL TAKE-OUT PLANS.—

~~(d) The calculation of an insurer's regular assessment liability under s. 627.351(6)(b)3.a., but not emergency assessments collected from policyholders pursuant to s. 627.351(6)(b)3.e., shall, with respect to commercial residential policies removed from the corporation under an approved take-out plan, exclude such removed policies for the succeeding 3 years, as follows:~~

~~1. In the first year following removal of the policies, the policies are excluded from the calculation to the extent of 100 percent.~~

~~2. In the second year following removal of the policies, the policies are excluded from the calculation to the extent of 75 percent.~~

~~3. In the third year following removal of the policies, the policies are excluded from the calculation to the extent of 50 percent.~~

~~(e) An insurer that first wrote commercial residential property coverage in this state on or after June 1, 1996, is exempt from regular assessments under s. 627.351(6)(b)3.a., but not emergency assessments collected from policyholders pursuant to s. 627.351(6)(b)3.e., with respect to commercial residential policies until the earlier of:~~

~~1. The end of the calendar year in which such insurer first wrote 0.5 percent or more of the statewide aggregate direct written premium for commercial residential property coverage; or~~

~~2. December 31 of the third year in which such insurer wrote commercial residential property coverage in this state.~~

~~(f) An insurer that is not otherwise exempt from regular assessments under s. 627.351(6)(b)3.a. with respect to commercial residential policies is, for any calendar year in which such insurer increased its total commercial residential hurricane exposure by 25 percent or more over its exposure for the preceding calendar year, exempt from regular assessments under s. 627.351(6)(b)3.a., but not emergency assessments collected from policyholders pursuant to s. 627.351(6)(b)3.e., attributable to such increased exposure.~~

Section 4. Subsections (5), (6), and (7) of section 627.3518, Florida Statutes, are amended to read:

627.3518 Citizens Property Insurance Corporation policyholder eligibility clearinghouse program.—The purpose of this section is to provide a framework for the corporation to implement a clearinghouse program by January 1, 2014.

(5) Notwithstanding s. 627.3517, any applicant for new coverage from the corporation is not eligible for coverage from the corporation if provided an offer of coverage from an authorized insurer through the program at a premium that is at or below the eligibility threshold for applicants for new coverage of a primary residence established in s. 627.351(6)(c)5.a., or for applicants for new coverage of a risk that is not a primary residence established in s. 627.351(6)(c)5.b. Whenever an offer of coverage for a personal lines risk is received for a policyholder of the corporation at renewal from an authorized insurer through the program which is at or below the eligibility threshold for primary residences of policyholders of the corporation established in s. 627.351(6)(c)5.a., or the eligibility threshold for risks that are not primary residences of policyholders of the corporation established in s. 627.351(6)(c)5.b., the risk is not eligible for coverage with the corporation. In the event an offer of coverage for a new applicant is received from an authorized insurer through the program, and the premium offered exceeds the eligibility threshold for applicants for new coverage of a primary residence established in s. 627.351(6)(c)5.a., or the eligibility threshold for applicants for new coverage on a risk that is not a primary residence established in s. 627.351(6)(c)5.b., the applicant or insured may elect to accept such coverage, or may elect to accept or continue coverage with the corporation. In the event an offer of coverage for a personal lines risk is received from an authorized insurer at renewal through the program, and the premium offered exceeds the eligibility threshold for primary residences of policyholders of the corporation established in s. 627.351(6)(c)5.a., or exceeds the eligibility threshold for risks that are not primary residences of policyholders of the corporation established in s. 627.351(6)(c)5.b., the insured may elect to accept such coverage, or may elect to accept or continue coverage with the corporation. Section 627.351(6)(c)5.a.(I) and b.(I) does not apply to an offer of coverage from an authorized insurer obtained through the program. As used in this subsection, the term "primary residence" has the same meaning as in s. 627.351(6)(c)2.a.

(6) Independent insurance agents submitting new applications for coverage or that are the agent of record on a renewal policy submitted to the program:

(a) Are granted and must maintain ownership and the exclusive use of expirations, records, or other written or electronic information directly related to such applications or renewals written through the corporation or through an insurer participating in the program, notwithstanding s. 627.351(6)(c)5.a.(I)(B) and (II)(B) or s. 627.351(6)(c)5.b.(I)(B) and (II)(B). Such ownership is granted for as long as the insured remains with the agency or until sold or surrendered in writing by the agent. Contracts with the corporation or required by the corporation must not amend, modify, interfere with, or limit such rights of ownership. Such expirations, records, or other written or electronic information may be used to review an application, issue a policy, or for any other purpose necessary for placing such business through the program.

(b) May not be required to be appointed by any insurer participating in the program for policies written solely through the program, notwithstanding the provisions of s. 626.112.

(c) May accept an appointment from any insurer participating in the program.

(d) May enter into either a standard or limited agency agreement with the insurer, at the insurer's option.

Applicants ineligible for coverage in accordance with subsection (5) remain ineligible if their independent agent is unwilling or unable to enter into a standard or limited agency agreement with an insurer participating in the program.

(7) Exclusive agents submitting new applications for coverage or that are the agent of record on a renewal policy submitted to the program:

(a) Must maintain ownership and the exclusive use of expirations, records, or other written or electronic information directly related to such applications or renewals written through the corporation or through an insurer participating in the program, notwithstanding s. 627.351(6)(c)5.a.(I)(B) and (II)(B) or s. 627.351(6)(c)5.b.(I)(B) and (II)(B). Contracts with the corporation or required by the corporation must not amend, modify, interfere with, or limit such rights of ownership. Such expirations, records, or other written or electronic information may be used to review an application, issue a policy, or for any other purpose necessary for placing such business through the program.

(b) May not be required to be appointed by any insurer participating in the program for policies written solely through the program, notwithstanding the provisions of s. 626.112.

(c) Must only facilitate the placement of an offer of coverage from an insurer whose limited servicing agreement is approved by that exclusive agent's exclusive insurer.

(d) May enter into a limited servicing agreement with the insurer making an offer of coverage, and only after the exclusive agent's insurer has approved the limited servicing agreement terms. The exclusive agent's insurer must approve a limited service agreement for the program for any insurer for which it has approved a service agreement for other purposes.

Applicants ineligible for coverage in accordance with subsection (5) remain ineligible if their exclusive agent is unwilling or unable to enter into a standard or limited agency agreement with an insurer making an offer of coverage to that applicant.

Section 5. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon 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 ==========

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to Citizens Property Insurance Corporation; amending s. 627.351, F.S.; revising a requirement for certain flood insurance; revising circumstances under which certain insurers' associations must levy market equalization surcharges on policyholders; deleting obsolete language; providing that certain accounts for Citizens Property Insurance Corporation revenues, assets, liabilities, 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; deleting provisions relating to legislative goals; conforming provisions to changes made by the act; revising provisions relating to deficits in certain accounts; revising the definition of the term "assessments"; deleting provisions relating to surcharges and regular assessments upon determination of projected deficits; deleting provisions relating to funds available to the corporation as sources of revenue and bonds; deleting definitions; deleting provisions relating to the duties of the Florida Surplus Lines Service Office; deleting provisions relating to disposition of excess amounts of assessments and surcharges; defining the terms "approved surplus lines insurer" and "primary residence"; providing applicability of certain provisions relating to personal lines residential risks coverage by the corporation; providing that certain personal lines residential risks are not eligible for any policy issued by the corporation; providing an exception; providing that certain personal lines residential risks are not eligible for coverage with the corporation under certain circumstances; providing an exception; providing that certain risks are eligible for certain standard policies; providing that certain risks are eligible for certain basic policies; requiring that the determination of the type of policy be provided on the basis of certain standards and practices; providing that certain policyholders do not remain eligible for coverage from the corporation; requiring the insurer to pay the producing agent of record a certain amount or make certain offers under certain circumstances; providing that the producing agent of record is entitled to retain certain commission on the policy; requiring the insurer to pay the producing agent of record a certain amount or make certain offers 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; deleting an applicability provision relating to bond requirements; deleting provisions relating to certain insurer assessment deferments; deleting 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; providing applicability of provisions relating to take-out offers that are part of applications to participate in depopulation; authorizing the corporation to share its claims data with a specified entity; authorizing the corporation to take certain actions relating to trademarks, copyrights, or patents; amending s. 627.3511, F.S.; conforming provisions to changes made by the act; conforming cross-references; amending s. 627.3518, F.S.; revising eligibility requirements for policyholders at renewal and for applicants for new coverage; defining the term "primary residence"; providing effective dates.

On motion by Rep. Esposito, the House concurred in **Senate Amendment 1 (102780)**.

The question recurred on the passage of **CS/CS/HB 1503**, as amended. The vote was:

Session Vote Sequence: 969

Representative Tomkow in the Chair.

Yeas—113

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

Nays—None

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1203, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/CS/HB 1203—A bill to be entitled An act relating to homeowners' associations; amending s. 468.4334, F.S.; providing requirements for certain community association managers and community association management firms; amending s. 468.4337, F.S.; requiring certain community association managers to take a specific number of hours of continuing education biennially; amending s. 720.303, F.S.; requiring official records of a homeowners' association to be maintained for a certain number of years; requiring certain associations to post certain documents on its website or make available such documents through an application by a date certain; providing requirements for an association's website or application; requiring an association to provide certain information to parcel owners upon request; requiring an association to ensure certain information and records are not accessible on the website or application; providing that an association or its agent is not liable for the disclosure of certain information; requiring an association to adopt certain rules; providing criminal penalties; defining the term "repeatedly"; requiring an association to provide or make available subpoenaed records within a certain timeframe; requiring an association to assist in a law enforcement investigation as allowed by law; requiring that certain associations prepare audited financial statements; prohibiting associations from preparing financial statements for consecutive years; prohibiting an association and certain persons from using specified debit cards for payment of association expenses; providing a criminal penalty; defining the term "lawful obligation of the association"; requiring a detailed accounting of amounts due to the association be given to certain persons within a certain timeframe upon written request; limiting how often certain persons may request from the board a detailed accounting; providing for a complete waiver of outstanding fines under certain circumstances; amending s. 720.3033, F.S.; providing education requirements for newly elected or appointed directors; providing requirements for the educational curriculum; requiring certain directors to complete a certain number of hours of continuing education annually; requiring the Department of Business and Professional Regulation to adopt certain rules; defining the term "kickback"; providing criminal penalties for certain actions by an officer, a director, or a manager of an association; providing that a vacancy is declared if a director or an officer is charged by information or indictment with certain crimes; amending s. 720.3035, F.S.; requiring an association or any architectural, construction improvement, or other such similar committee of an association to apply and enforce certain standards reasonably and equitably; requiring an association or any architectural, construction improvement, or other such similar committee of an association to provide certain written notice to a parcel owner; prohibiting an association or certain committees of the association from enforcing or adopting certain covenants, rules, or guidelines; authorizing a parcel owner to appeal certain decisions of the association or certain committees of the association to an appeals committee within a specified timeframe; providing for membership and authority of the appeals committee; requiring the appeals committee to make its decisions within a specified timeframe; amending s. 720.3045, F.S.; authorizing parcel owners or their tenants to install, display, or store clotheslines and vegetable gardens under certain circumstances; amending s. 720.305, F.S.; prohibiting certain fines from being aggregated and becoming a lien on a parcel without a supermajority vote of a certain percentage of the voting members; specifying how fines, suspensions, attorney fees, and costs are determined; requiring certain notices to be provided to parcel owners and, if applicable, an occupant, a licensee, or an invitee of the parcel owner; requiring certain hearings to be held within a specified timeframe and authorizing such hearings to be held by telephone or other electronic means; prohibiting the accrual of attorney fees and costs after a specified time; specifying the priority of payments made by a parcel owner to an association; authorizing certain persons to request a hearing to dispute certain fees and costs; providing that certain fines may not become a lien on a parcel; requiring fines or suspensions related to traffic infractions to be determined and issued by a certain person; prohibiting a parcel owner from being fined for certain traffic infractions; defining the term "traffic infraction"; prohibiting an association from levying a fine or imposing a suspension for certain actions; prohibiting an association from enforcing certain rules or covenants under certain circumstances; amending s. 720.3075, F.S.; prohibiting certain homeowners' association documents from precluding property owners from taking, limiting, or requiring certain actions; amending s. 720.308, F.S.; prohibiting a board from increasing assessments by more than specified percentages without approval by a certain percentage of the voting members; providing an exception; prohibiting certain assessments from becoming a lien on a parcel without approval by a certain percentage of the voting members; amending s. 720.3085, F.S.; specifying when a lien is effective for mortgages of record; deleting provisions relating to the priority of certain liens, mortgages, or certified judgments; specifying that simple interest accrues on assessments and installments on assessments that are not paid when due; providing that assessments and installments on assessments may not accrue compound interest; amending s. 720.317, F.S.; authorizing a member to consent electronically to online voting if certain conditions are met; amending s. 720.318, F.S.; authorizing a law enforcement officer to park his or her assigned law enforcement vehicle on public roads and rights-of-way; providing an effective date.

(Amendment Bar Code: 254472)

Senate Amendment 1 (with title amendment)—

Delete everything after the enacting clause
and insert:

Section 1. Subsection (3) is added to section 468.4334, Florida Statutes, to read:

468.4334 Professional practice standards; liability; community association manager requirements.—

(3) A community association manager or community association management firm that is authorized by contract to provide community association management services to a homeowners' association shall do all of the following:

(a) Attend in person at least one member meeting or board meeting of the homeowners' association annually.

(b) Provide to the members of the homeowners' association the name and contact information for each community association manager or representative of a community association management firm assigned to the homeowners' association, the manager's or representative's hours of availability, and a summary of the duties for which the manager or representative is responsible. The homeowners' association shall also post this information on the association's website or application required under s. 720.303(4)(b). The community association manager or community association management firm shall update the homeowners' association and its members within 14 business days after any change to such information.

(c) Provide to any member upon request a copy of the contract between the community association manager or community association management firm and the homeowners' association and include such contract with association's official records.

Section 2. Section 468.4337, Florida Statutes, is amended to read:

468.4337 Continuing education.—The department may not renew a license until the licensee submits proof that the licensee has completed the requisite hours of continuing education. ~~No more than 10 hours of continuing education annually shall be required for renewal of a license.~~ The number of continuing education hours, criteria, and course content shall be approved by the council by rule. The council may not require more than 10 hours of continuing education annually for renewal of a license. A community association manager who provides community association management services to a homeowners' association must biennially complete at least 5 hours of continuing education that pertains specifically to homeowners' associations, 3 hours of which must relate to recordkeeping.

Section 3. Subsections (1), (4), and (5), paragraph (f) of subsection (6), and paragraphs (a) and (d) of subsection (7) of section 720.303, Florida Statutes, are amended, and subsections (13) and (14) are added to that section, to read:

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

(1) POWERS AND DUTIES.—An association that ~~which~~ operates a community as defined in s. 720.301, must be operated by an association that is a Florida corporation. After October 1, 1995, the association must be incorporated and the initial governing documents must be recorded in the official records of the county in which the community is located. An association may operate more than one community. The officers and directors of an association are subject to s. 617.0830 and have a fiduciary relationship to the members who are served by the association. The powers and duties of an association include those set forth in this chapter and, except as expressly limited or restricted in this chapter, those set forth in the governing documents. After control of the association is obtained by members other than the developer, the association may institute, maintain, settle, or appeal actions or hearings in its name on behalf of all members concerning matters of common interest to the members, including, but not limited to, the common areas; roof or structural components of a building, or other improvements for which the association is responsible; mechanical, electrical, or plumbing elements serving an improvement or building for which the association is responsible; representations of the developer pertaining to any existing or proposed commonly used facility; and protesting ad valorem taxes on commonly used facilities. The association may defend actions in eminent domain or bring inverse condemnation actions. Before commencing litigation against any party in the name of the association involving amounts in controversy in excess of $100,000, the association must obtain the affirmative approval of a majority of the voting interests at a meeting of the membership at which a quorum has been attained. This subsection does not limit any statutory or common-law right of any individual member or class of members to bring any action without participation by the association. A member does not have authority to act for the association by virtue of being a member. An association may have more than one class of members and may issue membership certificates. An association of 15 or fewer parcel owners may enforce only the requirements of those deed restrictions established prior to the purchase of each parcel upon an affected parcel owner or owners.

(4) OFFICIAL RECORDS.—

(a) The association shall maintain each of the following items, when applicable, for at least 7 years, unless the governing documents of the association require a longer period of time, which constitute the official records of the association:

1.~~(a)~~ Copies of any plans, specifications, permits, and warranties related to improvements constructed on the common areas or other property that the association is obligated to maintain, repair, or replace.

2.~~(b)~~ A copy of the bylaws of the association and of each amendment to the bylaws.

3.~~(c)~~ A copy of the articles of incorporation of the association and of each amendment thereto.

4.~~(d)~~ A copy of the declaration of covenants and a copy of each amendment thereto.

5.~~(e)~~ A copy of the current rules of the homeowners' association.

6.~~(f)~~ The minutes of all meetings of the board of directors and of the members~~, which minutes must be retained for at least 7 years~~.

7.~~(g)~~ A current roster of all members and their designated mailing addresses and parcel identifications. A member's designated mailing address is the member's property address, unless the member has sent written notice to the association requesting that a different mailing address be used for all required notices. The association shall also maintain the e-mail addresses and the facsimile numbers designated by members for receiving notice sent by electronic transmission of those members consenting to receive notice by electronic transmission. A member's e-mail address is the e-mail address the member provided when consenting in writing to receiving notice by electronic transmission, unless the member has sent written notice to the association requesting that a different e-mail address be used for all required notices. The e-mail addresses and facsimile numbers provided by members to receive notice by electronic transmission must be removed from association records when the member revokes consent to receive notice by electronic transmission. However, the association is not liable for an erroneous disclosure of the e-mail address or the facsimile number for receiving electronic transmission of notices.

8.~~(h)~~ All of the association's insurance policies or a copy thereof~~, which policies must be retained for at least 7 years~~.

9.~~(i)~~ A current copy of all contracts to which the association is a party, including, without limitation, any management agreement, lease, or other contract under which the association has any obligation or responsibility. Bids received by the association for work to be performed are ~~must also be~~ considered official records and must be kept for a period of 1 year.

10.~~(j)~~ The financial and accounting records of the association, kept according to good accounting practices. ~~All financial and accounting records must be maintained for a period of at least 7 years.~~ The financial and accounting records must include:

a.~~1.~~ Accurate, itemized, and detailed records of all receipts and expenditures.

b.~~2.~~ A current account and a periodic statement of the account for each member, designating the name and current address of each member who is obligated to pay assessments, the due date and amount of each assessment or other charge against the member, the date and amount of each payment on the account, and the balance due.

c.~~3.~~ All tax returns, financial statements, and financial reports of the association.

d.~~4.~~ Any other records that identify, measure, record, or communicate financial information.

11.~~(k)~~ A copy of the disclosure summary described in s. 720.401(1).

12.~~(l)~~ Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by parcel owners, which must be maintained for at least 1 year after the date of the election, vote, or meeting.

13.~~(m)~~ All affirmative acknowledgments made pursuant to s. 720.3085(3)(c)3.

14.~~(n)~~ All other written records of the association not specifically included in this subsection which are related to the operation of the association.

(b)1. By January 1, 2025, an association that has 100 or more parcels shall post the following documents on its website or make available such documents through an application that can be downloaded on a mobile device:

a. The articles of incorporation of the association and each amendment thereto.

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

c. The declaration of covenants and a copy of each amendment thereto.

d. The current rules of the association.

e. A list of all current executory contracts or documents to which the association is a party or under which the association or the parcel 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.

f. The annual budget required by subsection (6) and any proposed budget to be considered at the annual meeting.

g. The financial report required by subsection (7) and any monthly income or expense statement to be considered at a meeting.

h. The association's current insurance policies.

i. The certification of each director as required by s. 720.3033(1)(a).

j. All contracts or transactions between the association and any director, officer, corporation, firm, or association that is not an affiliated homeowners' association or any other entity in which a director of an association is also a director or an officer and has a financial interest.

k. Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.436(2)(b)6. and 720.3033(2).

l. Notice of any scheduled meeting of members and the agenda for the meeting, as required by s. 720.306, at least 14 days before such meeting. The notice must be posted in plain view on the homepage 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 homepage. The association shall also post on its website or application any document to be considered and voted on by the members during the meeting or any

document listed on the meeting agenda at least 7 days before the meeting at which such document or information within the document will be considered.

m. Notice of any board meeting, the agenda, and any other document required for such meeting as required by subsection (3), which must be posted on the website or application no later than the date required for notice under subsection (3).

2. 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 parcel owners and employees of the association.

3. Upon written request by a parcel owner, the association must provide the parcel owner with a username and password and access to the protected sections of the association's website or application which contains the official documents of the association.

4. The association shall ensure that the information and records described in paragraph (5)(g), which are not allowed to be accessible to parcel owners, are not posted on the association's website or application. If protected information or information restricted from being accessible to parcel owners is included in documents that are required to be posted on the association's website or application, the association must ensure the information is redacted before posting the documents. Notwithstanding the foregoing, the association or its authorized agent is not liable for disclosing information that is protected or restricted under paragraph (5)(g) unless such disclosure was made with a knowing or intentional disregard of the protected or restricted nature of such information.

(c) The association shall adopt written rules governing the method or policy by which the official records of the association are to be retained and the time period such records must be retained pursuant to paragraph (a). Such information must be made available to the parcel owners through the association's website or application.

(5) INSPECTION AND COPYING OF RECORDS.—

(a) Unless otherwise provided by law or the governing documents of the association, the official records must ~~shall~~ be maintained within this ~~the~~ state for at least 7 years and ~~shall~~ be made available to a parcel owner for inspection or photocopying within 45 miles of the community or within the county in which the association is located within 10 business days after receipt by the board or its designee of a written request from the parcel owner. This subsection may be complied with by having a copy of the official records available for inspection or copying in the community or~~, at the option of the association,~~ by making the records available to a parcel owner electronically via the Internet or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. If the association has a photocopy machine available where the records are maintained, it must provide parcel owners with copies on request during the inspection if the entire request is limited to no more than 25 pages. 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 fee to a member or his or her authorized representative for the use of a portable device.

(b)~~(a)~~ The failure of an association to provide access to the records within 10 business days after receipt of a written request submitted by certified mail, return receipt requested, creates a rebuttable presumption that the association willfully failed to comply with this subsection.

(c)~~(b)~~ A member ~~who is~~ denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply with this subsection. The minimum damages are to be $50 per calendar day up to 10 days, the calculation to begin on the 11th business day after receipt of the written request.

(d) Any director or member of the board or association or a community association manager who knowingly, willfully, and repeatedly violates paragraph (a), with the intent of causing harm to the association or one or more of its members, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. For purposes of this paragraph, the term "repeatedly" means two or more violations within a 12-month period.

(e) Any person who knowingly and intentionally defaces or destroys accounting records during the period in 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.

(f) Any 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.

(g)~~(c)~~ The association may adopt reasonable written rules governing the frequency, time, location, notice, records to be inspected, and manner of inspections, but may not require a parcel owner to demonstrate any proper purpose for the inspection, state any reason for the inspection, or limit a parcel owner's right to inspect records to less than one 8-hour business day per month. The association may impose fees to cover the costs of providing copies of the official records, including the costs of copying and the costs required for personnel to retrieve and copy the records if the time spent retrieving and copying the records exceeds one-half hour and if the personnel costs do not exceed $20 per hour. Personnel costs may not be charged for records requests that result in the copying of 25 or fewer pages. The association may charge up to 25 cents per page for copies made on the association's photocopier. If the association does not have a photocopy machine available where the records are kept, or if the records requested to be copied exceed 25 pages in length, the association may have copies made by an outside duplicating service and may charge the actual cost of copying, as supported by the vendor invoice. The association shall maintain an adequate number of copies of the recorded governing documents, to ensure their availability to members and prospective members. Notwithstanding this subsection ~~paragraph~~, the following records are not accessible to members or parcel owners:

1. Any record protected by the lawyer-client privilege as described in s. 90.502 and any record protected by the work-product privilege, including, but not limited to, 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.

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

3. Information an association obtains in a gated community in connection with guests' visits to parcel owners or community residents.

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

5. Medical records of parcel owners or community residents.

6. Social security numbers, driver license numbers, credit card numbers, electronic mailing addresses, telephone numbers, facsimile numbers, emergency contact information, any addresses for a parcel owner other than as provided for association notice requirements, and other personal identifying information of any person, excluding the person's name, parcel designation, mailing address, and property address. Notwithstanding the restrictions in this subparagraph, an association may print and distribute to parcel owners a directory containing the name, parcel address, and all telephone numbers of each parcel owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this subparagraph. The association is not liable for the disclosure

of information that is protected under this subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

7. Any electronic security measure that is used by the association to safeguard data, including passwords.

8. The software and operating system used by the association which allows 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.

9. All affirmative acknowledgments made pursuant to s. 720.3085(3)(c)3.

(h)~~(d)~~ The association or its authorized agent is not required to provide a prospective purchaser or lienholder with information about the residential subdivision 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 or lienholder or the current parcel owner or member 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 fees incurred by the association in connection with the response.

(i) If an association receives a subpoena for records from a law enforcement agency, the association must provide a copy of such records or otherwise make the records available for inspection and copying to a law enforcement agency within 5 business days after receipt of the subpoena, unless otherwise specified by the law enforcement agency or subpoena. An association must assist a law enforcement agency in its investigation to the extent permissible by law.

(6) BUDGETS.—

(f) After one or more reserve accounts are established, the membership of the association, upon a majority vote at a meeting at which a quorum is present, may provide for no reserves or less reserves than required by this section. If a meeting of the parcel ~~unit~~ owners has been called to determine whether to waive or reduce the funding of reserves and such result is not achieved or a quorum is not present, the reserves as included in the budget go into effect. After the turnover, the developer may vote its voting interest to waive or reduce the funding of reserves. Any vote taken pursuant to this subsection to waive or reduce reserves is applicable only to one budget year.

(7) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on the date provided in the bylaws, the association shall prepare and complete, or contract with a third party 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, within the time limits set forth in subsection (5), provide each member with a copy of the annual financial report or a written notice that a copy of the financial report is available upon request at no charge to the member. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare or cause to be prepared a complete set of financial statements in accordance with generally accepted accounting principles as adopted by the Board of Accountancy. The financial statements shall 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.

4. An association with at least 1,000 parcels shall prepare audited financial statements, notwithstanding the association's total annual revenues.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare or cause to be prepared:

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.

An association may not prepare a financial statement pursuant to this paragraph for consecutive fiscal years.

(13) 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 expenses.

(b) A person who uses 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 as provided under s. 812.014.

For the purposes of this subsection, 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.

(14) REQUIREMENT TO PROVIDE AN ACCOUNTING.—A parcel owner may make a written request to the board for a detailed accounting of any amounts he or she owes to the association related to the parcel, and the board shall provide such information within 15 business days after receipt of the written request. After a parcel owner makes such written request to the board, he or she may not request another detailed accounting for at least 90 calendar days. Failure by the board to respond within 15 business days to a written request for a detailed accounting constitutes a complete waiver of any outstanding fines of the person who requested such accounting which are more than 30 days past due and for which the association has not given prior written notice of the imposition of the fines.

Section 4. Subsections (1) and (3) and paragraph (a) of subsection (4) of section 720.3033, Florida Statutes, are amended to read:

720.3033 Officers and directors.—

(1)(a) Within 90 days after being elected or appointed to the board, each ~~director shall certify in writing to the secretary of the association that he or she has read the association's declaration of covenants, articles of incorporation, bylaws, and current written rules and 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. Within 90 days after being elected or appointed to the board, in lieu of such written certification, the newly elected or appointed~~ director must ~~may~~ submit a certificate of having satisfactorily completed the educational curriculum administered by a department-approved ~~division-approved~~ education provider.

1. The newly elected or appointed director must complete the department-approved education for newly elected or appointed directors within 90 days after being elected or appointed.

2. The certificate of completion is valid for a up to 4 years.

3. A director must complete the education specific to newly elected or appointed directors at least every 4 years.

4. The department-approved educational curriculum specific to newly elected or appointed directors must include training relating to financial literacy and transparency, recordkeeping, levying of fines, and notice and meeting requirements.

5. In addition to the educational curriculum specific to newly elected or appointed directors:

a. A director of an association that has fewer than 2,500 parcels must complete at least 4 hours of continuing education annually.

b. A director of an association that has 2,500 parcels or more must complete at least 8 hours of continuing education annually ~~within 1 year before or 90 days after the date of election or appointment~~.

(b) ~~The written certification or educational certificate is valid for the uninterrupted tenure of the director on the board.~~ A director who does not timely file the ~~written certification or~~ educational certificate is ~~shall be~~ suspended from the board until he or she complies with the requirement. The board may temporarily fill the vacancy during the period of suspension.

(c) The association shall retain each director's ~~written certification or~~ educational certificate for inspection by the members for 5 years after the director's election. However, the failure to have the written certification or educational certificate on file does not affect the validity of any board action.

(d) The department shall adopt rules to implement and administer the educational curriculum and continuing education requirements under this subsection.

(3) An officer, a director, or a manager may not solicit, offer to accept, or accept a kickback. As used in this subsection, the term "kickback" means any thing or service of value for which consideration has not been provided for an officer's, a director's, or a manager's ~~his or her~~ benefit or for the benefit of a member of his or her immediate family from any person providing or proposing to provide goods or services to the association. An officer, a director, or a manager who knowingly solicits, offers to accept, or accepts a ~~any thing or service of value or~~ kickback commits a felony of the third degree, punishable as provided in s. 775.082, 775.083, or s. 775.084, and ~~for which consideration has not been provided for his or her own benefit or that of his or her immediate family from any person providing or proposing to provide goods or services to the association~~ is subject to monetary damages under s. 617.0834. If the board finds that an officer or a director has violated this subsection, the board must ~~shall~~ immediately remove the officer or director from office. The vacancy shall be filled according to law until the end of the officer's or director's term of office. However, an officer, a director, or a manager may accept food to be consumed at a business meeting with a value of less than $25 per individual or a service or good received in connection with trade fairs or education programs.

(4)(a) A director or an officer charged by information or indictment with any of the following crimes must be removed from office and a vacancy declared:

1. Forgery of a ballot envelope or voting certificate used in a homeowners' association election as provided in s. 831.01.

2. Theft or embezzlement involving the association's funds or property as provided in s. 812.014.

3. Destruction of or the refusal to allow inspection or copying of an official record of a homeowners' association which is accessible to parcel 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.

4. Obstruction of justice as provided in chapter 843.

5. Any criminal violation under this chapter.

Section 5. Subsections (1) and (4) of section 720.3035, Florida Statutes, are amended to read:

720.3035 Architectural control covenants; parcel owner improvements; rights and privileges.—

(1)(a) The authority of an association or any architectural, construction improvement, or other such similar committee of an association to review and approve plans and specifications for the location, size, type, or appearance of any structure or other improvement on a parcel, or to enforce standards for the external appearance of any structure or improvement located on a parcel, shall be permitted only to the extent that the authority is specifically stated or reasonably inferred as to such location, size, type, or appearance in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants. An association or any architectural, construction improvement, or similar committee of an association must reasonably and equitably apply and enforce on all parcel owners the architectural and construction improvement standards authorized by the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants.

(b) An association or any architectural, construction improvement, or other such similar committee of an association may not enforce or adopt a covenant, rule, or guideline that:

1. Limits or places requirements on the interior of a structure that is not visible from the parcel's frontage or an adjacent parcel, an adjacent common area, or a community golf course.

2. Requires the review and approval of plans and specifications for a central air-conditioning, refrigeration, heating, or ventilating system by the association or any architectural, construction improvement, or other such similar committee of an association, if such system is not visible from the parcel's frontage, an adjacent parcel, an adjacent common area, or a community golf course and is substantially similar to a system that is approved or recommended by the association or a committee thereof.

(4)(a) Each parcel owner is ~~shall be~~ entitled to the rights and privileges set forth in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants concerning the architectural use of the parcel, and the construction of permitted structures and improvements on the parcel. ~~and~~ Such rights and privileges may ~~shall~~ not be unreasonably infringed upon or impaired by the association or any architectural, construction improvement, or other such similar committee of the association. If the association or any architectural, construction improvement, or other such similar committee of the association denies a parcel owner's request or application for the construction of a structure or other improvement on a parcel, the association or committee must provide written notice to the parcel owner stating with specificity the rule or covenant on which the association or committee relied when denying the request or application and the specific aspect or part of the proposed improvement that does not conform to such rule or covenant.

(b) If the association or any architectural, construction improvement, or other such similar committee of the association should unreasonably, knowingly, and willfully infringe upon or impair the rights and privileges set forth in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants, the adversely affected parcel owner is ~~shall be~~ entitled to recover damages caused by such infringement or impairment, including any costs and reasonable attorney ~~attorney's~~ fees incurred in preserving or restoring the rights and privileges of the parcel owner set forth in the declaration of covenants or other published guidelines and standards authorized by the declaration of covenants.

Section 6. Section 720.3045, Florida Statutes, is amended to read:

720.3045 Installation, display, and storage of items.—Regardless of any covenants, restrictions, bylaws, rules, or requirements of an association, and unless prohibited by general law or local ordinance, an association may not restrict parcel owners or their tenants from installing, displaying, or storing any items on a parcel which are not visible from the parcel's frontage or an adjacent parcel, an adjacent common area, or a community golf course, including, but not limited to, artificial turf, boats, flags, vegetable gardens, clotheslines, and recreational vehicles.

Section 7. Present paragraph (e) of subsection (2) of section 720.305, Florida Statutes, is redesignated as paragraph (f) and amended, a new paragraph (e) and paragraph (g) are added to that subsection, subsection (7) is added to that section, and paragraphs (b) and (d) of subsection (2) of that section are amended, to read:

720.305 Obligations of members; remedies at law or in equity; levy of fines and suspension of use rights.—

(2) An association may levy reasonable fines for violations of the declaration, association bylaws, or reasonable rules of the association. A fine may not exceed $100 per violation against any member or any member's tenant, guest, or invitee for the failure of the owner of the parcel or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association unless otherwise provided in the governing documents. A fine may be levied by the board for each day of a continuing violation, with a single notice and opportunity for hearing, except that the fine may not exceed $1,000 in the aggregate unless otherwise provided in the governing documents. A fine of less than $1,000 may not become a lien against a parcel. In any action to recover a fine, the prevailing party is entitled to reasonable attorney fees and costs from the nonprevailing party as determined by the court.

(b) A fine or suspension levied by the board of administration may not be imposed unless the board first provides at least 14 days' written notice of the parcel owner's right to a hearing to the parcel owner at his or her designated mailing or e-mail address in the association's official records and, if applicable, to any occupant, licensee, or invitee of the parcel owner, sought to be fined or suspended. Such ~~and a~~ hearing must be held within 90 days after issuance of the notice before a committee of at least three members appointed by the board who are not officers, directors, or employees of the association, or the spouse, parent, child, brother, or sister of an officer, director, or employee. The

committee may hold the hearing by telephone or other electronic means. The notice must include a description of the alleged violation; the specific action required to cure such violation, if applicable; and the hearing date, ~~and~~ location, and access information if held by telephone or other electronic means ~~of the hearing~~. A parcel owner has the right to attend a hearing by telephone or other electronic means.

(d) Within 7 days after the hearing, the committee shall provide written notice to the parcel owner at his or her designated mailing or e-mail address in the association's official records and, if applicable, any occupant, licensee, or invitee of the parcel owner, of the committee's findings related to the violation, including any applicable fines or suspensions that the committee approved or rejected, and how the parcel owner or any occupant, licensee, or invitee of the parcel owner may cure the violation, if applicable, or fulfill a suspension, or the date by which a fine must be paid.

(e) If a violation has been cured before the hearing or in the manner specified in the written notice required in paragraph (b) or paragraph (d), a fine or suspension may not be imposed.

(f)~~(c)~~ If a violation is not cured and the proposed fine or suspension levied by the board is approved by the committee by a majority vote, the committee must set a date by which the fine must be paid, which date must be at least 30 days after delivery of the written notice required in paragraph (d). Attorney fees and costs may not be awarded against the parcel owner based on actions taken by the board before the date set for the fine to be paid.

(g) If a violation and the proposed fine or suspension levied by the board is approved by the committee and the violation is not cured or the fine is not paid per the written notice required in paragraph (d), reasonable attorney fees and costs may be awarded to the association. Attorney fees and costs may not begin to accrue until after the date noticed for payment under paragraph (d) and the time for an appeal has expired.

(7) Notwithstanding any provision to the contrary in an association's governing documents, an association may not levy a fine or impose a suspension for any of the following:

(a) Leaving garbage receptacles at the curb or end of the driveway within 24 hours before or after the designated garbage collection day or time.

(b) Leaving holiday decorations or lights on a structure or other improvement on a parcel longer than indicated in the governing documents, unless such decorations or lights are left up for longer than 1 week after the association provides written notice of the violation to the parcel owner ~~fine payment is due 5 days after notice of the approved fine required under paragraph (d) is provided to the parcel owner and, if applicable, to any occupant, licensee, or invitee of the parcel owner. The association must provide written notice of such fine or suspension by mail or hand delivery to the parcel owner and, if applicable, to any occupant, licensee, or invitee of the parcel owner~~.

Section 8. Section 720.3065, Florida Statutes, is amended to read:

720.3065 Fraudulent voting activities relating to association elections; penalties.—

(1) A person who engages in ~~Each of~~ the following acts of ~~is a~~ fraudulent voting activity relating to association elections commits ~~and constitutes~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083:

(a)~~(1)~~ 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)~~(2)~~ 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)~~(3)~~ 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)~~(4)~~ 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)~~(5)~~ 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 paragraph ~~subsection~~ 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)~~(6)~~ 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 subsection does not apply to a licensed attorney giving legal advice to a client.

Section 9. Subsection (3) of section 720.3075, Florida Statutes, is amended, and paragraph (c) is added to subsection (4) of that section, to read:

720.3075 Prohibited clauses in association documents.—

(3) Homeowners' association documents, including declarations of covenants, articles of incorporation, or bylaws, may not preclude:

(a) The display of up to two portable, removable flags as described in s. 720.304(2)(a) by property owners. However, all flags must be displayed in a respectful manner consistent with the requirements for the United States flag under 36 U.S.C. chapter 10.

(b) A property owner or a tenant, a guest, or an invitee of the property owner from parking his or her personal vehicle, including a pickup truck, in the property owner's driveway, or in any other area at which the property owner or the property owner's tenant, guest, or invitee has a right to park as governed by state, county, and municipal regulations. The homeowners' association documents, including declarations of covenants, articles of incorporation, or bylaws, may not prohibit, regardless of any official insignia or visible designation, a property owner or a tenant, a guest, or an invitee of the property owner from parking his or her work vehicle, which is not a commercial motor vehicle as defined in s. 320.01(25), in the property owner's driveway.

(c) A property owner from inviting, hiring, or allowing entry to a contractor or worker on the owner's parcel solely because the contractor or worker is not on a preferred vendor list of the association. Additionally, homeowners' association documents may not preclude a property owner from inviting, hiring, or allowing entry to a contractor or worker on his or her parcel solely because the contractor or worker does not have a professional or an occupational license. The association may not require a contractor or worker to present or prove possession of a professional or an occupational license to be allowed entry onto a property owner's parcel.

(d) Operating a vehicle that is not a commercial motor vehicle as defined in s. 320.01(25) in conformance with state traffic laws, on public roads or rights-of-way or the property owner's parcel.

Section 10. Subsection (3) of section 720.3085, Florida Statutes, are amended to read:

720.3085 Payment for assessments; lien claims.—

(3) Assessments and installments on assessments that are not paid when due bear interest from the due date until paid at the rate provided in the declaration of covenants or the bylaws of the association, which rate may not exceed the rate allowed by law. If no rate is provided in the declaration or bylaws, simple interest accrues at the rate of 18 percent per year. Notwithstanding the declaration or bylaws, compound interest may not accrue on assessments and installments on assessments that are not paid when due.

(a) If the declaration or bylaws so provide, the association may also charge an administrative late fee not to exceed the greater of $25 or 5 percent of the amount of each installment that is paid past the due date.

(b) Any payment received by an association and accepted shall be applied first to any interest accrued, then to any administrative late fee, then to any

costs and reasonable attorney fees incurred in collection, and then to the delinquent assessment. This paragraph applies notwithstanding any restrictive endorsement, designation, or instruction placed on or accompanying a payment. A late fee is not subject to the provisions of chapter 687 and is not a fine. The foregoing is applicable notwithstanding s. 673.3111, any purported accord and satisfaction, or any restrictive endorsement, designation, or instruction placed on or accompanying a payment. The preceding sentence is intended to clarify existing law.

(c)1. If an association sends out an invoice for assessments or a parcel's statement of the account described in s. 720.303(4)(a)10.b. ~~s. 720.303(4)(j)2.~~, the invoice for assessments or the parcel's statement of account must be delivered to the parcel owner by first-class United States mail or by electronic transmission to the parcel owner's e-mail address maintained in the association's official records.

2. Before changing the method of delivery for an invoice for assessments or the statement of the account, the association must deliver a written notice of such change to each parcel owner. The written notice must be delivered to the parcel owner at least 30 days before the association sends the invoice for assessments or the statement of the account by the new delivery method. The notice must be sent by first-class United States mail to the owner at his or her last address as reflected in the association's records and, if such address is not the parcel address, must be sent by first-class United States mail to the parcel address. Notice is deemed to have been delivered upon mailing as required by this subparagraph.

3. A parcel owner must affirmatively acknowledge his or her understanding that the association will change its method of delivery of the invoice for assessments or the statement of the account before the association may change the method of delivering an invoice for assessments or the statement of account. The parcel owner may make the affirmative acknowledgment electronically or in writing.

(d) An association may not require payment of attorney fees related to a past due assessment without first delivering a written notice of late assessment to the parcel owner which specifies the amount owed the association and provides the parcel owner an opportunity to pay the amount owed without the assessment of attorney fees. The notice of late assessment must be sent by first-class United States mail to the owner at his or her last address as reflected in the association's records and, if such address is not the parcel address, must also be sent by first-class United States mail to the parcel address. Notice is deemed to have been delivered upon mailing as required by this paragraph. A rebuttable presumption that an association mailed a notice in accordance with this paragraph is established if a board member, officer, or agent of the association, or a manager licensed under part VIII of chapter 468, provides a sworn affidavit attesting to such mailing. The notice must be in substantially the following form:

NOTICE OF LATE ASSESSMENT

RE: Parcel .... of ...(name of association)...

The following amounts are currently due on your account to ...(name of association)..., and must be paid within 30 days after the date of this letter. This letter shall serve as the association's notice to proceed with further collection action against your property no sooner than 30 days after the date of this letter, unless you pay in full the amounts set forth below:

Maintenance due ...(dates)... $.....
Late fee, if applicable $.....
Interest through ...(dates)...* $.....
TOTAL OUTSTANDING $.....

*Interest accrues at the rate of .... percent per annum.

Section 11. Section 720.317, Florida Statutes, is amended to read:

720.317 Electronic voting.—

(1) The association may conduct elections and other membership votes through an Internet-based online voting system if a member consents, electronically or in writing, to online voting and if the following requirements are met:

(a)~~(1)~~ The association provides each member with:

1.~~(a)~~ A method to authenticate the member's identity to the online voting system.

2.~~(b)~~ A method to confirm, at least 14 days before the voting deadline, that the member's electronic device can successfully communicate with the online voting system.

3.~~(c)~~ A method that is consistent with the election and voting procedures in the association's bylaws.

(b)~~(2)~~ The association uses an online voting system that is:

1.~~(a)~~ Able to authenticate the member's identity.

2.~~(b)~~ Able to authenticate the validity of each electronic vote to ensure that the vote is not altered in transit.

3.~~(c)~~ Able to transmit a receipt from the online voting system to each member who casts an electronic vote.

4.~~(d)~~ 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 member. This subparagraph ~~paragraph~~ only applies if the association's bylaws provide for secret ballots for the election of directors.

5.~~(e)~~ Able to store and keep electronic ballots accessible to election officials for recount, inspection, and review purposes.

(2)~~(3)~~ A member voting electronically pursuant to this section shall be counted as being in attendance at the meeting for purposes of determining a quorum.

(3)~~(4)~~ This section applies to an association that provides for and authorizes an online voting system pursuant to this section by a board resolution. The board resolution must provide that members receive notice of the opportunity to vote through an online voting system, must establish reasonable procedures and deadlines for members to consent, electronically or in writing, to online voting, and must establish reasonable procedures and deadlines for members to opt out of online voting after giving consent. Written notice of a meeting at which the board resolution regarding online voting 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.

(4)~~(5)~~ A member's consent to online voting is valid until the member opts out of online voting pursuant to the procedures established by the board of administration under subsection (3) ~~pursuant to subsection (4)~~.

(5)~~(6)~~ This section may apply to any matter that requires a vote of the members.

Section 12. Section 720.318, Florida Statutes, is amended to read:

720.318 First responder ~~Law enforcement~~ vehicles.—An association may not prohibit a first responder ~~law enforcement officer~~, as defined in s. 112.1815(1) ~~s. 943.10(1)~~, who is a parcel owner, or who is a tenant, guest, or invitee of a parcel owner, from parking his or her assigned first responder ~~law enforcement~~ vehicle in an area where the parcel owner, or the tenant, guest, or invitee of the parcel owner, otherwise has a right to park, including on public roads or rights-of-way.

Section 13. This act shall take effect July 1, 2024.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to homeowners' associations; amending s. 468.4334, F.S.; providing requirements for certain community association managers and community association management firms; amending s. 468.4337, F.S.; requiring certain community association managers to take a specific number of hours of continuing education biennially; amending s. 720.303, F.S.; requiring that official records of a homeowners' association be maintained for a certain number of years; requiring certain associations to post certain documents on its website or make available such documents through an application by a date certain; providing requirements for an association's website or application; requiring an association to provide certain information to parcel owners upon request; requiring an association to ensure certain information and records are not accessible on the website or

application; providing that an association or its agent is not liable for the disclosure of certain information; requiring an association to adopt certain rules; providing criminal penalties; defining the term "repeatedly"; requiring an association to provide or make available subpoenaed records within a certain timeframe; requiring an association to assist in a law enforcement investigation as allowed by law; requiring that certain associations prepare audited financial statements; prohibiting associations from preparing financial statements for consecutive years; prohibiting an association and certain persons from using specified debit cards for payment of association expenses; providing a criminal penalty; defining the term "lawful obligation of the association"; requiring a detailed accounting of amounts due to the association be given to certain persons within a certain timeframe upon written request; limiting how often certain persons may request from the board a detailed accounting; providing for a waiver of outstanding fines which are more than a specified timeframe past due under certain circumstances; making technical changes; amending s. 720.3033, F.S.; providing education requirements for newly elected or appointed directors; providing requirements for the educational curriculum; requiring certain directors to complete a certain number of hours of continuing education annually; requiring the Department of Business and Professional Regulation to adopt certain rules; defining the term "kickback"; providing criminal penalties for certain actions by an officer, a director, or a manager of an association; providing that a vacancy is declared if a director or an officer is charged by information or indictment with certain crimes; making technical changes; amending s. 720.3035, F.S.; requiring an association or any architectural, construction improvement, or other such similar committee of an association to apply and enforce certain standards reasonably and equitably; prohibiting an association or certain committees of the association from enforcing or adopting certain covenants, rules, or guidelines; requiring an association or any architectural, construction improvement, or other such similar committee of an association to provide certain written notice to a parcel owner; amending s. 720.3045, F.S.; authorizing parcel owners or their tenants to install, display, or store clotheslines and vegetable gardens under certain circumstances; conforming to a provision made by this act; amending s. 720.305, F.S.; specifying the manner in which fines, suspensions, attorney fees, and costs are determined; requiring that certain notices be provided to parcel owners and, if applicable, an occupant, a licensee, or an invitee of the parcel owner; requiring that certain hearings be held within a specified timeframe and authorizing such hearings to be held by telephone or other electronic means; prohibiting a fine or suspension from being imposed if a violation has been cured before the hearing; requiring the committee to set a hearing no later than a specified timeframe if a violation is not cured; prohibiting attorney fees and costs from being awarded against a parcel owner based on certain actions by the board before the date the fine is to be paid; prohibiting an association from levying a fine or imposing a suspension for certain actions; amending s. 720.3065, F.S.; providing criminal penalties for certain voting violations; providing applicability; making technical changes; amending s. 720.3075, F.S.; prohibiting certain homeowners' association documents from precluding property owners from taking, limiting, or requiring certain actions; amending s. 720.3085, F.S.; specifying when a lien is effective for mortgages of record; deleting provisions relating to the priority of certain liens, mortgages, or certified judgments; specifying that simple interest accrues on assessments and installments on assessments that are not paid when due; providing that assessments and installments on assessments may not accrue compound interest; amending s. 720.317, F.S.; authorizing a member to consent electronically to online voting if certain conditions are met; amending s. 720.318, F.S.; authorizing a law enforcement officer to park his or her assigned law enforcement vehicle on public roads and rights-of-way; providing an effective date.

On motion by Rep. Esposito, the House concurred in **Senate Amendment 1 (254472)**.

The question recurred on passage of **CS/CS/HB 1203**, as amended. The vote was:

Session Vote Sequence: 970

Representative Tomkow in the Chair.

Yeas—110

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

Nays—None

Votes after roll call:
Yeas—Holcomb, Temple

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

Recessed

The House recessed at 6:03 p.m., to reconvene upon call of the Chair.

Reconvened

The House was called to order by the Speaker *pro tempore* at 6:15 p.m. A quorum was present [Session Vote Sequence: 971].

THE SPEAKER IN THE CHAIR

Conference Committee Reports

A portion of session time on Thursday, March 7, 2024, was used for the explanation, question and answer period, and debate on the conference committee reports related to the GAA.

THE SPEAKER PRO TEMPORE IN THE CHAIR

Recessed

The House recessed at 7:34 p.m., to reconvene upon call of the Chair.

Reconvened

The House was called to order by the Speaker *pro tempore* at 7:51 p.m. A quorum was present [Session Vote Sequence: 972].

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1645, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

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 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 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 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.

(Amendment Bar Code: 282208)

Senate Amendment 1(with title amendment)—

Delete lines 281 - 883

and insert:

Section 1. Subsections (1), (2), and (5) of section 366.032, Florida Statutes, are amended to read:

366.032 Preemption over utility service restrictions.—

(1) A municipality, county, special district, community development district created pursuant to chapter 190, or other political subdivision of the state may not enact or enforce a resolution, ordinance, rule, code, or policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the types or fuel sources of energy production which may be

used, delivered, converted, or supplied by the following entities to serve customers that such entities are authorized to serve:

(a) A public utility or an electric utility as defined in this chapter;

(b) An entity formed under s. 163.01 that generates, sells, or transmits electrical energy;

(c) A natural gas utility as defined in s. 366.04(3)(c);

(d) A natural gas transmission company as defined in s. 368.103; or

(e) A Category I liquefied petroleum gas dealer or Category II liquefied petroleum gas dispenser or Category III liquefied petroleum gas cylinder exchange operator as defined in s. 527.01.

(2) Except to the extent necessary to enforce the Florida Building Code adopted pursuant to s. 553.73 or the Florida Fire Prevention Code adopted pursuant to s. 633.202, a municipality, county, special district, community development district created pursuant to chapter 190, or other political subdivision of the state may not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits or has the effect of restricting or prohibiting the use of an appliance, including a stove or grill, which uses the types or fuel sources of energy production which may be used, delivered, converted, or supplied by the entities listed in subsection (1). As used in this subsection, the term "appliance" means a device or apparatus manufactured and designed to use energy and for which the Florida Building Code or the Florida Fire Prevention Code provides specific requirements.

(5) Any municipality, county, special district, community development district created pursuant to chapter 190, or political subdivision charter, resolution, ordinance, rule, code, policy, or action that is preempted by this act that existed before or on July 1, 2021, is void.

Section 2. Section 366.042, Florida Statutes, is created to read:

366.042 Mutual aid agreements of rural electric cooperatives and municipal electric utilities.—

(1) For the purposes of restoring power following a natural disaster that is subject to a state of emergency declared by the Governor, all rural electric cooperatives and municipal electric utilities shall enter into and maintain, at a minimum, one of the following:

(a) A mutual aid agreement with a municipal electric utility;

(b) A mutual aid agreement with a rural electric cooperative;

(c) A mutual aid agreement with a public utility; or

(d) A pre-event agreement with a private contractor.

(2) All rural electric cooperatives and municipal electric utilities operating in this state shall annually submit to the commission an attestation, in conformity with s. 92.525, stating that the organization has complied with the requirements of this section on or before May 15. Nothing in this section shall be construed to give the commission jurisdiction over the terms and conditions of a mutual aid agreement or agreement with a private contractor entered into by a rural electric cooperative or a municipal electric utility.

(3) The commission shall compile the attestations and annually submit a copy to the Division of Emergency Management no later than May 30.

(4) A rural electric cooperative or municipal electric utility that submits the attestation required by this section is eligible to receive state financial assistance, if such funding is available, for power restoration efforts following a natural disaster that is subject to a state of emergency declared by the Governor.

(5) A rural electric cooperative or municipal electric utility that does not submit an attestation required by this section is ineligible to receive state financial assistance for power restoration efforts following a natural disaster that is subject to a state of emergency declared by the Governor, until such time as the attestation is submitted.

(6) Nothing in this section shall be construed to prohibit, limit, or disqualify a rural electric cooperative or municipal electric utility from receiving funding under The Stafford Act, 42 U.S.C. 5121 et seq., or any other federal program, including programs administered by the state.

(7) This section does not expand or alter the jurisdiction of the commission over public utilities or electric utilities.

Section 3. Section 366.057, Florida Statutes, is created to read:

366.057 Retirement of electrical power plants.—A public utility shall provide notice to the commission at least 90 days before the full retirement of an electrical power plant if the date of such retirement does not coincide with the retirement date in the public utility's most recently approved depreciation study. No later than 90 days after such notice, the commission may schedule a hearing to determine whether retirement of the plant is prudent and consistent with the state's energy policy goals in s. 377.601(2). At a hearing scheduled under this section, the utility shall present its proposed retirement date for the plant, remaining depreciation expense on the plant, any other costs to be recovered in relation to the plant, and any planned replacement capacity.

Section 4. Subsection (4) is added to Section 366.94, Florida Statutes, to read:

366.94 Electric vehicle charging ~~stations~~.—

(4) Upon petition of a public utility, the commission may approve voluntary electric vehicle charging programs to become effective on or after January 1, 2025, to include, but not be limited to, residential, fleet, and public electric vehicle charging, upon a determination by the commission that the utility's general body of ratepayers, as a whole, will not pay to support recovery of its electric vehicle charging investment by the end of the useful life of the assets dedicated to the electric vehicle charging service. This provision does not preclude cost recovery for electric vehicle charging programs approved by the commission before January 1, 2024.

Section 5. Present subsections (17) through (31) of section 403.503, Florida Statutes, are redesignated as subsections (18) through (32), respectively, and a new subsection (17) is added to that section, to read:

403.503 Definitions relating to Florida Electrical Power Plant Siting Act.—As used in this act:

(17) "Gross capacity" means, for a steam facility, the maximum generating capacity based on nameplate generator rating, and for a solar electrical generating facility, the capacity measured as alternating current which is independently metered prior to the point of interconnection to the transmission grid.

Section 6. Section 366.99, Florida Statutes, is created to read:

366.99 Natural gas facilities relocation costs.—

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

(a) "Authority" has the same meaning as in s. 337.401(1)(a).

(b) "Facilities relocation" means the physical moving, modification, or reconstruction of public utility facilities to accommodate the requirements imposed by an authority.

(c) "Natural gas facilities" or "facilities" means gas mains, laterals, and service lines used to distribute natural gas to customers. The term includes all ancillary equipment needed for safe operations, including, but not limited to, regulating stations, meters, other measuring devices, regulators, and pressure monitoring equipment.

(d) "Natural gas facilities relocation costs" means the costs to relocate or reconstruct facilities as required by a mandate, a statute, a law, an ordinance, or an agreement between the utility and an authority, including, but not limited to, costs associated with reviewing plans provided by an authority. The term does not include any costs recovered through the public utility's base rates.

(e) "Public utility" or "utility" has the same meaning as in s. 366.02, except that the term does not include an electric utility.

(2) A utility may submit to the commission, pursuant to commission rule, a petition describing the utility's projected natural gas facilities relocation costs for the next calendar year, actual natural gas facilities relocation costs for the prior calendar year, and proposed cost-recovery factors designed to recover such costs. A utility's decision to proceed with implementing a plan before filing such a petition does not constitute imprudence.

(3) The commission shall conduct an annual proceeding to determine each utility's prudently incurred natural gas facilities relocation costs and to allow each utility to recover such costs through a charge separate and apart from base rates, to be referred to as the natural gas facilities relocation cost recovery clause. The commission's review in the proceeding is limited to determining the prudence of the utility's actual incurred natural gas facilities relocation costs and the reasonableness of the utility's projected natural gas facilities relocation costs for the following calendar year; and providing for a true-up of the costs with the projections on which past factors were set. The commission shall require that any refund or collection made as a part of the true-up process includes interest.

(4) All costs approved for recovery through the natural gas facilities relocation cost recovery clause must be allocated to customer classes pursuant to the rate design most recently approved by the commission.

(5) If a capital expenditure is recoverable as a natural gas facilities relocation cost, the public utility may recover the annual depreciation on the cost, calculated at the public utility's current approved depreciation rates, and a return on the undepreciated balance of the costs at the public utility's weighted average cost of capital using the last approved return on equity.

(6) The commission shall adopt rules to implement and administer this section and shall propose a rule for adoption as soon as practicable after July 1, 2024.

Section 7. Section 377.601, Florida Statutes, is amended to read:

377.601 Legislative intent.—

(1) The purpose of the state's energy policy is to ensure an adequate, reliable, and cost-effective supply of energy for the state in a manner that promotes the health and welfare of the public and economic growth. The Legislature intends that governance of the state's energy policy be efficiently directed toward achieving this purpose. ~~The Legislature finds that the state's energy security can be increased by lessening dependence on foreign oil; that the impacts of global climate change can be reduced through the reduction of greenhouse gas emissions; and that the implementation of alternative energy technologies can be a source of new jobs and employment opportunities for many Floridians. The Legislature further finds that the state is positioned at the front line against potential impacts of global climate change. Human and economic costs of those impacts can be averted by global actions and, where necessary, adapted to by a concerted effort to make Florida's communities more resilient and less vulnerable to these impacts. In focusing the government's policy and efforts to benefit and protect our state, its citizens, and its resources, the Legislature believes that a single government entity with a specific focus on energy and climate change is both desirable and advantageous. Further, the Legislature finds that energy infrastructure provides the foundation for secure and reliable access to the energy supplies and services on which Florida depends. Therefore, there is significant value to Florida consumers that comes from investment in Florida's energy infrastructure that increases system reliability, enhances energy independence and diversification, stabilizes energy costs, and reduces greenhouse gas emissions.~~

(2) For the purposes of subsection (1), the state's energy policy must be guided by the following goals:

(a) Ensuring a cost-effective and affordable energy supply.

(b) Ensuring adequate supply and capacity.

(c) Ensuring a secure, resilient, and reliable energy supply, with an emphasis on a diverse supply of domestic energy resources.

(d) Protecting public safety.

(e) Protecting the state's natural resources, including its coastlines, tributaries, and waterways.

(f) Supporting economic growth.

(3)~~(2)~~ In furtherance of the goals in subsection (2), it is the policy of the state ~~of Florida~~ to:

(a) ~~Develop and~~ Promote the cost-effective development and ~~effective~~ use of a diverse supply of domestic energy resources in the state and~~,~~ discourage ~~all forms of~~ energy waste~~, and recognize and address the potential of global climate change wherever possible~~.

(b) Promote the cost-effective development and maintenance of energy infrastructure that is resilient to natural and manmade threats to the security and reliability of the state's energy supply ~~Play a leading role in developing and instituting energy management programs aimed at promoting energy conservation, energy security, and the reduction of greenhouse gas emissions~~.

(c) Reduce reliance on foreign energy resources.

(d)~~(c)~~ Include energy reliability and security considerations in all state, regional, and local planning.

(e)~~(d)~~ Utilize and manage effectively energy resources used within state agencies.

(f)~~(e)~~ Encourage local governments to include energy considerations in all planning and to support their work in promoting energy management programs.

(g)~~(f)~~ Include the full participation of citizens in the development and implementation of energy programs.

(h)~~(g)~~ Consider in its decisions the energy needs of each economic sector, including residential, industrial, commercial, agricultural, and governmental uses, and reduce those needs whenever possible.

(i)~~(h)~~ Promote energy education and the public dissemination of information on energy and its impacts in relation to the goals in subsection (2) ~~environmental, economic, and social impact~~.

(j)~~(i)~~ Encourage the research, development, demonstration, and application of domestic energy resources, including the use of ~~alternative energy resources, particularly~~ renewable energy resources.

(k)~~(j)~~ Consider, in its decisionmaking, the impacts of energy-related activities on the goals in subsection (2) ~~social, economic, and environmental impacts of energy-related activities~~, including the whole-life-cycle impacts of any potential energy use choices, so that detrimental effects of these activities are understood and minimized.

(l)~~(k)~~ Develop and maintain energy emergency preparedness plans to minimize the effects of an energy shortage within this state ~~Florida~~.

Section 8. Subsection (2) of section 377.6015, Florida Statutes, is amended to read:

377.6015 Department of Agriculture and Consumer Services; powers and duties.—

(2) The department shall:

~~(a) Administer the Florida Renewable Energy and Energy-Efficient Technologies Grants Program pursuant to s. 377.804 to assure a robust grant portfolio.~~

(a)~~(b)~~ Develop policy for requiring grantees to provide royalty-sharing or licensing agreements with state government for commercialized products developed under a state grant.

~~(c) Administer the Florida Green Government Grants Act pursuant to s. 377.808 and set annual priorities for grants.~~

(b)~~(d)~~ Administer the information gathering and reporting functions pursuant to ss. 377.601-377.608.

~~(e) Administer the provisions of the Florida Energy and Climate Protection Act pursuant to ss. 377.801-377.804~~.

(c)~~(f)~~ Advocate for energy ~~and climate change~~ issues consistent with the goals in s. 377.601(2) and provide educational outreach and technical assistance in cooperation with the state's academic institutions.

(d)~~(g)~~ Be a party in the proceedings to adopt goals and submit comments to the Public Service Commission pursuant to s. 366.82.

(e)~~(h)~~ Adopt rules pursuant to chapter 120 in order to implement all powers and duties described in this section.

Section 9. Subsection (1) and paragraphs (e), (f), (h), and (m) of subsection (2) of section 377.703, Florida Statutes, are amended to read:

377.703 Additional functions of the Department of Agriculture and Consumer Services.—

(1) LEGISLATIVE INTENT.—Recognizing that energy supply and demand questions have become a major area of concern to the state which must be dealt with by effective and well-coordinated state action, it is the intent of the Legislature to promote the efficient, effective, and economical management of energy problems, centralize energy coordination responsibilities, pinpoint responsibility for conducting energy programs, and ensure the accountability of state agencies for the implementation of s. 377.601 ~~s. 377.601(2)~~, the state energy policy. It is the specific intent of the Legislature that nothing in this act shall in any way change the powers, duties, and responsibilities assigned by the Florida Electrical Power Plant Siting Act, part II of chapter 403, or the powers, duties, and responsibilities of the Florida Public Service Commission.

(2) DUTIES.—The department shall perform the following functions, unless as otherwise provided, consistent with the development of a state energy policy:

(e) The department shall analyze energy data collected and prepare long-range forecasts of energy supply and demand in coordination with the Florida Public Service Commission, which is responsible for electricity and natural gas forecasts. To this end, the forecasts shall contain:

1. An analysis of the relationship of state economic growth and development to energy supply and demand, including the constraints to economic growth resulting from energy supply constraints.

2. ~~Plans for the development of renewable energy resources and reduction in dependence on depletable energy resources, particularly oil and natural gas, and~~ An analysis of the extent to which domestic energy resources, including renewable energy sources, are being utilized in this ~~the~~ state.

3. Consideration of alternative scenarios of statewide energy supply and demand for 5, 10, and 20 years to identify strategies for long-range action, including identification of potential impacts in relation to the goals in s. 377.601(2) ~~social, economic, and environmental effects~~.

4. An assessment of the state's energy resources, including examination of the availability of commercially developable and imported fuels, and an analysis of anticipated impacts in relation to the goals in s. 377.601(2) ~~effects on the state's environment and social services~~ resulting from energy resource development activities or from energy supply constraints, or both.

(f) The department shall submit an annual report to the Governor and the Legislature reflecting its activities and making recommendations for policies for improvement of the state's response to energy supply and demand and its effect on the health, safety, and welfare of the residents of this state. The report must include a report from the Florida Public Service Commission on electricity and natural gas and information on energy conservation programs conducted and underway in the past year and include recommendations for energy efficiency and conservation programs for the state, including:

1. Formulation of specific recommendations for improvement in the efficiency of energy utilization in governmental, residential, commercial, industrial, and transportation sectors.

2. Collection and dissemination of information relating to energy efficiency and conservation.

3. Development and conduct of educational and training programs relating to energy efficiency and conservation.

4. An analysis of the ways in which state agencies are seeking to implement s. 377.601 ~~s. 377.601(2)~~, the state energy policy, and recommendations for better fulfilling this policy.

(h) The department shall promote the development and use of renewable energy resources, in conformance with chapter 187 and s. 377.601, by:

~~1. Establishing goals and strategies for increasing the use of renewable energy in this state.~~

1.~~2.~~ Aiding and promoting the commercialization of renewable energy resources, in cooperation with the Florida Energy Systems Consortium; the Florida Solar Energy Center; and any other federal, state, or local governmental agency that may seek to promote research, development, and the demonstration of renewable energy equipment and technology.

2.~~3.~~ Identifying barriers to greater use of renewable energy resources in this state, and developing specific recommendations for overcoming identified barriers, with findings and recommendations to be submitted annually in the report to the Governor and Legislature required under paragraph (f).

3.~~4.~~ In cooperation with the Department of Environmental Protection, the Department of Transportation, the Department of Commerce, the Florida Energy Systems Consortium, the Florida Solar Energy Center, and the Florida Solar Energy Industries Association, investigating opportunities, pursuant to the national Energy Policy Act of 1992, the Housing and Community Development Act of 1992, and any subsequent federal legislation, for renewable energy resources, electric vehicles, and other renewable energy manufacturing, distribution, installation, and financing efforts that enhance this state's position as the leader in renewable energy research, development, and use.

4.~~5.~~ Undertaking other initiatives to advance the development and use of renewable energy resources in this state.

In the exercise of its responsibilities under this paragraph, the department shall seek the assistance of the renewable energy industry in this state and other interested parties and may enter into contracts, retain professional consulting services, and expend funds appropriated by the Legislature for such purposes.

(m) In recognition of the devastation to the economy of this state and the dangers to the health and welfare of residents of this state caused by severe hurricanes, and the potential for such impacts caused by other natural disasters, the Division of Emergency Management shall include in its energy emergency contingency plan and provide to the Florida Building Commission for inclusion in the Florida Energy Efficiency Code for Building Construction specific provisions to facilitate the use of cost-effective ~~solar~~ energy technologies as emergency remedial and preventive measures for providing electric power, street lighting, and water heating service in the event of electric power outages.

Section 10. Section 377.708, Florida Statutes, is created to read:

377.708 Wind energy.—

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

(a) "Coastline" means the established line of mean high water.

(b) "Department" means the Department of Environmental Protection.

(c) "Offshore wind energy facility" means any wind energy facility located on waters of this state, including other buildings, structures, vessels, or electrical transmission cabling to be sited on waters of this state, or connected to corresponding onshore substations that are used to support the operation of one or more wind turbines sited or constructed on waters of this state and any submerged lands or territorial waters that are not under the jurisdiction of the state.

(d) "Real property" has the same meaning as provided in s. 192.001(12).

(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.

Section 11. Sections 377.801, 377.802, 377.803, 377.804, 377.808, 377.809, and 377.816, Florida Statutes, are repealed.

Section 12. (1) For programs established pursuant to s. 377.804, s. 377.808, s. 377.809, or s. 377.816, Florida Statutes, there may not be:

(a) New or additional applications, certifications, or allocations approved.

(b) New letters of certification issued.

(c) New contracts or agreements executed.

(d) New awards made.

(2) All certifications or allocations issued under such programs are rescinded except for the certifications of, or allocations to, those certified applicants or projects that continue to meet the applicable criteria in effect before July 1, 2024. Any existing contract or agreement authorized under any

of these programs shall continue in full force and effect in accordance with the statutory requirements in effect when the contract or agreement was executed or last modified. However, further modifications, extensions, or waivers may not be made or granted relating to such contracts or agreements, except computations by the Department of Revenue of the income generated by or arising out of the qualifying project.

Section 13. Paragraph (d) of subsection (2) of section 220.193, Florida Statutes, is amended to read:

220.193 Florida renewable energy production credit.—

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

(d) "Florida renewable energy facility" means a facility in the state that produces electricity for sale from renewable energy~~, as defined in s. 377.803~~.

Section 14. Subsection (7) of section 288.9606, Florida Statutes, is amended to read:

288.9606 Issue of revenue bonds.—

(7) Notwithstanding any provision of this section, the corporation in its corporate capacity may, without authorization from a public agency under s. 163.01(7), issue revenue bonds or other evidence of indebtedness under this section to:

(a) Finance the undertaking of any project within the state that promotes renewable energy as defined in s. 366.91 ~~or s. 377.803~~;

(b) Finance the undertaking of any project within the state that is a project contemplated or allowed under s. 406 of the American Recovery and Reinvestment Act of 2009; ~~or~~

(c) If permitted by federal law, finance qualifying improvement projects within the state under s. 163.08; or~~.~~

(d) Finance the costs of acquisition or construction of a transportation facility by a private entity or consortium of private entities under a public-private partnership agreement authorized by s. 334.30.

Section 15. Paragraph (w) of subsection (2) of section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines, standards, and exemptions.—

(2) STATUTORY EXEMPTIONS.—The following developments are exempt from s. 380.06:

~~(w) Any development in an energy economic zone designated pursuant to s. 377.809 upon approval by its local governing body.~~

If a use is exempt from review pursuant to paragraphs (a)-(u), but will be part of a larger project that is subject to review pursuant to s. 380.06(12), the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development that includes a landowner, tenant, or user that has entered into a funding agreement with the state land planning agency under the Innovation Incentive Program and the agreement contemplates a state award of at least $50 million.

Section 16. Subsection (2) of section 403.9405, Florida Statutes, is amended to read:

403.9405 Applicability; certification; exemption; notice of intent.—

(2) ~~No construction of~~ A natural gas transmission pipeline may not be constructed ~~be undertaken after October 1, 1992,~~ without first obtaining certification under ss. 403.9401-403.9425, but these sections do not apply to:

(a) Natural gas transmission pipelines which are less than 100 ~~15~~ miles in length or which do not cross a county line, unless the applicant has elected to apply for certification under ss. 403.9401-403.9425.

(b) Natural gas transmission pipelines for which a certificate of public convenience and necessity has been issued under s. 7(c) of the Natural Gas Act, 15 U.S.C. s. 717f, or a natural gas transmission pipeline certified as an associated facility to an electrical power plant pursuant to the Florida Electrical Power Plant Siting Act, ss. 403.501-403.518, unless the applicant elects to apply for certification of that pipeline under ss. 403.9401-403.9425.

(c) Natural gas transmission pipelines that are owned or operated by a municipality or any agency thereof, by any person primarily for the local distribution of natural gas, or by a special district created by special act to distribute natural gas, unless the applicant elects to apply for certification of that pipeline under ss. 403.9401-403.9425.

Section 17. Subsection (3) of section 720.3075, Florida Statutes, is amended to read:

720.3075 Prohibited clauses in association documents.—

(3) Homeowners' association documents, including declarations of covenants, articles of incorporation, or bylaws, may not preclude:

(a) The display of up to two portable, removable flags as described in s. 720.304(2)(a) by property owners. However, all flags must be displayed in a respectful manner consistent with the requirements for the United States flag under 36 U.S.C. chapter 10.

(b) Types or fuel sources of energy production which may be used, delivered, converted, or supplied by the following entities to serve customers within the association that such entities are authorized to serve:

1. A public utility or an electric utility as defined in s. 366.02;

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

And the title is amended as follows:

Delete lines 25 - 70

and insert:

specified circumstance; amending s. 366.032, F.S.; including community development districts as a type of political subdivision for purposes of preemption over utility service restrictions; creating s. 366.042, F.S.; requiring rural 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 rural 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 rural electric cooperatives and municipal electric utilities eligible to receive state financial assistance; providing that if such attestations are not submitted, rural 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; amending s. 403.503, F.S.; defining the term "gross capacity"; creating s. 366.99,

On motion by Rep. Payne, the House concurred in **Senate Amendment 1 (282208)**.

The question recurred on passage of **CS/CS/HB 1645**, as amended. The vote was:

Session Vote Sequence: 973

Representative Clemons in the Chair.

Yeas—81

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

Trabulsy	Tuck	Yeager	
Truenow	Yarkosky		

Nays—29

Antone	Cross	Hart	Silvers
Arrington	Daley	Hinson	Valdés
Bartleman	Daniels	Hunschofsky	Waldron
Benjamin	Driskell	Keen	Williams
Bracy Davis	Eskamani	López, J.	Woodson
Campbell	Gantt	Nixon	
Cassel	Gottlieb	Rayner	
Chambliss	Harris	Robinson, F.	

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1007, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

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.

(Amendment Bar Code: 955516)

Senate Amendment 1(with title amendment)—

Delete everything after the enacting clause
and insert:

Section 1. Section 569.31, Florida Statutes, is amended to read:

569.31 Definitions.—As used in this part, the term:

(1) "Dealer" is synonymous with the term "retail nicotine products dealer."

(2) "Division" means the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation.

(3) "FDA" means the United States Food and Drug Administration.

(4)~~(3)~~ "Nicotine dispensing device" means any product that employs an electronic, chemical, or mechanical means to produce vapor or aerosol from a nicotine product, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of nicotine in a solution or other form intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product. For purposes of this definition, each

individual stock keeping unit is considered a separate nicotine dispensing device.

(5)~~(4)~~ "Nicotine product" means any product that contains nicotine, including liquid nicotine, which is intended for human consumption, whether inhaled, chewed, absorbed, dissolved, or ingested by any means. The term also includes any nicotine dispensing device. The term does not include a:

(a) Tobacco product, as defined in s. 569.002;

(b) Product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act; or

(c) Product that contains incidental nicotine.

(6) "Nicotine products manufacturer" means any person or entity that manufactures nicotine products.

(7)~~(5)~~ "Permit" is synonymous with the term "retail nicotine products dealer permit."

(8)~~(6)~~ "Retail nicotine products dealer" means the holder of a retail nicotine products dealer permit.

(9)~~(7)~~ "Retail nicotine products dealer permit" means a permit issued by the division under s. 569.32.

(10)~~(8)~~ "Self-service merchandising" means the open display of nicotine products, whether packaged or otherwise, for direct retail customer access and handling before purchase without the intervention or assistance of the dealer or the dealer's owner, employee, or agent. An open display of such products and devices includes the use of an open display unit.

(11) "Sell" or "sale" means, in addition to its common usage meaning, any sale, transfer, exchange, barter, gift, or offer for sale and distribution, in any manner or by any means.

Section 2. Section 569.311, Florida Statutes, is created to read:

569.311 Control of nicotine dispensing devices; grant of authority to Attorney General to create a directory of nicotine products attractive to minors.—

(1) The Legislature has determined that information, testings, approvals, or scientific evidence may, from time to time, indicate that certain nicotine dispensing devices have a greater potential to be attractive to and be abused by minors than was evident when such devices were allowed on the market. It is the intent of the Legislature to quickly provide a method to allow the state to seek removal of such items from the market.

(2) The Attorney General is hereby authorized to adopt rules creating a directory listing nicotine dispensing devices that are attractive to minors.

(3) A nicotine dispensing device is deemed attractive to minors, and the Attorney General shall include it in the directory, if the nicotine dispensing device has features that are significantly appealing to minors as compared to the legitimate benefits those features offer to lawful users of the product. In applying this standard, the Attorney General and reviewing courts shall consider the following:

(a) Surveys or other data sources indicating that a nicotine dispensing device is being used by minors at a higher rate than other nicotine dispensing devices.

(b) Complaints, reports, or other information related to the use of a nicotine dispensing device by minors from other minors, parents, teachers, school employees, school boards, law enforcement officers, retailers, and other industry related officials as compared to other nicotine dispensing devices.

(c) The extent to which the nicotine dispensing device:

1. Is designed to be attractive to minors, such as through the use of bright colors or cartoon characters.

2. Is designed so that it is easy for minors to use and to conceal.

3. Uses or resembles the trade dress of a branded food product, consumer food product, or logo of a food product.

4. Is marketed in a manner that uniquely appeals to minors.

5. Uses actual copyrights, service marks, or trademarks or fake or actual copyrights, service marks, or trademarks that resemble consumer or food products popular with minors, including the names of candy or cereal products.

(d) Any reports of physical harm to minors from using the nicotine dispensing device or evidence that the nicotine dispensing device presents unique risks to minors.

(e) Whether the manufacturer of the nicotine dispensing device submitted a timely filed premarket tobacco product application for the nicotine dispensing device pursuant to 21 U.S.C. s. 387j.

(4) In making the determination in subsection (3), the Attorney General shall consider a decision of the FDA regarding the nicotine dispensing device, if the decision is final and not subject to a stay, by a court or the agency, or subject to a timely petition for supervisory review, and the extent to which the FDA's decision was predicated, in whole or part, on the risks to minors outweighing other benefits of the nicotine dispensing device.

(5) Rulemaking under this section shall be in accordance with the procedural requirements of chapter 120, including the emergency rule provisions found in s. 120.54, except that s. 120.54(7) does not apply.

(6) A determination by the Attorney General under subsections (2) and (3) to include a nicotine dispensing device in the directory is subject to review under chapter 120.

(7) This section does not apply to a nicotine dispensing device that has received a marketing granted order under 21 U.S.C. s. 387j.

(8) This section shall only apply to, and a nicotine dispensing device shall only be subject to this section when, a nicotine dispensing device is either a single-use or disposable electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device that is intended to be discarded after use, or an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, or other similar device that uses a sealed, prefilled, and disposable cartridge of nicotine in a solution. This section does not apply to an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, or other similar device that is an open system where a consumer fills a vial or other container with nicotine in a solution.

(9) The Department of Legal Affairs shall develop and maintain a directory listing all nicotine product manufacturers that sell nicotine dispensing devices in this state which the Attorney General has deemed attractive to minors under subsections (2) and (3). The department shall make the directory available January 1, 2025, for public inspection on its website. The department shall update the directory as necessary. The department shall establish a process to provide retailers, distributors, and wholesalers notice of the initial publication of the directory and any changes made to the directory.

(10) If a nicotine dispensing device is added to the directory, each retailer and each wholesaler holding nicotine dispensing devices for eventual sale to a consumer in this state has 60 days from the day such product is added to the directory to sell the product or remove the product from its inventory. After 60 days following the date a product is added to the directory, the product identified in the directory is contraband and subject to s. 569.345.

(11)(a) Except as provided in paragraphs (b) and (c), beginning March 1, 2025, or on the date that the department first makes the directory available for public inspection on its website, whichever is later, a nicotine product manufacturer that offers for sale in this state a nicotine dispensing device listed on the directory is subject to a fine of $1,000 per day for each individual nicotine dispensing device offered for sale in violation of this section until the offending product is removed from the market or until the offending product is no longer listed on the directory.

(b) Each retailer shall have 60 days from the date that the department first makes the directory available for public inspection on its website to sell products that were in its inventory before that date or remove those products from inventory.

(c) Each distributor or wholesaler shall have 60 days from the date that the department first makes the directory available for public inspection on its website to remove from inventory those products intended for eventual retail sale to a consumer in this state.

Section 3. Section 569.312, Florida Statutes, is created to read:

569.312 Shipment of nicotine dispensing devices sold for retail sale in this state.—

(1) A nicotine product manufacturer, a retail nicotine products dealer, a wholesaler, or a distributor may not sell, ship, or otherwise distribute a nicotine dispensing device in this state for eventual retail sale to a consumer in this state that is listed on the directory.

(2) Any person who knowingly sells, ships or receives nicotine dispensing devices in violation of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A violation of this part is deemed an unfair and deceptive trade practice actionable under part II of chapter 501 that can only be enforced by the Department of Legal Affairs. If the department has reason to believe that a person is in violation of this section, the department may, as the sole enforcement authority, bring an action against such person for an unfair or deceptive act or practice. For the purpose of bringing an action pursuant to this section, ss. 501.211 and 501.212 do not apply. In addition to other remedies under part II of this chapter, the department may collect a civil penalty of up to $1,000 per nicotine dispensing device sold, shipped, or otherwise distributed.

Section 4. Section 569.345, Florida Statutes, is created to read:

569.345 Seizure and destruction of contraband nicotine dispensing devices.—All nicotine dispensing devices sold, delivered, possessed, or distributed contrary to any provision of this chapter are declared to be contraband, are subject to seizure and confiscation under the Florida Contraband Forfeiture Act by any person whose duty it is to enforce this chapter, and must be disposed of as follows:

(1) A court having jurisdiction shall order such nicotine dispensing devices forfeited upon a showing that, by a preponderance of the evidence, such devices were sold, delivered, possessed, or distributed contrary to any provision of this chapter. Once any chapter 120 proceedings related to such devices have been completed, the court shall order any seized nicotine dispensing devices destroyed except as provided by applicable court orders. A record of the place where such devices were seized, the kinds and quantities of such devices destroyed, and the time, place, and manner of the destruction of such devices must be kept, and a return under oath reporting the destruction must be made to the court by the officer who destroys such devices.

(2) The Department of Legal Affairs shall keep a full and complete record of all nicotine dispensing devices seized under this section showing:

(a) The exact kinds, quantities, and forms of such nicotine dispensing devices;

(b) The persons from whom such devices were seized and to whom they were delivered;

(c) By whose authority such devices were seized, delivered, and destroyed; and

(d) The dates of the seizure, disposal, or destruction of such devices.

Such record must be open to inspection by all persons charged with the enforcement of tobacco and nicotine product laws.

(3) The cost of seizure, confiscation, and destruction of contraband nicotine dispensing devices is borne by the person from whom such products are seized.

(4) Except as otherwise provided in this section, the procedures of the Florida Contraband Forfeiture Act apply to this section.

Section 5. Section 569.346, Florida Statutes, is created to read:

569.346 Agent for service of process.—

(1) Any nonresident manufacturer of nicotine dispensing devices which has not registered to do business in this state as a foreign corporation or business entity shall appoint and continually engage without interruption the services of an agent in this state to act as agent for the service of process on whom all process, and any action or proceeding against it concerning or arising out of the enforcement of this chapter, may be served in any manner authorized by law. Such service constitutes legal and valid service of process on the manufacturer. The manufacturer shall provide the name, address, telephone number, and proof of the appointment and availability of such agent to the division.

(2) The manufacturer shall provide notice to the Department of Legal Affairs 30 calendar days before termination of the authority of an agent and shall further provide proof to the satisfaction of the department of the appointment of a new agent no less than 5 calendar days before the termination of an existing agent appointment. In the event an agent terminates an agency appointment, the manufacturer shall notify the department of the termination within 5 calendar days and shall include proof to the satisfaction of the department of the appointment of a new agent.

(3) Any manufacturer whose nicotine dispensing devices are sold in this state which has not appointed and engaged the services of an agent as required by this section shall be deemed to have appointed the Secretary of State as its agent for service of process.

Section 6. Subsection (2) of section 569.41, Florida Statutes, is amended to read:

569.41 Selling, delivering, bartering, furnishing, or giving nicotine products to persons under 21 years of age; criminal penalties; defense.—

(2) Any person who violates subsection (1) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. However, any person who violates subsection (1) for a second or subsequent time within 1 year after the first violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Any person who violates subsection (1) for a third or subsequent time at any time after the first violation commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 7. Subsections (3) and (4) of section 569.002, Florida Statutes, are amended to read:

569.002 Definitions.—As used in this part, the term:

(3) "Nicotine product" has the same meaning as ~~provided~~ in s. 569.31 ~~s. 569.31(4)~~.

(4) "Nicotine dispensing device" has the same meaning as ~~provided~~ in s. 569.31 ~~s. 569.31(3)~~.

Section 8. This act shall take effect October 1, 2024.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to nicotine dispensing devices; amending s. 569.31, F.S.; defining and revising terms; creating s. 569.311, F.S.; providing legislative findings; authorizing the Attorney General to adopt rules for the creation of a directory listing nicotine dispensing devices for certain purposes; providing the Attorney General with factors that must be considered in determining which nicotine dispensing devices must be listed on such a directory; providing construction; providing that a determination by the Attorney General to include a nicotine dispensing device on the directory is subject to review under ch. 120, F.S.; providing applicability; requiring the Department of Legal Affairs to develop and maintain a directory of all nicotine products manufacturers that sell nicotine dispensing devices in this state which have been listed on the directory by the Attorney General; requiring the department to make the directory available for public inspection on its website by a certain date; providing retailers and wholesalers of a nicotine dispensing device that has been added to the directory a specified timeframe within which they may sell or remove the nicotine dispensing device from inventory; providing that such nicotine dispensing devices are considered contraband after such specified timeframe; providing that nicotine products manufacturers that offer for sale in this state a nicotine dispensing device listed on the directory are subject to a fine for each day the nicotine dispensing device is offered until it is either removed from the market or is no longer listed on the directory; providing retailers, distributors, and wholesalers a specified timeframe in which to remove a nicotine dispensing device from inventory after such device has been listed; creating s. 569.312, F.S.; providing criminal and civil penalties for a person who sells, ships, or otherwise distributes a listed nicotine dispensing device in this state for eventual retail sale; providing that a violation of this section is an unfair and deceptive trade practice; providing that the Department of Legal Affairs is the sole enforcement authority that may bring an action for an unfair or deceptive trade practice under this section; creating s. 569.345, F.S.; declaring nicotine dispensing devices that violate ch. 569, F.S., as contraband subject to seizure and confiscation by certain persons under the Florida Contraband Forfeiture Act; providing procedures for the seizure and destruction of such nicotine dispensing devices; providing applicability; creating s. 569.346, F.S.; requiring nonresident manufacturers of nicotine dispensing devices to

appoint an agent in this state to accept service for any action or proceeding against the manufacturer; providing that service upon the agent constitutes service upon the manufacturer; requiring such manufacturers to notify the department of the termination and appointment of an agent within a specified timeframe; providing that the Secretary of State is deemed the agent for manufacturers that do not appoint an agent as required by law; amending s. 569.41, F.S.; revising criminal penalties for those who sell, deliver, barter, furnish, or give a nicotine dispensing device, directly or indirectly, to persons under 21 years of age; amending s. 569.002, F.S.; conforming cross-references; providing an effective date.

On motion by Rep. Overdorf, the House concurred in **Senate Amendment 1 (955516)**.

The question recurred on passage of **CS/CS/HB 1007**, as amended. The vote was:

Session Vote Sequence: 974

Representative Clemons in the Chair.

Yeas—105

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

Nays—5

Gantt	Nixon	Williams
Hinson	Rayner	

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 549, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/HB 549—A bill to be entitled An act relating to theft; amending s. 812.014, F.S.; reducing the minimum threshold amount for an offense of grand theft of the third degree; creating an offense of grand theft of the third degree; providing criminal penalties; creating an offense of grand theft of the second degree; providing criminal penalties; creating an offense of petit theft of the first degree; providing criminal penalties; providing enhanced criminal penalties for committing petit theft of the first degree and having certain previous convictions; amending s. 812.015, F.S.; defining the term "social media platform"; revising the number of thefts required within a specified aggregation period required to commit a specified violation for retail theft; revising specified timeframes, from 30-day periods to 365-day periods, in which individual acts of retail theft may be aggregated to establish specified thresholds; prohibiting a person from committing retail theft with a specified number of other persons for a specified purpose; providing a criminal penalty; revising the number of thefts required within a specified aggregation period required to commit a specified violation for retail theft; prohibiting a person from committing retail theft with a specific number of other persons for a specified purpose when such person uses a social media platform to solicit the participation of other persons; providing a criminal penalty; providing criminal penalties for a person who commits retail theft and has certain prior retail theft convictions; providing criminal penalties for a person who commits retail theft who possesses a firearm during the commission of the offense; requiring a court to order a person convicted of retail theft to pay specified restitution; amending s. 921.0022, F.S.; ranking offenses on the offense severity ranking chart of the Criminal Punishment Code; amending s. 784.07, F.S.; correcting a cross-reference; providing an effective date.

(Amendment Bar Code: 942840)

Senate Amendment 1(with title amendment)—

Delete lines 227 - 556

and insert:

aggregated within a 120-day ~~30-day~~ period to determine the value of the property stolen and such value is $750 or more;

(b) Conspires with another person to commit retail theft with the intent to sell the stolen property for monetary or other gain, and subsequently takes or causes such property to be placed in the control of another person in exchange for consideration, in which the stolen property taken or placed within a 120-day ~~30-day~~ period is aggregated to determine the value of the stolen property and such value is $750 or more;

(c) Individually, or in concert with one or more other persons, commits theft from more than one location within a 120-day ~~30-day~~ period, in which the amount of each individual theft is aggregated to determine the value of the property stolen and such value is $750 or more;

(d) Acts in concert with one or more other individuals within one or more establishments to distract the merchant, merchant's employee, or law enforcement officer in order to carry out the offense, or acts in other ways to coordinate efforts to carry out the offense and such value is $750 or more;

(e) Commits the offense through the purchase of merchandise in a package or box that contains merchandise other than, or in addition to, the merchandise purported to be contained in the package or box and such value is $750 or more; ~~or~~

(f) Individually, or in concert with one ~~1~~ or more other persons, commits three ~~5~~ or more retail thefts within a 120-day ~~30-day~~ period and in committing such thefts obtains or uses 10 or more items of merchandise, and the number of items stolen during each theft is aggregated within the 120-day ~~30-day~~ period to determine the total number of items stolen, regardless of the value of such merchandise, and two ~~2~~ or more of the thefts occur at different physical merchant locations; or

(g) Acts in concert with five or more other persons within one or more establishments for the purpose of overwhelming the response of a merchant, merchant's employee, or law enforcement officer in order to carry out the offense or avoid detection or apprehension for the offense.

(9) Except as provided in subsection (11), a person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the person:

(a) Violates subsection (8) and has previously been convicted of a violation of subsection (8) or of this subsection;

(b) Individually, or in concert with one or more other persons, coordinates the activities of one or more persons in committing the offense of retail theft, in which the amount of each individual theft within a 120-day ~~30-day~~ period is aggregated to determine the value of the stolen property and such value is in excess of $3,000;

(c) Conspires with another person to commit retail theft with the intent to sell the stolen property for monetary or other gain, and subsequently takes or

causes such property to be placed in control of another person in exchange for consideration, in which the stolen property taken or placed within a 120-day ~~30-day~~ period is aggregated to have a value in excess of $3,000; ~~or~~

(d) Individually, or in concert with one ~~I~~ or more other persons, commits three ~~5~~ or more retail thefts within a 120-day ~~30-day~~ period and in committing such thefts obtains or uses 20 or more items of merchandise, and the number of items stolen during each theft is aggregated within the 120-day ~~30-day~~ period to determine the total number of items stolen, regardless of the value of such merchandise, and two ~~2~~ or more of the thefts occur at a different physical retail merchant location; or

(e) Acts in concert with five or more other persons within one or more establishments for the purpose of overwhelming the response of a merchant, merchant's employee, or law enforcement officer in order to carry out the offense or avoid detection or apprehension for the offense and, in the course of organizing or committing the offense, solicits the participation of another person in the offense through the use of a social media platform.

(10) If a person commits retail theft in more than one judicial circuit within a 120-day ~~30-day~~ period, the value of the stolen property resulting from the thefts in each judicial circuit may be aggregated, and the person must be prosecuted by the Office of the Statewide Prosecutor in accordance with s. 16.56.

(11) A person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she violates subsection (8) or subsection (9) and:

(a) Has two or more previous convictions of violations of either or both of those subsections; or

(b) Possesses a firearm during the commission of such offense.

(12) A court must order a person convicted of violating this section to pay restitution, which must include the value of merchandise that was damaged or stolen and the cost of repairing or replacing any other property that was damaged in the course of committing the offense.

Section 1. Paragraphs (b) and (d) through (h) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(b) LEVEL 2

Florida Statute	Felony Degree	Description
379.2431 (1)(e)3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1)(e)4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
403.413(6)(c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
590.28(1)	3rd	Intentional burning of lands.
784.03(3)	3rd	Battery during a riot or an aggravated riot.
784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
806.13(1)(b)3.	3rd	Criminal mischief; damage $1,000 or more to public communication or any other public service.
806.13(3)	3rd	Criminal mischief; damage of $200 or more to a memorial or historic property.
810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
812.014(2)(c)1.	3rd	Grand theft, 3rd degree; $750 or more but less than $5,000.
812.014(2)(d)1. ~~812.014(2)(d)~~	3rd	Grand theft, 3rd degree; $40 ~~$100~~ or more but less than $750, taken from dwelling or its unenclosed curtilage ~~of dwelling~~.
812.014(2)(e)2.	3rd	Petit theft, 1st degree; less than $40 taken from dwelling or its unenclosed curtilage with one prior theft conviction.
812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
817.234(1)(a)2.	3rd	False statement in support of insurance claim.
817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over $300.
817.52(3)	3rd	Failure to redeliver hired vehicle.
817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
817.60(5)	3rd	Dealing in credit cards of another.
817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
817.61	3rd	Fraudulent use of credit cards over $100 or more within 6 months.
826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
831.01	3rd	Forgery.
831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.

831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
832.05(3)(a)	3rd	Cashing or depositing item with intent to defraud.
843.01(2)	3rd	Resist police canine or police horse with violence; under certain circumstances.
843.08	3rd	False personation.
843.19(3)	3rd	Touch or strike police, fire, SAR canine or police horse.
893.13(2)(a)2.	3rd	Purchase of any s. 893.03(1)(c), (2)(c) 1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs other than cannabis.
893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.

(d) LEVEL 4

Florida Statute	Felony Degree	Description
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07(1)	3rd	Failure to register securities.
517.12(1)	3rd	Failure of dealer or associated person of a dealer of securities to register.
784.031	3rd	Battery by strangulation.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.
784.082(3)	3rd	Battery by detained person on visitor or other detainee.
784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
787.07	3rd	Human smuggling.
790.115(1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
794.051(1)	3rd	Indecent, lewd, or lascivious touching of certain minors.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
806.135	2nd	Destroying or demolishing a memorial or historic property.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.

810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014 (2)(c)4. & 6.-10.	3rd	Grand theft, 3rd degree; specified items.
812.014(2)(d)2.	3rd	Grand theft, 3rd degree; $750 or more taken from dwelling or its unenclosed curtilage.
812.014(2)(e)3.	3rd	Petit theft, 1st degree; less than $40 taken from dwelling or its unenclosed curtilage with two or more prior theft convictions.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen $300 or more.
817.505(4)(a)	3rd	Patient brokering.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
817.568(2)(a)	3rd	Fraudulent use of personal identification information.
817.5695(3)(c)	3rd	Exploitation of person 65 years of age or older, value less than $10,000.
817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
828.125(1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
836.14(2)	3rd	Person who commits theft of a sexually explicit image with intent to promote it.
836.14(3)	3rd	Person who willfully possesses a sexually explicit image with certain knowledge, intent, and purpose.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
838.022	3rd	Official misconduct.
839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
843.19(2)	2nd	Injure, disable, or kill police, fire, or SAR canine or police horse.
847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
870.01(3)	2nd	Aggravated rioting.
870.01(5)	2nd	Aggravated inciting a riot.
874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
916.1085 (2)(c)1.	3rd	Introduction of specified contraband into certain DCF facilities.
918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.
944.47(1)(a)6.	3rd	Introduction of contraband (cellular telephone or other portable communication device) into correctional institution.
951.22(1)(h), (j) & (k)	3rd	Intoxicating drug, instrumentality or other device to aid escape, or cellular telephone or other portable communication device introduced into county detention facility.

(e) LEVEL 5

Florida Statute	Felony Degree	Description

316.027(2)(a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
316.1935(4)(a)	2nd	Aggravated fleeing or eluding.
316.80(2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
322.34(6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
327.30(5)	3rd	Vessel accidents involving personal injury; leaving scene.
379.365(2)(c)1.	3rd	Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.
379.367(4)	3rd	Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.
379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
440.381(2)	3rd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected $20,000 or more but less than $100,000.
626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
790.01(3)	3rd	Unlawful carrying of a concealed firearm.
790.162	2nd	Threat to throw or discharge destructive device.
790.163(1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
790.221(1)	2nd	Possession of short-barreled shotgun or machine gun.
790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
796.05(1)	2nd	Live on earnings of a prostitute; 1st offense.
800.04(6)(c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
800.04(7)(b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
806.111(1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
812.014(2)(d)3.	2nd	Grand theft, 2nd degree; theft from 20 or more dwellings or their unenclosed curtilage, or any combination.
812.0145(2)(b)	2nd	Theft from person 65 years of age or older; $10,000 or more but less than $50,000.
812.015 (8)(a) & (c)-(e)	3rd	Retail theft; property stolen is valued at $750 or more and one or more specified acts.
812.015(8)(f)	3rd	Retail theft; multiple thefts within specified period.
812.015(8)(g)	3rd	Retail theft; committed with specified number of other persons.
812.019(1)	2nd	Stolen property; dealing in or trafficking in.
812.081(3)	2nd	Trafficking in trade secrets.
812.131(2)(b)	3rd	Robbery by sudden snatching.
812.16(2)	3rd	Owning, operating, or conducting a chop shop.
817.034(4)(a)2.	2nd	Communications fraud, value $20,000 to $50,000.
817.234(11)(b)	2nd	Insurance fraud; property value $20,000 or more but less than $100,000.

817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, $5,000 or more or use of personal identification information of 10 or more persons.
817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
843.01(1)	3rd	Resist officer with violence to person; resist arrest with violence.
847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.
893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c) 3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.

499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
812.014(2)(b)1.	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.014(2)(c)5.	3rd	Grand theft; third degree; firearm.
812.014(6)	2nd	Theft; property stolen $3,000 or more; coordination of others.
812.015(9)(a)	2nd	Retail theft; property stolen $750 or more; second or subsequent conviction.
812.015(9)(b)	2nd	Retail theft; aggregated property stolen within 120 ~~30~~ days is $3,000 or more; coordination of others.
812.015(9)(d)	2nd	Retail theft; multiple thefts within specified period.
812.015(9)(e)	2nd	Retail theft; committed with specified number of other persons and use of social media platform.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
817.5695(3)(b)	2nd	Exploitation of person 65 years of age or older, value $10,000 or more, but less than $50,000.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.

825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than $10,000.
827.03(2)(c)	3rd	Abuse of a child.
827.03(2)(d)	3rd	Neglect of a child.
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
828.126(3)	3rd	Sexual activities involving animals.
836.05	2nd	Threats; extortion.
836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
918.13(2)(b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)(i)	3rd	Firearm or weapon introduced into county detention facility.

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

And the title is amended as follows:

Delete line 17

and insert:

periods to 120-day periods, in which individual acts

On motion by Rep. Rommel, the House concurred in **Senate Amendment 1 (942840)**.

The question recurred on passage of **CS/HB 549**, as amended. The vote was:

Session Vote Sequence: 975

Representative Clemons in the Chair.

Yeas—83

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

Nays—27

Antone	Cross	Gottlieb	Nixon
Arrington	Daniels	Harris	Rayner
Bartleman	Driskell	Hart	Robinson, F.
Bracy Davis	Dunkley	Hinson	Valdés
Campbell	Eskamani	Hunschofsky	Williams
Cassel	Franklin	Keen	Woodson
Chambliss	Gantt	López, J.	

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 1545, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

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.

(Amendment Bar Code: 285882)

Senate Amendment 1 (with title amendment)—

Delete everything after the enacting clause

and insert:

Section 1. Section 847.01385, Florida Statutes, is created to read:

847.01385 Harmful Communication to a Minor.—

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

(a) "Communication" means any verbal or written communication.

(b) "Sexual activity" has the same meaning as in s. 800.04(1).

(2) An adult who engages in a pattern of communication to a minor that includes explicit and detailed verbal descriptions or narrative accounts of sexual activity, sexual conduct, or sexual excitement and that is harmful to minors commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) A person's ignorance of a minor's age, a minor's misrepresentation of his or her age, a bona fide belief of a minor's age, or a minor's consent may not be raised as a defense in a prosecution for a violation of this section.

Section 2. Paragraphs (c), (e), (f), and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(c) LEVEL 3

Florida Statute	Felony Degree	Description
119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
327.35(2)(b)	3rd	Felony BUI.
328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
379.2431 (1)(e)5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
400.9935(4)(a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
400.9935(4)(e)	3rd	Filing a false license application or other required information or failing to report information.
440.1051(3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
501.001(2)(b)	2nd	Tampers with a consumer product or the container using materially false/ misleading information.
624.401(4)(a)	3rd	Transacting insurance without a certificate of authority.
624.401(4)(b)1.	3rd	Transacting insurance without a certificate of authority; premium collected less than $20,000.
626.902(1)(a) & (b)	3rd	Representing an unauthorized insurer.
697.08	3rd	Equity skimming.
790.15(3)	3rd	Person directs another to discharge firearm from a vehicle.
794.053	3rd	Lewd or lascivious written solicitation of a person 16 or 17 years of age by a person 24 years of age or older.
806.10(1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
806.10(2)	3rd	Interferes with or assaults firefighter in performance of duty.
810.09(2)(c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
812.014(2)(c)2.	3rd	Grand theft; $5,000 or more but less than $10,000.
812.0145(2)(c)	3rd	Theft from person 65 years of age or older; $300 or more but less than $10,000.
812.015(8)(b)	3rd	Retail theft with intent to sell; conspires with others.

812.081(2)	3rd	Theft of a trade secret.
815.04(4)(b)	2nd	Computer offense devised to defraud or obtain property.
817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.
817.233	3rd	Burning to defraud insurer.
817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
817.234(11)(a)	3rd	Insurance fraud; property value less than $20,000.
817.236	3rd	Filing a false motor vehicle insurance application.
817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
817.413(2)	3rd	Sale of used goods of $1,000 or more as new.
817.49(2)(b)1.	3rd	Willful making of a false report of a crime causing great bodily harm, permanent disfigurement, or permanent disability.
831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument with intent to defraud.
831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
836.13(2)	3rd	Person who promotes an altered sexual depiction of an identifiable person without consent.
838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
847.01385	3rd	Harmful Communication to a Minor.
860.15(3)	3rd	Overcharging for repairs and parts.
870.01(2)	3rd	Riot.
870.01(4)	3rd	Inciting a riot.
893.13(1)(a)2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs).
893.13(1)(d)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.
893.13(1)(f)2.	2nd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.
893.13(4)(c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
893.13(6)(a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
893.13(7)(a)9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
893.13(7)(a)10.	3rd	Affix false or forged label to package of controlled substance.
893.13(7)(a)11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
893.13(8)(a)1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
893.13(8)(a)2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
918.13(1)	3rd	Tampering with or fabricating physical evidence.
944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.

985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).

(e) LEVEL 5

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

817.234(11)(b)	2nd	Insurance fraud; property value $20,000 or more but less than $100,000.
817.2341(1), (2)(a) & (3)(a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
817.568(2)(b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, $5,000 or more or use of personal identification information of 10 or more persons.
817.611(2)(a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
817.625(2)(b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
825.1025(4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
~~827.071(4)~~	~~2nd~~	~~Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.~~
~~827.071(5)~~	~~3rd~~	~~Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.~~
828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
836.14(4)	2nd	Person who willfully promotes for financial gain a sexually explicit image of an identifiable person without consent.
839.13(2)(b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
843.01(1)	3rd	Resist officer with violence to person; resist arrest with violence.
847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
874.05(2)(a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
893.13(1)(a)1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs).
893.13(1)(c)2.	2nd	Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(d)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of university.
893.13(1)(e)2.	2nd	Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c) 3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.
893.13(1)(f)1.	1st	Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. drugs) within 1,000 feet of public housing facility.
893.13(4)(b)	2nd	Use or hire of minor; deliver to minor other controlled substance.
893.1351(1)	3rd	Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.

499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from unauthorized person.
499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass destruction, act of arson or violence to state property, or use of firearms in violent manner.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.
810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
812.014(2)(b)1.	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.014(2)(c)5.	3rd	Grand theft; third degree; firearm.
812.014(6)	2nd	Theft; property stolen $3,000 or more; coordination of others.
812.015(9)(a)	2nd	Retail theft; property stolen $750 or more; second or subsequent conviction.
812.015(9)(b)	2nd	Retail theft; aggregated property stolen within 30 days is $3,000 or more; coordination of others.
812.015(9)(d)	2nd	Retail theft; multiple thefts within specified period.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.
817.49(2)(b)2.	2nd	Willful making of a false report of a crime resulting in death.
817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
817.5695(3)(b)	2nd	Exploitation of person 65 years of age or older, value $10,000 or more, but less than $50,000.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.

825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than $10,000.
827.03(2)(c)	3rd	Abuse of a child.
827.03(2)(d)	3rd	Neglect of a child.
~~827.071(2) & (3)~~	~~2nd~~	~~Use or induce a child in a sexual performance, or promote or direct such performance.~~
827.071(5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes child pornography.
828.126(3)	3rd	Sexual activities involving animals.
836.05	2nd	Threats; extortion.
836.10	2nd	Written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
893.131	2nd	Distribution of controlled substances resulting in overdose or serious bodily injury.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
918.13(2)(b)	2nd	Tampering with or fabricating physical evidence relating to a capital felony.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.
944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)(i)	3rd	Firearm or weapon introduced into county detention facility.

(g) LEVEL 7

Florida Statute	Felony Degree	Description
316.027(2)(c)	1st	Accident involving death, failure to stop; leaving scene.
316.193(3)(c)2.	3rd	DUI resulting in serious bodily injury.
316.1935(3)(b)	1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
327.35(3)(c)2.	3rd	Vessel BUI resulting in serious bodily injury.
402.319(2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
409.920 (2)(b)1.a.	3rd	Medicaid provider fraud; $10,000 or less.
409.920 (2)(b)1.b.	2nd	Medicaid provider fraud; more than $10,000, but less than $50,000.
456.065(2)	3rd	Practicing a health care profession without a license.
456.065(2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
458.327(1)	3rd	Practicing medicine without a license.
459.013(1)	3rd	Practicing osteopathic medicine without a license.
460.411(1)	3rd	Practicing chiropractic medicine without a license.
461.012(1)	3rd	Practicing podiatric medicine without a license.
462.17	3rd	Practicing naturopathy without a license.
463.015(1)	3rd	Practicing optometry without a license.
464.016(1)	3rd	Practicing nursing without a license.
465.015(2)	3rd	Practicing pharmacy without a license.

466.026(1)	3rd	Practicing dentistry or dental hygiene without a license.
467.201	3rd	Practicing midwifery without a license.
468.366	3rd	Delivering respiratory care services without a license.
483.828(1)	3rd	Practicing as clinical laboratory personnel without a license.
483.901(7)	3rd	Practicing medical physics without a license.
484.013(1)(c)	3rd	Preparing or dispensing optical devices without a prescription.
484.053	3rd	Dispensing hearing aids without a license.
494.0018(2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.
560.123(8)(b)1.	3rd	Failure to report currency or payment instruments exceeding $300 but less than $20,000 by a money services business.
560.125(5)(a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding $300 but less than $20,000.
655.50(10)(b)1.	3rd	Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.
775.21(10)(a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
775.21(10)(b)	3rd	Sexual predator working where children regularly congregate.
775.21(10)(g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
782.051(3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
782.07(1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
784.045(1)(a)1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
784.045(1)(a)2.	2nd	Aggravated battery; using deadly weapon.
784.045(1)(b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
784.048(4)	3rd	Aggravated stalking; violation of injunction or court order.
784.048(7)	3rd	Aggravated stalking; violation of court order.
784.07(2)(d)	1st	Aggravated battery on law enforcement officer.
784.074(1)(a)	1st	Aggravated battery on sexually violent predators facility staff.
784.08(2)(a)	1st	Aggravated battery on a person 65 years of age or older.
784.081(1)	1st	Aggravated battery on specified official or employee.
784.082(1)	1st	Aggravated battery by detained person on visitor or other detainee.
784.083(1)	1st	Aggravated battery on code inspector.
787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
787.06(3)(e)2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to within the state.
790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
790.16(1)	1st	Discharge of a machine gun under specified circumstances.
790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
790.165(3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.

790.166(3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
790.166(4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
794.08(4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.
796.05(1)	1st	Live on earnings of a prostitute; 2nd offense.
796.05(1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
800.04(5)(c)1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
800.04(5)(c)2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
800.04(5)(e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
806.01(2)	2nd	Maliciously damage structure by fire or explosive.
810.02(3)(a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
810.02(3)(b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
810.02(3)(d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
810.02(3)(e)	2nd	Burglary of authorized emergency vehicle.
812.014(2)(a)1.	1st	Property stolen, valued at $100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
812.014(2)(b)2.	2nd	Property stolen, cargo valued at less than $50,000, grand theft in 2nd degree.
812.014(2)(b)3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
812.014(2)(b)4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
812.014(2)(f)	2nd	Grand theft; second degree; firearm with previous conviction of s. 812.014(2)(c)5.
812.0145(2)(a)	1st	Theft from person 65 years of age or older; $50,000 or more.
812.019(2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
812.131(2)(a)	2nd	Robbery by sudden snatching.
812.133(2)(b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
817.034(4)(a)1.	1st	Communications fraud, value greater than $50,000.
817.234(8)(a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
817.234(9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
817.234(11)(c)	1st	Insurance fraud; property value $100,000 or more.
817.2341 (2)(b) & (3)(b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
817.418(2)(a)	3rd	Offering for sale or advertising personal protective equipment with intent to defraud.
817.504(1)(a)	3rd	Offering or advertising a vaccine with intent to defraud.
817.535(2)(a)	3rd	Filing false lien or other unauthorized document.
817.611(2)(b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
825.102(3)(b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
825.103(3)(b)	2nd	Exploiting an elderly person or disabled adult and property is valued at $10,000 or more, but less than $50,000.

827.03(2)(b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
827.04(3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
827.071(4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes child pornography.
837.05(2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
838.015	2nd	Bribery.
838.016	2nd	Unlawful compensation or reward for official behavior.
838.021(3)(a)	2nd	Unlawful harm to a public servant.
838.22	2nd	Bid tampering.
843.0855(2)	3rd	Impersonation of a public officer or employee.
843.0855(3)	3rd	Unlawful simulation of legal process.
843.0855(4)	3rd	Intimidation of a public officer or employee.
847.0135(3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
847.0135(4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
872.06	2nd	Abuse of a dead human body.
874.05(2)(b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5., within 1,000 feet of property used for religious services or a specified business site.
893.13(4)(a)	1st	Use or hire of minor; deliver to minor other controlled substance.
893.135(1)(a)1.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
893.135 (1)(b)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135 (1)(c)2.a.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
893.135 (1)(c)2.b.	1st	Trafficking in hydrocodone, 50 grams or more, less than 100 grams.
893.135 (1)(c)3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
893.135 (1)(c)3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
893.135 (1)(c)4.b.(I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
893.135 (1)(d)1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
893.135(1)(e)1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5 kilograms.
893.135(1)(f)1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
893.135 (1)(g)1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
893.135 (1)(h)1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
893.135 (1)(j)1.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
893.135 (1)(k)2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
893.135 (1)(m)2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
893.135 (1)(m)2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.

893.135 (1)(n)2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
893.1351(2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
896.101(5)(a)	3rd	Money laundering, financial transactions exceeding $300 but less than $20,000.
896.104(4)(a)1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.
943.0435(4)(c)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
943.0435(8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
943.0435(9)(a)	3rd	Sexual offender; failure to comply with reporting requirements.
943.0435(13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
943.0435(14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
944.607(9)	3rd	Sexual offender; failure to comply with reporting requirements.
944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

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

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to child exploitation offenses; creating s. 847.01385, F.S.; providing definitions; creating the offense of harmful communication to a minor; providing criminal penalties; amending s. 921.0022, F.S.; ranking the offense on the offense severity ranking chart of the Criminal Punishment Code; revising the ranking of specified child exploitation offenses for purposes of the offense severity ranking chart of the Criminal Punishment Code; prohibiting the raising of specified arguments as a defense in a prosecution for certain violations; providing an effective date.

On motion by Rep. Baker, the House concurred in **Senate Amendment 1 (285882)**.

The question recurred on passage of **CS/HB 1545**, as amended. The vote was:

Session Vote Sequence: 976

Representative Clemons in the Chair.

Yeas—100

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

Nays—11

Bracy Davis	Eskamani	Hart	Williams
Campbell	Gantt	Nixon	Woodson
Daniels	Gottlieb	Valdés	

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 975, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

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.

(Amendment Bar Code: 667080)

Senate Amendment 1 (with title amendment)—

Delete everything after the enacting clause
and insert:

Section 1. Effective July 1, 2024, present subsection (6) of section 420.621, Florida Statutes, is redesignated as subsection (7), and a new subsection (6) is added to that section, to read:

420.621 Definitions.—As used in ss. 420.621-420.628, the term:

(6) "Person with lived experience" means any person with current or past experience of homelessness, as defined in 24 C.F.R. s. 578.3, including persons who have accessed or sought homeless services while fleeing domestic violence.

Section 2. Effective July 1, 2024, section 420.6241, Florida Statutes, is created to read:

420.6241 Persons with lived experience.—

(1) LEGISLATIVE INTENT.—The Legislature finds that the ability to provide adequate homeless services is limited due to a shortage of professionals and paraprofessionals in the field. Persons with lived experience of homelessness are uniquely qualified to provide effective support services because they share common life experiences with the persons they assist. A person with lived experience may have a criminal history that prevents him or her from meeting background screening requirements.

(2) QUALIFICATIONS.—A person may seek certification as a person with lived experience if he or she has received homeless services. A continuum of care lead agency serving the homeless must include documentation of the homeless services such person received when requesting a background check of the applicant.

(3) DUTIES OF THE DEPARTMENT.—The department shall ensure that an applicant's background screening required to achieve certification is conducted as provided in subsection (4).

(4) BACKGROUND SCREENING.—

(a) The background screening conducted under this subsection must ensure that the qualified applicant has not, during the preceding 3 years, been arrested for and is not awaiting final disposition of, has not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has not been adjudicated delinquent and the record has been sealed or expunged for, any felony.

(b) The background screening conducted under this subsection must ensure that the qualified applicant has not been arrested for and is not awaiting final disposition of, has not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has not been adjudicated delinquent and the record has been sealed or expunged for, any offense prohibited under any of the following state laws or similar laws of another jurisdiction:

1. Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

2. Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

3. Section 409.920, relating to Medicaid provider fraud, if the offense is a felony of the first or second degree.

4. Section 415.111, relating to criminal penalties for abuse, neglect, or exploitation of vulnerable adults.

5. Any offense that constitutes domestic violence, as defined in s. 741.28.

6. Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this paragraph.

7. Section 782.04, relating to murder.

8. Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or a disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

9. Section 782.071, relating to vehicular homicide.

10. Section 782.09, relating to killing of an unborn child by injury to the mother.

11. Chapter 784, relating to assault, battery, and culpable negligence, if the offense is a felony.

12. Section 787.01, relating to kidnapping.

13. Section 787.02, relating to false imprisonment.

14. Section 787.025, relating to luring or enticing a child.

15. Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

16. Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

17. Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.

18. Section 790.115(2)(b), relating to possessing an electric weapon or device, a destructive device, or any other weapon on school property.

19. Section 794.011, relating to sexual battery.

20. Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.

21. Section 794.05, relating to unlawful sexual activity with certain minors.

22. Section 794.08, relating to female genital mutilation.

23. Section 796.07, relating to procuring another to commit prostitution, except for those offenses expunged pursuant to s. 943.0583.

24. Section 798.02, relating to lewd and lascivious behavior.
25. Chapter 800, relating to lewdness and indecent exposure.
26. Section 806.01, relating to arson.
27. Section 810.02, relating to burglary, if the offense is a felony of the first degree.
28. Section 810.14, relating to voyeurism, if the offense is a felony.
29. Section 810.145, relating to video voyeurism, if the offense is a felony.
30. Section 812.13, relating to robbery.
31. Section 812.131, relating to robbery by sudden snatching.
32. Section 812.133, relating to carjacking.
33. Section 812.135, relating to home-invasion robbery.
34. Section 817.034, relating to communications fraud, if the offense is a felony of the first degree.
35. Section 817.234, relating to false and fraudulent insurance claims, if the offense is a felony of the first or second degree.
36. Section 817.50, relating to fraudulently obtaining goods or services from a health care provider and false reports of a communicable disease.
37. Section 817.505, relating to patient brokering.
38. Section 817.568, relating to fraudulent use of personal identification, if the offense is a felony of the first or second degree.
39. Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or a disabled adult.
40. Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or a disabled person.
41. Section 825.103, relating to exploitation of an elderly person or a disabled adult, if the offense is a felony.
42. Section 826.04, relating to incest.
43. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.
44. Section 827.04, relating to contributing to the delinquency or dependency of a child.
45. Former s. 827.05, relating to negligent treatment of children.
46. Section 827.071, relating to sexual performance by a child.
47. Section 831.30, relating to fraud in obtaining medicinal drugs.
48. Section 831.31, relating to the sale, manufacture, delivery, or possession with intent to sell, manufacture, or deliver any counterfeit controlled substance, if the offense is a felony.
49. Section 843.01, relating to resisting arrest with violence.
50. Section 843.025, relating to depriving a law enforcement, correctional, or correctional probation officer of the means of protection or communication.
51. Section 843.12, relating to aiding in an escape.
52. Section 843.13, relating to aiding in the escape of juvenile inmates of correctional institutions.
53. Chapter 847, relating to obscenity.
54. Section 874.05, relating to encouraging or recruiting another to join a criminal gang.
55. Chapter 893, relating to drug abuse prevention and control, if the offense is a felony of the second degree or greater severity.
56. Section 895.03, relating to racketeering and collection of unlawful debts.
57. Section 896.101, relating to the Florida Money Laundering Act.
58. Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.
59. Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate, resulting in great bodily harm.
60. Section 944.40, relating to escape.
61. Section 944.46, relating to harboring, concealing, or aiding an escaped prisoner.
62. Section 944.47, relating to introduction of contraband into a correctional institution.
63. Section 985.701, relating to sexual misconduct in juvenile justice programs.
64. Section 985.711, relating to introduction of contraband into a detention facility.

(5) EXEMPTION REQUESTS.—An applicant who desires to become a certified person with lived experience but is disqualified under subsection (4) may apply to the department for an exemption from disqualification under s. 435.07, as applicable. The department shall accept or reject an application for exemption within 90 days after receiving the application from the applicant.

Section 3. Effective July 1, 2024, subsection (2) of section 435.04, Florida Statutes, as amended by section 2 of chapter 2023-220, Laws of Florida, is amended to read:

435.04 Level 2 screening standards.—

(2) The security background investigations under this section must ensure that persons subject to this section have not been arrested for and are awaiting final disposition of;, have not been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to;, or have not been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or similar law of another jurisdiction:

(a) Section 39.205, relating to the failure to report child abuse, abandonment, or neglect.

(b) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

(c)~~(b)~~ Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

(d) Section 414.39, relating to fraud, if the offense was a felony.

(e)~~(c)~~ Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.

(f)~~(d)~~ Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this subsection.

(g)~~(e)~~ Section 782.04, relating to murder.

(h)~~(f)~~ Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.

(i)~~(g)~~ Section 782.071, relating to vehicular homicide.

(j)~~(h)~~ Section 782.09, relating to killing of an unborn child by injury to the mother.

(k)~~(i)~~ Chapter 784, relating to assault, battery, and culpable negligence, if the offense was a felony.

(l)~~(j)~~ Section 784.011, relating to assault, if the victim of the offense was a minor.

(m)~~(k)~~ Section 784.021, relating to aggravated assault.

(n)~~(l)~~ Section 784.03, relating to battery, if the victim of the offense was a minor.

(o)~~(m)~~ Section 784.045, relating to aggravated battery.

(p)~~(n)~~ Section 784.075, relating to battery on staff of a detention or commitment facility or on a juvenile probation officer.

(q)~~(o)~~ Section 787.01, relating to kidnapping.

(r)~~(p)~~ Section 787.02, relating to false imprisonment.

(s)~~(q)~~ Section 787.025, relating to luring or enticing a child.

(t)~~(r)~~ Section 787.04(2), relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.

(u)~~(s)~~ Section 787.04(3), relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.

(v) Section 787.06, relating to human trafficking.

(w) Section 787.07, relating to human smuggling.

(x)~~(t)~~ Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.

(y)~~(u)~~ Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon on school property.

(z)~~(v)~~ Section 794.011, relating to sexual battery.

(aa)~~(w)~~ Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.

(bb)~~(x)~~ Section 794.05, relating to unlawful sexual activity with certain minors.

(cc)~~(y)~~ Section 794.08, relating to female genital mutilation.

(dd)~~(z)~~ Chapter 796, relating to prostitution.

(ee)~~(aa)~~ Section 798.02, relating to lewd and lascivious behavior.

(ff)~~(bb)~~ Chapter 800, relating to lewdness and indecent exposure and offenses against students by authority figures.

(gg)~~(cc)~~ Section 806.01, relating to arson.

(hh)~~(dd)~~ Section 810.02, relating to burglary.

(ii)~~(ee)~~ Section 810.14, relating to voyeurism, if the offense is a felony.

(jj)~~(ff)~~ Section 810.145, relating to video voyeurism, if the offense is a felony.

(kk)~~(gg)~~ Chapter 812, relating to theft, robbery, and related crimes, if the offense is a felony.

(ll)~~(hh)~~ Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony.

(mm)~~(ii)~~ Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

(nn)~~(jj)~~ Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.

(oo)~~(kk)~~ Section 825.103, relating to exploitation of an elderly person or disabled adult, if the offense was a felony.

(pp)~~(ll)~~ Section 826.04, relating to incest.

(qq)~~(mm)~~ Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

(rr)~~(nn)~~ Section 827.04, relating to contributing to the delinquency or dependency of a child.

(ss)~~(oo)~~ Former s. 827.05, relating to negligent treatment of children.

(tt)~~(pp)~~ Section 827.071, relating to sexual performance by a child.

(uu) Section 831.311, relating to the unlawful sale, manufacture, alteration, delivery, uttering, or possession of counterfeit-resistant prescription blanks for controlled substances.

(vv) Section 836.10, relating to written or electronic threats to kill, do bodily injury, or conduct a mass shooting or an act of terrorism.

(ww)~~(qq)~~ Section 843.01, relating to resisting arrest with violence.

(xx)~~(rr)~~ Section 843.025, relating to depriving a law enforcement, correctional, or correctional probation officer means of protection or communication.

(yy)~~(ss)~~ Section 843.12, relating to aiding in an escape.

(zz)~~(tt)~~ Section 843.13, relating to aiding in the escape of juvenile inmates in correctional institutions.

(aaa)~~(uu)~~ Chapter 847, relating to obscene literature.

(bbb) Section 859.01, relating to poisoning food or water.

(ccc) Section 873.01, relating to the prohibition on the purchase or sale of human organs and tissue.

(ddd)~~(vv)~~ Section 874.05, relating to encouraging or recruiting another to join a criminal gang.

(eee)~~(ww)~~ Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.

(fff)~~(xx)~~ Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

(ggg)~~(yy)~~ Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.

(hhh)~~(zz)~~ Section 944.40, relating to escape.

(iii)~~(aaa)~~ Section 944.46, relating to harboring, concealing, or aiding an escaped prisoner.

(jjj)~~(bbb)~~ Section 944.47, relating to introduction of contraband into a correctional facility.

(kkk)~~(ccc)~~ Section 985.701, relating to sexual misconduct in juvenile justice programs.

(lll)~~(ddd)~~ Section 985.711, relating to contraband introduced into detention facilities.

Section 4. Effective July 1, 2024, subsection (1) of section 435.07, Florida Statutes, as amended by section 3 of chapter 2023-220, Laws of Florida, is amended to read:

435.07 Exemptions from disqualification.—Unless otherwise provided by law, the provisions of this section apply to exemptions from disqualification for disqualifying offenses revealed pursuant to background screenings required under this chapter, regardless of whether those disqualifying offenses are listed in this chapter or other laws.

(1)(a) The head of the appropriate agency or qualified entity may grant to any employee or person with an affiliation otherwise disqualified from employment an exemption from disqualification for:

1. Felonies for which at least 2 ~~3~~ years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying felony;

2. Misdemeanors prohibited under any of the statutes cited in this chapter or under similar statutes of other jurisdictions for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court;

3. Offenses that were felonies when committed but that are now misdemeanors and for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court; or

4. Findings of delinquency. For offenses that would be felonies if committed by an adult and the record has not been sealed or expunged, the exemption may not be granted until at least 3 years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying offense.

(b) A person applying for an exemption who was ordered to pay any amount for any fee, fine, fund, lien, ~~civil judgment,~~ application, costs of prosecution, trust, or restitution as part of the judgment and sentence for any disqualifying felony or misdemeanor must pay the court-ordered amount in full before he or she is eligible for the exemption.

For the purposes of this subsection, the term "felonies" means both felonies prohibited under any of the statutes cited in this chapter or under similar statutes of other jurisdictions.

Section 5. Effective July 1, 2024, paragraph (a) of subsection (2) of section 943.0438, Florida Statutes, as amended by section 5 of chapter 2023-220, Laws of Florida, is amended to read:

943.0438 Athletic coaches for independent sanctioning authorities.—

(2) An independent sanctioning authority shall:

(a) Effective January 1, 2025, conduct a level 2 background screening under s. 435.04 of each current and prospective athletic coach. The authority may not delegate this responsibility to an individual team and may not authorize any person to act as an athletic coach unless a level 2 background screening is conducted and does not result in disqualification under paragraph (b).

Section 6. Subsection (1) of section 456.0135, Florida Statutes, is amended to read:

456.0135 General background screening provisions.—

(1) An application for initial licensure received on or after January 1, 2013, under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, s. 465.007, s. 465.0075, chapter 466, chapter 467, part I, part II, part III, part V, part X ~~s. 465.022~~, part XIII, or part XIV of chapter 468, chapter 478, ~~or~~ chapter 480, chapter 483, chapter 484, chapter 486, chapter 490, or chapter 491 must ~~shall~~ include fingerprints pursuant to procedures established by the department through a vendor approved by the Department of Law Enforcement and fees imposed for the initial screening and retention of fingerprints. Fingerprints must be submitted electronically to the Department of Law Enforcement for state processing, and the Department of Law Enforcement shall forward the fingerprints to the Federal Bureau of Investigation for national processing. Each board, or the department if there is no board, must ~~shall~~ screen the results to determine whether ~~if~~ an applicant meets licensure requirements. For any subsequent renewal of the applicant's license which ~~that~~ requires a national criminal history check, the department shall request the Department of Law Enforcement to forward the retained fingerprints of the applicant to the Federal Bureau of Investigation unless the fingerprints are enrolled in the national retained print arrest notification program.

Section 7. Beginning July 1, 2025, the amendments made by this act to s. 456.0135, Florida Statutes, apply to applicants seeking initial licensure in any of the health care professions specified in that section. To ensure that all health care practitioners practicing in the health care professions subject to the background screening requirements for initial licensure under s. 456.0135, Florida Statutes, as amended by this act, are screened, health care practitioners who were already licensed in such health care professions before July 1, 2025, must submit to background screening in accordance with s. 456.0135, Florida Statutes, by their next licensure renewal that takes place

on or after July 1, 2025, notwithstanding the fact that s. 456.0135, Florida Statutes, applies to initial licensure only. The Department of Health may not renew the license of such a health care practitioner after July 1, 2025, until he or she complies with these background screening requirements.

Section 8. Subsection (2) of section 457.105, Florida Statutes, as amended by SB 1600, 2024 Regular Session, is amended to read:

457.105 Licensure qualifications and fees.—

(2) A person may become licensed to practice acupuncture if the person applies to the department and meets all of the following criteria:

(a) Is 21 years of age or older, has good moral character, and has the ability to communicate in English, which is demonstrated by having passed the national written examination in English or, if such examination was passed in a foreign language, by also having passed a nationally recognized English proficiency examination.;

(b) Has completed 60 college credits from an accredited postsecondary institution as a prerequisite to enrollment in an authorized 3-year course of study in acupuncture and oriental medicine, and has completed a 3-year course of study in acupuncture and oriental medicine, and effective July 31, 2001, a 4-year course of study in acupuncture and oriental medicine, which meets standards established by the board by rule, which standards include, but are not limited to, successful completion of academic courses in western anatomy, western physiology, western pathology, western biomedical terminology, first aid, and cardiopulmonary resuscitation (CPR). However, any person who enrolled in an authorized course of study in acupuncture before August 1, 1997, must have completed only a 2-year course of study which meets standards established by the board by rule, which standards must include, but are not limited to, successful completion of academic courses in western anatomy, western physiology, and western pathology.;

(c) Has successfully completed a board-approved national certification process, meets the requirements for licensure by endorsement under s. 456.0145, or passes an examination administered by the department, which examination tests the applicant's competency and knowledge of the practice of acupuncture and oriental medicine. At the request of any applicant, oriental nomenclature for the points must ~~shall~~ be used in the examination. The examination must ~~shall~~ include a practical examination of the knowledge and skills required to practice modern and traditional acupuncture and oriental medicine, covering diagnostic and treatment techniques and procedures.; ~~and~~

(d) Pays the required fees set by the board by rule not to exceed the following amounts:

1. Examination fee: $500 plus the actual per applicant cost to the department for purchase of the written and practical portions of the examination from a national organization approved by the board.

2. Application fee: $300.

3. Reexamination fee: $500 plus the actual per applicant cost to the department for purchase of the written and practical portions of the examination from a national organization approved by the board.

4. Initial biennial licensure fee: $400, if licensed in the first half of the biennium, and $200, if licensed in the second half of the biennium.

(e) Submits to background screening in accordance with s. 456.0135.

Section 9. Subsection (1) of section 463.006, Florida Statutes, is amended to read:

463.006 Licensure and certification by examination.—

(1) Any person desiring to be a licensed practitioner under ~~pursuant to~~ this chapter must apply to the department, submit to background screening in accordance with s. 456.0135, and ~~must~~ submit proof to the department that she or he meets all of the following criteria:

(a) Has completed the application forms as required by the board, remitted an application fee for certification not to exceed $250, remitted an examination fee for certification not to exceed $250, and remitted an examination fee for licensure not to exceed $325, all as set by the board.

(b) Is at least 18 years of age.

(c) Has graduated from an accredited school or college of optometry approved by rule of the board.

(d) Is of good moral character.

(e) Has successfully completed at least 110 hours of transcript-quality coursework and clinical training in general and ocular pharmacology as determined by the board, at an institution that:

1. Has facilities for both didactic and clinical instructions in pharmacology; and

2. Is accredited by a regional or professional accrediting organization that is recognized and approved by the Commission on Recognition of Postsecondary Accreditation or the United States Department of Education.

(f) Has completed at least 1 year of supervised experience in differential diagnosis of eye disease or disorders as part of the optometric training or in a clinical setting as part of the optometric experience.

Section 10. Subsection (1) of section 465.007, Florida Statutes, is amended to read:

465.007 Licensure by examination.—

(1) Any person desiring to be licensed as a pharmacist shall apply to the department to take the licensure examination. The department shall examine each applicant who the board certifies has met all of the following criteria:

(a) Completed the application form and remitted an examination fee set by the board not to exceed $100 plus the actual per applicant cost to the department for purchase of portions of the examination from the National Association of Boards of Pharmacy or a similar national organization. The fees authorized under this section shall be established in sufficient amounts to cover administrative costs.

(b) Submitted to background screening in accordance with s. 456.0135.

(c)~~(b)~~ Submitted satisfactory proof that she or he is not less than 18 years of age and:

1. Is a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education; or

2. Is a graduate of a 4-year undergraduate pharmacy program of a school or college of pharmacy located outside the United States, has demonstrated proficiency in English by passing both the Test of English as a Foreign Language (TOEFL) and the Test of Spoken English (TSE), has passed the Foreign Pharmacy Graduate Equivalency Examination that is approved by rule of the board, and has completed a minimum of 500 hours in a supervised work activity program within this state under the supervision of a pharmacist licensed by the department, which program is approved by the board.

(d)~~(c)~~ Submitted satisfactory proof that she or he has completed an internship program approved by the board. No such board-approved program shall exceed 2,080 hours, all of which may be obtained prior to graduation.

Section 11. Subsection (1) of section 465.0075, Florida Statutes, as amended by SB 1600, 2024 Regular Session, is amended to read:

465.0075 Licensure by endorsement; requirements; fee.—The department shall issue a license by endorsement to any applicant who, upon applying to the department, submitting to background screening in accordance with s. 456.0135, and remitting a nonrefundable fee set by the board in an amount not to exceed $100, the board certifies has met the requirements for licensure by endorsement under s. 456.0145.

Section 12. Paragraph (b) of subsection (1) of section 466.006, Florida Statutes, is amended to read:

466.006 Examination of dentists.—

(1)

(b)1. Any person desiring to be licensed as a dentist shall apply to the department to take the licensure examinations and shall verify the information required on the application by oath. The application must ~~shall~~ include two recent photographs. There shall be an application fee set by the board not to exceed $100 which shall be nonrefundable and~~. There shall also be~~ an examination fee set by the board~~, which shall~~ not to exceed $425 plus the actual per applicant cost to the department for purchase of some or all of the examination from the American Board of Dental Examiners or its successor entity, if any, provided the board finds the successor entity's clinical examination complies with ~~the provisions of~~ this section. The examination fee may be refunded ~~refundable~~ if the applicant is found ineligible to take the examinations.

2. Applicants for licensure must also submit to background screening in accordance with s. 456.0135.

Section 13. Section 466.0067, Florida Statutes, is amended to read:

466.0067 Application for health access dental license.—The Legislature finds that there is an important state interest in attracting dentists to practice in underserved health access settings in this state and further, that allowing out-

of-state dentists who meet certain criteria to practice in health access settings without the supervision of a dentist licensed in this state is substantially related to achieving this important state interest. Therefore, notwithstanding the requirements of s. 466.006, the board shall grant a health access dental license to practice dentistry in this state in health access settings as defined in s. 466.003 to an applicant who meets all of the following criteria:

(1) Files an appropriate application approved by the board.;

(2) Pays an application license fee for a health access dental license, laws-and-rule exam fee, and an initial licensure fee. The fees specified in this subsection may not differ from an applicant seeking licensure pursuant to s. 466.006.;

(3) Has submitted to background screening in accordance with s. 456.0135 and has not been convicted of or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession.;

(4) Submits proof of graduation from a dental school accredited by the Commission on Dental Accreditation of the American Dental Association or its successor agency.;

(5) Submits documentation that she or he has completed, or will obtain before licensure, continuing education equivalent to this state's requirement for dentists licensed under s. 466.006 for the last full reporting biennium before applying for a health access dental license.;

(6) Submits proof of her or his successful completion of parts I and II of the dental examination by the National Board of Dental Examiners and a state or regional clinical dental licensing examination that the board has determined effectively measures the applicant's ability to practice safely.;

(7) Currently holds a valid, active dental license in good standing which has not been revoked, suspended, restricted, or otherwise disciplined from another of the United States, the District of Columbia, or a United States territory.;

(8) Has never had a license revoked from another of the United States, the District of Columbia, or a United States territory.;

(9) Has never failed the examination specified in s. 466.006, unless the applicant was reexamined pursuant to s. 466.006 and received a license to practice dentistry in this state.;

(10) Has not been reported to the National Practitioner Data Bank, unless the applicant successfully appealed to have his or her name removed from the data bank.;

(11) Submits proof that he or she has been engaged in the active, clinical practice of dentistry providing direct patient care for 5 years immediately preceding the date of application, or in instances when the applicant has graduated from an accredited dental school within the preceding 5 years, submits proof of continuous clinical practice providing direct patient care since graduation.; and

(12) Has passed an examination covering the laws and rules of the practice of dentistry in this state as described in s. 466.006(4)(a).

Section 14. Subsection (1) of section 466.007, Florida Statutes, is amended to read:

466.007 Examination of dental hygienists.—

(1)(a) Any person desiring to be licensed as a dental hygienist shall apply to the department to take the licensure examinations and shall verify the information required on the application by oath. The application must ~~shall~~ include two recent photographs of the applicant. There shall be a nonrefundable application fee set by the board not to exceed $100 and an examination fee set by the board ~~which shall~~ not to exceed ~~be more than~~ $225. The examination fee may be refunded if the applicant is found ineligible to take the examinations.

(b) Applicants for licensure must also submit to background screening in accordance with s. 456.0135.

Section 15. Subsection (5) is added to section 467.011, Florida Statutes, to read:

467.011 Licensed midwives; qualifications; examination.—The department shall issue a license to practice midwifery to an applicant who meets all of the following criteria:

(5) Submits to background screening in accordance with s. 456.0135.

Section 16. Subsection (2) of section 468.1185, Florida Statutes, is amended to read:

468.1185 Licensure.—

(2) The board shall certify for licensure any applicant who has met all of the following criteria:

(a) Satisfied the education and supervised clinical requirements of s. 468.1155.

(b) Satisfied the professional experience requirement of s. 468.1165.

(c) Passed the licensure examination required by s. 468.1175.

(d) For an applicant for an audiologist license who has obtained a doctoral degree in audiology, has satisfied the education and supervised clinical requirements of paragraph (a) and the professional experience requirements of paragraph (b).

(e) Submitted to background screening in accordance with s. 456.0135.

Section 17. Subsections (1) and (2) of section 468.1215, Florida Statutes, are amended to read:

468.1215 Speech-language pathology assistant and audiology assistant; certification.—

(1) The department shall issue a certificate as a speech-language pathology assistant to each applicant who the board certifies has met all of the following criteria:

(a) Completed the application form and remitted the required fees, including a nonrefundable application fee.

(b) Submitted to background screening in accordance with s. 456.0135.

(c)~~(b)~~ Earned a bachelor's degree from a college or university accredited by a regional association of colleges and schools recognized by the Department of Education which includes at least 24 semester hours of coursework as approved by the board at an institution accredited by an accrediting agency recognized by the Council for Higher Education Accreditation.

(2) The department shall issue a certificate as an audiology assistant to each applicant who the board certifies has met all of the following criteria:

(a) Completed the application form and remitted the required fees, including a nonrefundable application fee.

(b) Submitted to background screening in accordance with s. 456.0135.

(c)~~(b)~~ Earned a high school diploma or its equivalent.

Section 18. Present subsections (2), (3), and (4) of section 468.1695, Florida Statutes, are redesignated as subsections (3), (4), and (5), respectively, a new subsection (2) is added to that section, and present subsection (2) of that section is amended, to read:

468.1695 Licensure by examination.—

(2) Applicants for licensure must also submit to background screening in accordance with s. 456.0135.

(3)~~(2)~~ The department shall examine each applicant who the board certifies has completed the application form, submitted to background screening, and remitted an examination fee set by the board not to exceed $250 and who:

(a)1. Holds a baccalaureate degree from an accredited college or university and majored in health care administration, health services administration, or an equivalent major, or has credit for at least 60 semester hours in subjects, as prescribed by rule of the board, which prepare the applicant for total management of a nursing home; and

2. Has fulfilled the requirements of a college-affiliated or university-affiliated internship in nursing home administration or of a 1,000-hour nursing home administrator-in-training program prescribed by the board; or

(b)1. Holds a baccalaureate degree from an accredited college or university; and

2.a. Has fulfilled the requirements of a 2,000-hour nursing home administrator-in-training program prescribed by the board; or

b. Has 1 year of management experience allowing for the application of executive duties and skills, including the staffing, budgeting, and directing of resident care, dietary, and bookkeeping departments within a skilled nursing facility, hospital, hospice, assisted living facility with a minimum of 60 licensed beds, or geriatric residential treatment program and, if such experience is not in a skilled nursing facility, has fulfilled the requirements of a 1,000-hour nursing home administrator-in-training program prescribed by the board.

Section 19. Subsections (1) and (2) of section 468.209, Florida Statutes, are amended to read:

468.209 Requirements for licensure.—

(1) An applicant applying for a license as an occupational therapist or as an occupational therapy assistant shall apply to the department on forms furnished by the department. The department shall license each applicant who the board certifies meets all of the following criteria:

(a) Has completed the ~~file a written~~ application form and remitted~~, accompanied by~~ the application for licensure fee prescribed in s. 468.221.

(b) Has submitted to background screening in accordance with s. 456.0135.~~, on forms provided by the department, showing to the satisfaction of the board that she or he:~~

(c)~~(a)~~ Is of good moral character.

(d)~~(b)~~ Has successfully completed the academic requirements of an educational program in occupational therapy recognized by the board, with concentration in biologic or physical science, psychology, and sociology, and with education in selected manual skills. Such a program shall be accredited by the American Occupational Therapy Association's Accreditation Council for Occupational Therapy Education, or its successor.

(e)~~(c)~~ Has successfully completed a period of supervised fieldwork experience at a recognized educational institution or a training program approved by the educational institution where she or he met the academic requirements. For an occupational therapist, a minimum of 6 months of supervised fieldwork experience is required. For an occupational therapy assistant, a minimum of 2 months of supervised fieldwork experience is required.

(f)~~(d)~~ Has passed an examination conducted or adopted by the board as provided in s. 468.211.

(2) An applicant who has practiced as a state-licensed or American Occupational Therapy Association-certified occupational therapy assistant for 4 years and who, before January 24, 1988, completed a minimum of 24 weeks of supervised occupational-therapist-level fieldwork experience may take the examination to be licensed as an occupational therapist without meeting the educational requirements for occupational therapists made otherwise applicable under paragraph (1)(d) ~~(1)(b)~~.

Section 20. Subsection (3) is added to section 468.213, Florida Statutes, to read:

468.213 Licensure by endorsement.—

(3) Applicants for licensure by endorsement under s. 456.0145 must submit to background screening in accordance with s. 456.0135.

Section 21. Section 468.355, Florida Statutes, is amended to read:

468.355 Licensure requirements.—To be eligible for licensure by the board, an applicant must be an active "certified respiratory therapist" or an active "registered respiratory therapist" as designated by the National Board for Respiratory Care, or its successor, and submit to background screening in accordance with s. 456.0135.

Section 22. Subsection (4) of section 468.358, Florida Statutes, is amended to read:

468.358 Licensure by endorsement.—

(4) Applicants for licensure ~~shall not be granted~~ by endorsement under ~~as provided in~~ this section must submit ~~without the submission of~~ a proper application, remit ~~and the payment of~~ the requisite application fee, and submit to background screening in accordance with s. 456.0135 ~~fees therefor~~.

Section 23. Present subsections (2), (3), and (4) of section 468.509, Florida Statutes, are redesignated as subsections (3), (4), and (5), respectively, a new subsection (2) is added to that section, and present subsection (2) of that section is amended, to read:

468.509 Dietitian/nutritionist; requirements for licensure.—

(2) Applicants for licensure must also submit to background screening in accordance with s. 456.0135.

(3)~~(2)~~ The department shall examine any applicant who the board certifies has completed the application form, submitted to background screening, and remitted the application and examination fees specified in s. 468.508 and who:

(a)1. Possesses a baccalaureate or postbaccalaureate degree with a major course of study in human nutrition, food and nutrition, dietetics, or food management, or an equivalent major course of study, from a school or program accredited, at the time of the applicant's graduation, by the appropriate accrediting agency recognized by the Commission on Recognition of Postsecondary Accreditation and the United States Department of Education; and

2. Has completed a preprofessional experience component of not less than 900 hours or has education or experience determined to be equivalent by the board; or

(b)1. Has an academic degree, from a foreign country, that has been validated by an accrediting agency approved by the United States Department of Education as equivalent to the baccalaureate or postbaccalaureate degree conferred by a regionally accredited college or university in the United States;

2. Has completed a major course of study in human nutrition, food and nutrition, dietetics, or food management; and

3. Has completed a preprofessional experience component of not less than 900 hours or has education or experience determined to be equivalent by the board.

Section 24. Section 468.513, Florida Statutes, as amended by SB 1600, 2024 Regular Session, is amended to read:

468.513 Dietitian/nutritionist; licensure by endorsement.—The department shall issue a license to practice dietetics and nutrition by endorsement to any applicant who submits to background screening in accordance with s. 456.0135 and meets the requirements for licensure by endorsement under s. 456.0145, upon receipt of a completed application and the fee specified in s. 468.508.

Section 25. Subsection (2) of section 468.803, Florida Statutes, is amended to read:

468.803 License, registration, and examination requirements.—

(2) An applicant for registration, examination, or licensure must apply to the department on a form prescribed by the board for consideration of board approval. Each initial applicant shall submit fingerprints to the department in accordance with s. 456.0135 and any other procedures specified by the department for state and national criminal history checks of the applicant. The board shall screen the results to determine if an applicant meets licensure requirements. The board shall consider for examination, registration, or licensure each applicant whom the board verifies meets all of the following criteria:

(a) Has submitted the completed application and completed the fingerprinting requirements and has paid the applicable application fee, not to exceed $500. The application fee is nonrefundable.~~;~~

(b) Is of good moral character.~~;~~

(c) Is 18 years of age or older.~~; and~~

(d) Has completed the appropriate educational preparation.

Section 26. Subsection (1) of section 478.45, Florida Statutes, is amended to read:

478.45 Requirements for licensure.—

(1) An applicant applying for licensure as an electrologist shall apply to the department on forms furnished by the department. The department shall license each applicant who the board certifies meets all of the following criteria:

(a) Has completed the ~~file a written~~ application form and remitted~~, accompanied by~~ the application for licensure fee prescribed in s. 478.55.

(b) Has submitted to background screening in accordance with s. 456.0135.~~, on a form provided by the board, showing to the satisfaction of the board that the applicant:~~

(c)~~(a)~~ Is at least 18 years old.

(d)~~(b)~~ Is of good moral character.

(e)~~(c)~~ Possesses a high school diploma or a high school equivalency diploma.

(f)~~(d)~~ Has not committed an act in any jurisdiction which would constitute grounds for disciplining an electrologist in this state.

(g)~~(e)~~ Has successfully completed the academic requirements of an electrolysis training program, not to exceed 120 hours, and the practical application thereof as approved by the board.

Section 27. Section 483.815, Florida Statutes, is amended to read:

483.815 Application for clinical laboratory personnel license.—An application for a clinical laboratory personnel license shall be made under oath on forms provided by the department and shall be accompanied by payment of fees as provided by this part. Applicants for licensure must also submit to background screening in accordance with s. 456.0135. A license

may be issued authorizing the performance of procedures of one or more categories.

Section 28. Present paragraphs (b) through (k) of subsection (4) of section 483.901, Florida Statutes, are redesignated as paragraphs (c) through (l), respectively, a new paragraph (b) is added to that subsection, and paragraph (a) of that subsection is amended, to read:

483.901 Medical physicists; definitions; licensure.—

(4) LICENSE REQUIRED.—An individual may not engage in the practice of medical physics, including the specialties of diagnostic radiological physics, therapeutic radiological physics, medical nuclear radiological physics, or medical health physics, without a license issued by the department for the appropriate specialty.

(a) The department shall adopt rules to administer this section which specify license application and renewal fees, continuing education requirements, background screening requirements, and standards for practicing medical physics. The department shall require a minimum of 24 hours per biennium of continuing education offered by an organization approved by the department. The department may adopt rules to specify continuing education requirements for persons who hold a license in more than one specialty.

(b) Applicants for a medical physicist license must submit to background screening in accordance with s. 456.0135.

Section 29. Subsections (2) and (3) of section 483.914, Florida Statutes, are amended to read:

483.914 Licensure requirements.—

(2) The department shall issue a license, valid for 2 years, to each applicant who meets all of the following criteria:

(a) Has completed an application.

(b) Has submitted to background screening in accordance with s. 456.0135.

(c)~~(b)~~ Is of good moral character.

(d)~~(c)~~ Provides satisfactory documentation of having earned:

1. A master's degree from a genetic counseling training program or its equivalent as determined by the Accreditation Council of Genetic Counseling or its successor or an equivalent entity; or

2. A doctoral degree from a medical genetics training program accredited by the American Board of Medical Genetics and Genomics or the Canadian College of Medical Geneticists.

(e)~~(d)~~ Has passed the examination for certification as:

1. A genetic counselor by the American Board of Genetic Counseling, Inc., the American Board of Medical Genetics and Genomics, or the Canadian Association of Genetic Counsellors; or

2. A medical or clinical geneticist by the American Board of Medical Genetics and Genomics or the Canadian College of Medical Geneticists.

(3) The department may issue a temporary license for up to 2 years to an applicant who meets all requirements for licensure except for the certification examination requirement imposed under paragraph (2)(e) ~~(2)(d)~~ and is eligible to sit for that certification examination.

Section 30. Present paragraphs (b), (c), and (d) of subsection (1) of section 484.007, Florida Statutes, as amended by SB 1600, 2024 Regular Session, are redesignated as paragraphs (c), (d), and (e), respectively, and a new paragraph (b) is added to that subsection, to read:

484.007 Licensure of opticians; permitting of optical establishments.—

(1) Any person desiring to practice opticianry shall apply to the department, upon forms prescribed by it, to take a licensure examination. The department shall examine each applicant who the board certifies meets all of the following criteria:

(b) Submits to background screening in accordance with s. 456.0135.

Section 31. Subsection (2) of section 484.045, Florida Statutes, is amended to read:

484.045 Licensure by examination.—

(2) The department shall license each applicant who the board certifies meets all of the following criteria:

(a) Has completed the application form and remitted the required fees.

(b) Has submitted to background screening in accordance with s. 456.0135.

(c)~~(b)~~ Is of good moral character.

(d)~~(c)~~ Is 18 years of age or older.

(e)~~(d)~~ Is a graduate of an accredited high school or its equivalent.

(f)1.~~(e)1.~~ Has met the requirements of the training program; or

2.a. Has a valid, current license as a hearing aid specialist or its equivalent from another state and has been actively practicing in such capacity for at least 12 months; or

b. Is currently certified by the National Board for Certification in Hearing Instrument Sciences and has been actively practicing for at least 12 months.

(g)~~(f)~~ Has passed an examination, as prescribed by board rule.

(h)~~(g)~~ Has demonstrated, in a manner designated by rule of the board, knowledge of state laws and rules relating to the fitting and dispensing of prescription hearing aids.

Section 32. Subsection (1) of section 486.031, Florida Statutes, as amended by SB 1600 and SB 7016, 2024 Regular Session, is amended to read:

486.031 Physical therapist; licensing requirements; exemption.—

(1) To be eligible for licensing as a physical therapist, an applicant must meet all of the following criteria:

(a) Be at least 18 years old.~~;~~

(b) Be of good moral character.~~; and~~

(c)1. Have graduated from a school of physical therapy which has been approved for the educational preparation of physical therapists by the appropriate accrediting agency recognized by the Council for Higher Education Accreditation, or its successor or the United States Department of Education at the time of her or his graduation and have passed, to the satisfaction of the board, the American Registry Examination before 1971 or a national examination approved by the board to determine her or his fitness for practice as a physical therapist under this chapter;

2. Have received a diploma from a program in physical therapy in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of physical therapists in this country, as recognized by the appropriate agency as identified by the board, and have passed to the satisfaction of the board an examination to determine her or his fitness for practice as a physical therapist under this chapter; or

3. Be entitled to licensure by endorsement or without examination as provided in s. 486.081.

(d) Have submitted to background screening in accordance with s. 456.0135.

Section 33. Subsection (1) of section 486.102, Florida Statutes, as amended by SB 1600 and SB 7016, 2024 Regular Session, is amended to read:

486.102 Physical therapist assistant; licensing requirements; exemption.—

(1) To be eligible for licensing by the board as a physical therapist assistant, an applicant must meet all of the following criteria:

(a) Be at least 18 years old.~~;~~

(b) Be of good moral character.~~; and~~

(c)1. Have graduated from a school providing a course of at least 2 years for physical therapist assistants, which has been approved for the educational preparation of physical therapist assistants by the appropriate accrediting agency recognized by the Council for Higher Education Accreditation or its successor or the United States Department of Education~~,~~ at the time of her or his graduation and have passed to the satisfaction of the board an examination to determine her or his fitness for practice as a physical therapist assistant under this chapter;

2. Have graduated from a school providing a course for physical therapist assistants in a foreign country and have educational credentials deemed equivalent to those required for the educational preparation of physical therapist assistants in this country, as recognized by the appropriate agency as identified by the board, and passed to the satisfaction of the board an examination to determine her or his fitness for practice as a physical therapist assistant under this chapter;

3. Be entitled to licensure by endorsement as provided in s. 486.107; or

4. Have been enrolled between July 1, 2014, and July 1, 2016, in a physical therapist assistant school in this state which was accredited at the time of enrollment; and

a. Have graduated ~~or be eligible to graduate from such school no later than July 1, 2018~~; and

b. Have passed to the satisfaction of the board an examination to determine his or her fitness for practice as a physical therapist assistant as provided in s. 486.104.

(d) Have submitted to background screening in accordance with s. 456.0135.

Section 34. Present paragraphs (b), (c), and (d) of subsection (1) of section 490.005, Florida Statutes, are redesignated as paragraphs (c), (d), and (e), respectively, a new paragraph (b) is added to that subsection, and subsection (2) of that section is amended, to read:

490.005 Licensure by examination.—

(1) Any person desiring to be licensed as a psychologist shall apply to the department to take the licensure examination. The department shall license each applicant whom the board certifies has met all of the following requirements:

(b) Submitted to background screening in accordance with s. 456.0135.

(2) Any person desiring to be licensed as a school psychologist shall apply to the department to take the licensure examination. The department shall license each applicant who the department certifies has met all of the following requirements:

(a) Satisfactorily completed the application form and submitted a nonrefundable application fee not to exceed $250 and an examination fee sufficient to cover the per applicant cost to the department for development, purchase, and administration of the examination, but not to exceed $250 as set by department rule.

(b) Submitted to background screening in accordance with s. 456.0135.

(c)~~(b)~~ Submitted satisfactory proof to the department that the applicant:

1. Has received a doctorate, specialist, or equivalent degree from a program primarily psychological in nature and has completed 60 semester hours or 90 quarter hours of graduate study, in areas related to school psychology as defined by rule of the department, from a college or university which at the time the applicant was enrolled and graduated was accredited by an accrediting agency recognized and approved by the Council for Higher Education Accreditation or its successor organization or from an institution that is a member in good standing with the Association of Universities and Colleges of Canada.

2. Has had a minimum of 3 years of experience in school psychology, 2 years of which must be supervised by an individual who is a licensed school psychologist or who has otherwise qualified as a school psychologist supervisor, by education and experience, as set forth by rule of the department. A doctoral internship may be applied toward the supervision requirement.

3. Has passed an examination provided by the department.

Section 35. Present paragraphs (b) and (c) of subsection (1) of section 490.0051, Florida Statutes, are redesignated as paragraphs (c) and (d), respectively, and a new paragraph (b) is added to that subsection, to read:

490.0051 Provisional licensure; requirements.—

(1) The department shall issue a provisional psychology license to each applicant whom the board certifies has met all of the following criteria:

(b) Submitted to background screening in accordance with s. 456.0135.

Section 36. Subsection (1) of section 490.006, Florida Statutes, as amended by SB 1600, 2024 Regular Session, is amended to read:

490.006 Licensure by endorsement.—

(1) The department shall license a person as a psychologist or school psychologist who, upon applying to the department, submitting to background screening in accordance with s. 456.0135, and remitting the appropriate fee, demonstrates to the department or, in the case of psychologists, to the board that the applicant meets the requirements for licensure by endorsement under s. 456.0145.

Section 37. Subsections (1), (2), (4), and (6) of section 491.0045, Florida Statutes, are amended to read:

491.0045 Intern registration; requirements.—

(1) An individual who has not satisfied the postgraduate or post-master's level experience requirements, as specified in s. 491.005(1)(d), (3)(d), or (4)(d) ~~s. 491.005(1)(e), (3)(e), or (4)(e)~~, must register as an intern in the profession for which he or she is seeking licensure before commencing the post-master's experience requirement or an individual who intends to satisfy part of the required graduate-level practicum, internship, or field experience, outside the academic arena for any profession, and must register as an intern in the profession for which he or she is seeking licensure before commencing the practicum, internship, or field experience.

(2) The department shall register as a clinical social worker intern, marriage and family therapist intern, or mental health counselor intern each applicant who the board certifies has met all of the following criteria:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed $200, as set by board rule.~~;~~

(b) Submitted to background screening in accordance with s. 456.0135.

(c)~~(b)~~1. Completed the education requirements as specified in s. 491.005(1)(d), (3)(d), or (4)(d) ~~s. 491.005(1)(e), (3)(e), or (4)(e)~~ for the profession for which he or she is applying for licensure, if needed; and

2. Submitted an acceptable supervision plan, as determined by the board, for meeting the practicum, internship, or field work required for licensure that was not satisfied in his or her graduate program.

(d)~~(c)~~ Identified a qualified supervisor.

(4) An individual who fails to comply with this section may not be granted a license under this chapter, and any time spent by the individual completing the experience requirement as specified in s. 491.005(1)(d), (3)(d), or (4)(d) ~~s. 491.005(1)(e), (3)(e), or (4)(e)~~ before registering as an intern does not count toward completion of the requirement.

(6) Any registration issued after March 31, 2017, expires 60 months after the date it is issued. The board may make a one-time exception to the requirements of this subsection in emergency or hardship cases, as defined by board rule, if the candidate has passed the theory and practice examination described in s. 491.005(1)(e), (3)(e), and (4)(e) ~~s. 491.005(1)(d), (3)(d), and (4)(d)~~.

Section 38. Subsection (2) of section 491.0046, Florida Statutes, is amended to read:

491.0046 Provisional license; requirements.—

(2) The department shall issue a provisional clinical social worker license, provisional marriage and family therapist license, or provisional mental health counselor license to each applicant who the board certifies has met all of the following criteria:

(a) Completed the application form and remitted a nonrefundable application fee not to exceed $100, as set by board rule.~~; and~~

(b) Submitted to background screening in accordance with s. 456.0135.

(c)~~(b)~~ Earned a graduate degree in social work, a graduate degree with a major emphasis in marriage and family therapy or a closely related field, or a graduate degree in a major related to the practice of mental health counseling.~~; and~~

(d)~~(c)~~ Met the following minimum coursework requirements:

1. For clinical social work, a minimum of 15 semester hours or 22 quarter hours of the coursework required by s. 491.005(1)(c)2.b. ~~s. 491.005(1)(b)2.b.~~

2. For marriage and family therapy, 10 of the courses required by s. 491.005(3)(c) ~~s. 491.005(3)(b)~~, as determined by the board, and at least 6 semester hours or 9 quarter hours of the course credits must have been completed in the area of marriage and family systems, theories, or techniques.

3. For mental health counseling, a minimum of seven of the courses required under s. 491.005(4)(c)1.a., b., or c. ~~s. 491.005(4)(b)1.a.-c.~~

Section 39. Subsections (1) through (4) of section 491.005, Florida Statutes, are amended to read:

491.005 Licensure by examination.—

(1) CLINICAL SOCIAL WORK.—Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, the department shall issue a license as a clinical social worker to an applicant whom the board certifies has met all of the following criteria:

(a) Submitted an application and paid the appropriate fee.

(b) Submitted to background screening in accordance with s. 456.0135.

(c)~~(b)~~1. Received a doctoral degree in social work from a graduate school of social work which at the time the applicant graduated was accredited by an accrediting agency recognized by the United States Department of Education or received a master's degree in social work from a graduate school of social work which at the time the applicant graduated:

a. Was accredited by the Council on Social Work Education;

b. Was accredited by the Canadian Association for Social Work Education; or

c. Has been determined to have been a program equivalent to programs approved by the Council on Social Work Education by the Foreign Equivalency Determination Service of the Council on Social Work Education. An applicant who graduated from a program at a university or college outside of the United States or Canada must present documentation of the equivalency determination from the council in order to qualify.

2. The applicant's graduate program emphasized direct clinical patient or client health care services, including, but not limited to, coursework in clinical social work, psychiatric social work, medical social work, social casework, psychotherapy, or group therapy. The applicant's graduate program must have included all of the following coursework:

a. A supervised field placement which was part of the applicant's advanced concentration in direct practice, during which the applicant provided clinical services directly to clients.

b. Completion of 24 semester hours or 32 quarter hours in theory of human behavior and practice methods as courses in clinically oriented services, including a minimum of one course in psychopathology, and no more than one course in research, taken in a school of social work accredited or approved pursuant to subparagraph 1.

3. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant provided additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

(d)~~(c)~~ Completed at least 2 years of clinical social work experience, which took place subsequent to completion of a graduate degree in social work at an institution meeting the accreditation requirements of this section, under the supervision of a licensed clinical social worker or the equivalent who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy clinical experience requirements must register pursuant to s. 491.0045 before commencing practice. If the applicant's graduate program was not a program which emphasized direct clinical patient or client health care services as described in subparagraph (c)2. ~~(b)2.~~, the supervised experience requirement must take place after the applicant has completed a minimum of 15 semester hours or 22 quarter hours of the coursework required. A doctoral internship may be applied toward the clinical social work experience requirement. A licensed mental health professional must be on the premises when clinical services are provided by a registered intern in a private practice setting.

(e)~~(d)~~ Passed a theory and practice examination designated by board rule.

(f)~~(e)~~ Demonstrated, in a manner designated by board rule, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

(2) CLINICAL SOCIAL WORK.—

(a) Notwithstanding ~~the provisions of~~ paragraph (1)(c) ~~(1)(b)~~, coursework which was taken at a baccalaureate level shall not be considered toward completion of education requirements for licensure unless an official of the graduate program certifies in writing on the graduate school's stationery that a specific course, which students enrolled in the same graduate program were ordinarily required to complete at the graduate level, was waived or exempted based on completion of a similar course at the baccalaureate level. If this condition is met, the board shall apply the baccalaureate course named toward the education requirements.

(b) An applicant from a master's or doctoral program in social work which did not emphasize direct patient or client services may complete the clinical curriculum content requirement by returning to a graduate program accredited by the Council on Social Work Education or the Canadian Association of Schools of Social Work, or to a clinical social work graduate program with comparable standards, in order to complete the education requirements for examination. However, a maximum of 6 semester or 9 quarter hours of the clinical curriculum content requirement may be completed by credit awarded for independent study coursework as defined by board rule.

(3) MARRIAGE AND FAMILY THERAPY.—Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, the department shall issue a license as a marriage and family therapist to an applicant whom the board certifies has met all of the following criteria:

(a) Submitted an application and paid the appropriate fee.

(b) Submitted to background screening in accordance with s. 456.0135.

(c)1. Attained one of the following:

a. A minimum of a master's degree in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education.

b. A minimum of a master's degree with a major emphasis in marriage and family therapy or a closely related field from a university program accredited by the Council on Accreditation of Counseling and Related Educational Programs and graduate courses approved by the board.

c. A minimum of a master's degree with an emphasis in marriage and family therapy or a closely related field, with a degree conferred before September 1, 2027, from an institutionally accredited college or university and graduate courses approved by the board.

2. If the course title that appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant provided additional documentation, including, but not limited to, a syllabus or catalog description published for the course. The required master's degree must have been received in an institution of higher education that, at the time the applicant graduated, was fully accredited by an institutional accrediting body recognized by the Council for Higher Education Accreditation or its successor organization or was a member in good standing with Universities Canada, or an institution of higher education located outside the United States and Canada which, at the time the applicant was enrolled and at the time the applicant graduated, maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by an institutional accrediting body recognized by the Council for Higher Education Accreditation or its successor organization. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as professional marriage and family therapists or psychotherapists. The applicant has the burden of establishing that the requirements of this provision have been met, and the board shall require documentation, such as an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country. An applicant with a master's degree from a program that did not emphasize marriage and family therapy may complete the coursework requirement in a training institution fully accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education.

(d)~~(c)~~ Completed at least 2 years of clinical experience during which 50 percent of the applicant's clients were receiving marriage and family therapy services, which must be at the post-master's level under the supervision of a licensed marriage and family therapist with at least 5 years of experience, or the equivalent, who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy the clinical experience requirements must register pursuant to s. 491.0045 before commencing practice. If a graduate has a master's degree with a major emphasis in marriage and family therapy or a closely related field which did not include all of the coursework required by paragraph (c) ~~(b)~~, credit for the post-master's level clinical experience may not commence until the applicant has completed a minimum of 10 of the courses required by paragraph (c) ~~(b)~~, as determined by the board, and at least 6 semester hours or 9 quarter hours of the course credits must have been completed in the area of marriage and family systems, theories, or techniques. Within the 2 years of required experience, the applicant shall provide direct individual, group, or family therapy and counseling to cases including those involving unmarried dyads, married couples, separating and divorcing couples, and family groups that include children. A doctoral internship may be applied toward the clinical experience requirement. A licensed mental health professional must be on the premises when clinical services are provided by a registered intern in a private practice setting.

(e)~~(d)~~ Passed a theory and practice examination designated by board rule.

(f)~~(e)~~ Demonstrated, in a manner designated by board rule, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

For the purposes of dual licensure, the department shall license as a marriage and family therapist any person who meets the requirements of s. 491.0057. Fees for dual licensure may not exceed those stated in this subsection.

(4) MENTAL HEALTH COUNSELING.—Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, the department shall issue a license as a mental health counselor to an applicant whom the board certifies has met all of the following criteria:

(a) Submitted an application and paid the appropriate fee.

(b) Submitted to background screening in accordance with s. 456.0135.

(c)~~(b)~~1. Attained a minimum of an earned master's degree from a mental health counseling program accredited by the Council for the Accreditation of Counseling and Related Educational Programs which consists of at least 60 semester hours or 80 quarter hours of clinical and didactic instruction, including a course in human sexuality and a course in substance abuse. If the master's degree is earned from a program related to the practice of mental health counseling which is not accredited by the Council for the Accreditation of Counseling and Related Educational Programs, then the coursework and practicum, internship, or fieldwork must consist of at least 60 semester hours or 80 quarter hours and meet all of the following requirements:

a. Thirty-three semester hours or 44 quarter hours of graduate coursework, which must include a minimum of 3 semester hours or 4 quarter hours of graduate-level coursework in each of the following 11 content areas: counseling theories and practice; human growth and development; diagnosis and treatment of psychopathology; human sexuality; group theories and practice; individual evaluation and assessment; career and lifestyle assessment; research and program evaluation; social and cultural foundations; substance abuse; and legal, ethical, and professional standards issues in the practice of mental health counseling. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

b. A minimum of 3 semester hours or 4 quarter hours of graduate-level coursework addressing diagnostic processes, including differential diagnosis and the use of the current diagnostic tools, such as the current edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders. The graduate program must have emphasized the common core curricular experience.

c. The equivalent, as determined by the board, of at least 700 hours of university-sponsored supervised clinical practicum, internship, or field experience that includes at least 280 hours of direct client services, as required in the accrediting standards of the Council for Accreditation of Counseling and Related Educational Programs for mental health counseling programs. This experience may not be used to satisfy the post-master's clinical experience requirement.

2. Provided additional documentation if a course title that appears on the applicant's transcript does not clearly identify the content of the coursework. The documentation must include, but is not limited to, a syllabus or catalog description published for the course.

Education and training in mental health counseling must have been received in an institution of higher education that, at the time the applicant graduated, was fully accredited by an institutional accrediting body recognized by the Council for Higher Education Accreditation or its successor organization or was a member in good standing with Universities Canada, or an institution of higher education located outside the United States and Canada which, at the time the applicant was enrolled and at the time the applicant graduated, maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by an institutional accrediting body recognized by the Council for Higher Education Accreditation or its successor organization. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as mental health counselors. The applicant has the burden of establishing that the requirements of this provision have been met, and the board shall require documentation, such as an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country. Beginning July 1, 2025, an applicant must have a master's degree from a program that is accredited by the Council for Accreditation of Counseling and Related Educational Programs, the Masters in Psychology and Counseling Accreditation Council, or an equivalent accrediting body which consists of at least 60 semester hours or 80 quarter hours to apply for licensure under this paragraph.

(d)~~(c)~~ Completed at least 2 years of clinical experience in mental health counseling, which must be at the post-master's level under the supervision of a licensed mental health counselor or the equivalent who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy the clinical experience requirements must register pursuant to s. 491.0045 before commencing practice. If a graduate has a master's degree with a major related to the practice of mental health counseling which did not include all the coursework required under sub-subparagraphs (c)1.a and b. ~~(b)1.a. and b.~~, credit for the post-master's level clinical experience may not commence until the applicant has completed a minimum of seven of the courses required under sub-subparagraphs (c)1.a and b. ~~(b)1.a. and b.~~, as determined by the board, one of which must be a course in psychopathology or abnormal psychology. A doctoral internship may be applied toward the clinical experience requirement. A licensed mental health professional must be on the premises when clinical services are provided by a registered intern in a private practice setting.

(e)~~(d)~~ Passed a theory and practice examination designated by board rule.

(f)~~(e)~~ Demonstrated, in a manner designated by board rule, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

Section 40. Subsection (1) of section 491.006, Florida Statutes, as amended by SB 1600, 2024 Regular Session, is amended to read:

491.006 Licensure or certification by endorsement.—

(1) The department shall license or grant a certificate to a person in a profession regulated by this chapter who, upon applying to the department, submitting to background screening in accordance with s. 456.0135, and remitting the appropriate fee, demonstrates to the board that he or she meets the requirements for licensure by endorsement under s. 456.0145.

Section 41. Paragraphs (d), (f), and (i) of subsection (1) of section 468.505, Florida Statutes, are amended to read:

468.505 Exemptions; exceptions.—

(1) Nothing in this part may be construed as prohibiting or restricting the practice, services, or activities of:

(d) A person pursuing a course of study leading to a degree in dietetics and nutrition from a program or school accredited pursuant to s. 468.509(3) ~~s. 468.509(2)~~, if the activities and services constitute a part of a supervised course of study and if the person is designated by a title that clearly indicates the person's status as a student or trainee.

(f) Any dietitian or nutritionist from another state practicing dietetics or nutrition incidental to a course of study when taking or giving a postgraduate course or other course of study in this state, provided such dietitian or nutritionist is licensed in another jurisdiction or is a registered dietitian or holds an appointment on the faculty of a school accredited pursuant to s. 468.509(3) ~~s. 468.509(2)~~.

(i) An educator who is in the employ of a nonprofit organization approved by the council; a federal, state, county, or municipal agency, or other political subdivision; an elementary or secondary school; or an accredited institution of higher education the definition of which, as provided in s. 468.509(3) ~~s. 468.509(2)~~, applies to other sections of this part, insofar as the activities and services of the educator are part of such employment.

Section 42. Subsections (15), (16), and (17) of section 491.003, Florida Statutes, are amended to read:

491.003 Definitions.—As used in this chapter:

(15) "Registered clinical social worker intern" means a person registered under this chapter who is completing the postgraduate clinical social work experience requirement specified in s. 491.005(1)(d) ~~s. 491.005(1)(c)~~.

(16) "Registered marriage and family therapist intern" means a person registered under this chapter who is completing the post-master's clinical experience requirement specified in s. 491.005(3)(d) ~~s. 491.005(3)(c)~~.

(17) "Registered mental health counselor intern" means a person registered under this chapter who is completing the post-master's clinical experience requirement specified in s. 491.005(4)(d) ~~s. 491.005(4)(c)~~.

Section 43. Effective July 1, 2024, for the 2024-2025 fiscal year, the sum of $250,000 in nonrecurring funds from the Medical Quality Assurance Trust Fund is appropriated to the Department of Health to implement the provisions of this act.

Section 44. Except as otherwise expressly provided in this act and except for this section, which shall take effect July 1, 2024, this act shall take effect July 1, 2025.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to 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. 435.04, F.S.; specifying additional disqualifying offenses under the background screening requirements for certain persons; amending s. 435.07, F.S.; revising requirements for exemptions from disqualification from employment; amending s. 943.0438, F.S.; revising the effective date of a requirement that independent sanctioning authorities conduct level 2 background screenings of current and prospective athletic coaches; amending s. 456.0135, F.S.; expanding certain background screening requirements to apply to additional health care practitioners; providing applicability; requiring specified health care practitioners licensed before a specified date to comply with certain background screening requirements upon their next licensure renewal that takes place on or after a specified date; prohibiting the Department of Health from renewing specified health care practitioner licenses under certain circumstances beginning on a specified date; amending ss. 457.105, 463.006, 465.007, 465.0075, 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; 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 and 491.003, F.S.; conforming cross-references; providing an appropriation; providing effective dates.

On motion by Rep. Trabulsy, the House concurred in **Senate Amendment 1 (667080)**.

The question recurred on passage of **CS/CS/HB 975**, as amended. The vote was:

Session Vote Sequence: 977

Representative Clemons in the Chair.

Yeas—109

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

Nays—None

Votes after roll call:
Yeas—Keen

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

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 267, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/CS/CS/HB 267—A bill to be entitled An act relating to building regulations; amending s. 553.73, F.S.; requiring the Florida Building Commission to modify provisions in the Florida Building Code relating to replacement windows, doors, or garage doors; providing requirements for such modifications; amending s. 553.79, F.S.; removing provisions relating to acquiring building permits for certain residential dwellings; amending s. 553.791, F.S.; defining the term “private provider firm”; revising the timeframes in which local building officials must issue permits or provide certain written notice if certain private providers affix their professional seal to an affidavit; providing requirements for such written notices; deeming a permit application approved under certain circumstances; prohibiting local building code enforcement agency’s from auditing the performance of private providers until the local building code enforcement agency creates a manual for standard operating audit procedures; providing requirements for such manual; requiring the manual to be publicly available online or printed; requiring certain audit results to be readily accessible; revising how often a private provider may be audited; requiring certain written communication be

provided to the private provider or private provider firm under certain circumstances; conforming cross-references; conforming provisions to changes made by the act; amending s. 553.792, F.S.; revising the timeframes for approving, approving with conditions, or denying certain building permits; prohibiting a local government from requiring a waiver of certain timeframes; requiring local governments to follow the prescribed timeframes unless a local ordinance is more stringent; requiring a local government to provide written notice to an applicant under certain circumstances; revising how many times a local government may request additional information from an applicant; specifying when a permit application is deemed complete and approved; requiring the opportunity for an in-person or virtual meeting before a second request for additional information may be made; requiring a local government to process an application within a specified timeframe without additional information upon written request by the applicant; reducing permit fees by a certain percentage if certain timeframes are not met; providing exceptions; providing construction; conforming provisions to changes made by the act; amending s. 553.80, F.S.; authorizing local governments to use certain fees for certain technology upgrades; creating s. 553.9065, F.S.; providing that certain unvented attic and unvented enclosed rafter assemblies meet the requirements of the Florida Building Code, Energy Conservation; requiring the commission to review and consider certain provisions of law and technical amendments thereto and report its findings to the Legislature by a specified date; amending s. 440.103, F.S.; conforming a cross-reference; providing effective dates.

(Amendment Bar Code: 505102)

Senate Amendment 1(with title amendment)—

Delete lines 64 - 496

and insert:

Section 1. Paragraph (c) of subsection (2) of section 468.609, Florida Statutes, is amended to read:

468.609 Administration of this part; standards for certification; additional categories of certification.—

(2) A person may take the examination for certification as a building code inspector or plans examiner pursuant to this part if the person:

(c) Meets eligibility requirements according to one of the following criteria:

1. Demonstrates 4 years' combined experience in the field of construction or a related field, building code inspection, or plans review corresponding to the certification category sought;

2. Demonstrates a combination of postsecondary education in the field of construction or a related field and experience which totals 3 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

3. Demonstrates a combination of technical education in the field of construction or a related field and experience which totals 3 years, with at least 1 year of such total being experience in construction, building code inspection, or plans review;

4. Currently holds a standard certificate issued by the board or a firesafety inspector license issued under chapter 633, with a minimum of 3 years' verifiable full-time experience in firesafety inspection or firesafety plan review, and has satisfactorily completed a building code inspector or plans examiner training program that provides at least 100 hours but not more than 200 hours of cross-training in the certification category sought. The board shall establish by rule criteria for the development and implementation of the training programs. The board must accept all classroom training offered by an approved provider if the content substantially meets the intent of the classroom component of the training program;

5. Demonstrates a combination of the completion of an approved training program in the field of building code inspection or plan review and a minimum of 2 years' experience in the field of building code inspection, plan review, fire code inspections and fire plans review of new buildings as a firesafety inspector certified under s. 633.216, or construction. The approved training portion of this requirement must include proof of satisfactory completion of a training program that provides at least 200 hours but not more than 300 hours of cross-training that is approved by the board in the chosen category of building code inspection or plan review in the certification category sought with at least 20 hours but not more than 30 hours of instruction in state laws, rules, and ethics relating to professional standards of practice, duties, and responsibilities of a certificateholder. The board shall coordinate with the Building Officials Association of Florida, Inc., to establish by rule the development and implementation of the training program. However, the board must accept all classroom training offered by an approved provider if the content substantially meets the intent of the classroom component of the training program;

6. Currently holds a standard certificate issued by the board or a firesafety inspector license issued under chapter 633 and:

a. Has at least 4 years' verifiable full-time experience as an inspector or plans examiner in a standard certification category currently held or has a minimum of 4 years' verifiable full-time experience as a firesafety inspector licensed under chapter 633.

b. Has satisfactorily completed a building code inspector or plans examiner classroom training course or program that provides at least 200 but not more than 300 hours in the certification category sought, except for residential training programs, which must provide at least 500 but not more than 800 hours of training as prescribed by the board. The board shall establish by rule criteria for the development and implementation of classroom training courses and programs in each certification category; or

7.a. Has completed a 4-year internship certification program as a building code inspector or plans examiner, including an internship program for residential inspectors, while also employed full-time by a municipality, county, or other governmental jurisdiction, under the direct supervision of a certified building official. A person may also complete the internship certification program, including an internship program for residential inspectors, while employed full time by a private provider or a private provider's firm that performs the services of a building code inspector or plans examiner, while under the direct supervision of a certified building official. Proof of graduation with a related vocational degree or college degree or of verifiable work experience may be exchanged for the internship experience requirement year-for-year, but may reduce the requirement to no less than 1 year.

b. Has passed an examination administered by the International Code Council in the certification category sought. Such examination must be passed before beginning the internship certification program.

c. Has passed the principles and practice examination before completing the internship certification program.

d. Has passed a board-approved 40-hour code training course in the certification category sought before completing the internship certification program.

e. Has obtained a favorable recommendation from the supervising building official after completion of the internship certification program.

Section 2. Paragraph (g) is added to subsection (7) of section 553.73, Florida Statutes, to read:

553.73 Florida Building Code.—

(7)

(g) The commission shall modify the Florida Building Code to state that sealed drawings by a design professional are not required for the replacement of windows, doors, or garage doors in an existing one-family or two-family dwelling or townhouse if all of the following conditions are met:

1. The replacement windows, doors, or garage doors are installed in accordance with the manufacturer's instructions for the appropriate wind zone.

2. The replacement windows, doors, or garage doors meet the design pressure requirements in the most recent version of the Florida Building Code, Residential.

3. A copy of the manufacturer's instructions is submitted with the permit application in a printed or digital format.

4. The replacement windows, doors, or garage doors are the same size and are installed in the same opening as the existing windows, doors, or garage doors.

Section 3. Subsection (16) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

~~(16) Except as provided in paragraph (e), a building permit for a single-family residential dwelling must be issued within 30 business days after receiving the permit application unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.~~

~~(a) If a local enforcement agency fails to issue a building permit for a single family residential dwelling within 30 business days after receiving the permit application, it must reduce the building permit fee by 10 percent for each business day that it fails to meet the deadline. Each 10 percent reduction shall be based on the original amount of the building permit fee.~~

~~(b) A local enforcement agency does not have to reduce the building permit fee if it provides written notice to the applicant, by e-mail or United States Postal Service, within 30 business days after receiving the permit application, that specifically states the reasons the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances. The written notice must also state that the applicant has 10 business days after receiving the written notice to submit revisions to correct the permit application and that failure to correct the application within 10 business days will result in a denial of the application.~~

~~(c) The applicant has 10 business days after receiving the written notice to address the reasons specified by the local enforcement agency and submit revisions to correct the permit application. If the applicant submits revisions within 10 business days after receiving the written notice, the local enforcement agency has 10 business days after receiving such revisions to approve or deny the building permit unless the applicant agrees to a longer period in writing. If the local enforcement agency fails to issue or deny the building permit within 10 business days after receiving the revisions, it must reduce the building permit fee by 20 percent for the first business day that it fails to meet the deadline unless the applicant agrees to a longer period in writing. For each additional business day, but not to exceed 5 business days, that the local enforcement agency fails to meet the deadline, the building permit fee must be reduced by an additional 10 percent. Each reduction shall be based on the original amount of the building permit fee.~~

~~(d) If any building permit fees are refunded under this subsection, the surcharges provided in s. 468.631 or s. 553.721 must be recalculated based on the amount of the building permit fees after the refund.~~

~~(e) A building permit for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant Disaster Recovery program administered by the Department of Economic Opportunity must be issued within 15 working days after receipt of the application unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.~~

Section 4. Present paragraphs (o) through (r) of subsection (1) and subsections (10) through (21) of section 553.791, Florida Statutes, are redesignated as paragraphs (p) through (s) and subsections (11) through (22), respectively, a new paragraph (o) is added to subsection (1) and a new subsection (10) is added to that section, and present paragraph (o) of subsection (1), paragraph (c) of subsection (4), paragraphs (b) and (d) of subsection (7), subsection (9), paragraph (b) of present subsection (13), paragraph (b) of present subsection (16), and present subsection (19) are amended, to read:

553.791 Alternative plans review and inspection.—

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

(o) "Private provider firm" means a business organization, including a corporation, partnership, business trust, or other legal entity, which offers services under this chapter to the public through licensees who are acting as agents, employees, officers, or partners of the firm. A person who is licensed as a building code administrator under part XII of chapter 468, an engineer under chapter 471, or an architect under chapter 481 may act as a private provider for an agent, employee, or officer of the private provider firm.

(p)~~(o)~~ "Request for certificate of occupancy or certificate of completion" means a properly completed and executed application for:

1. A certificate of occupancy or certificate of completion.

2. A certificate of compliance from the private provider required under subsection (13) ~~(12)~~.

3. Any applicable fees.

4. Any documents required by the local building official to determine that the fee owner has secured all other government approvals required by law.

(4) A fee owner or the fee owner's contractor using a private provider to provide building code inspection services shall notify the local building official in writing at the time of permit application, or by 2 p.m. local time, 2 business days before the first scheduled inspection by the local building official or building code enforcement agency that a private provider has been contracted to perform the required inspections of construction under this section, including single-trade inspections, on a form to be adopted by the commission. This notice shall include the following information:

(c) An acknowledgment from the fee owner or the fee owner's contractor in substantially the following form:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.

If the fee owner or the fee owner's contractor makes any changes to the listed private providers or the services to be provided by those private providers, the fee owner or the fee owner's contractor shall, within 1 business day after any change or within 2 business days before the next scheduled inspection, update the notice to reflect such changes. A change of a duly authorized representative named in the permit application does not require a revision of the permit, and the building code enforcement agency shall not charge a fee for making the change.

(7)

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 20-day period, the 20-day period shall be tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection (15) ~~(14)~~ or to submit revisions to correct the deficiencies.

(d) If the local building official provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to subsection (15) ~~(14)~~ or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the local building official has an additional 5 business days from the date of resubmittal to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with specific reference to the relevant code chapters and sections.

(9) A private provider performing required inspections under this section shall provide notice to the local building official of the approximate date and ~~approximate~~ time of any such inspection ~~no later than the prior business day by 2 p.m. local time or by any later time permitted by the local building official in that jurisdiction~~. The local building official may not prohibit the private provider from performing any inspection outside the local building official's normal operating hours, including after hours, weekends, or holidays. The local building official may visit the building site as often as necessary to verify that the private provider is performing all required inspections. A deficiency notice must be posted by the private provider, the duly authorized

representative of the private provider, or the building department whenever a noncomplying item related to the building code or the permitted documents is found. Such notice may be physically posted at the job site or electronically posted. After corrections are made, the item must be reinspected by the private provider or representative before being concealed. Reinspection or reaudit fees shall not be charged by the local jurisdiction as a result of the local jurisdiction's audit inspection occurring before the performance of the private provider's inspection or for any other administrative matter not involving the detection of a violation of the building code or a permit requirement.

(10) If the private provider is a person licensed as an engineer under chapter 471 or an architect under chapter 481 and affixes his or her professional seal to the affidavit required under subsection (6), the local building official must issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections, within 10 business days after receipt of the permit application and affidavit. In such written notice, the local building official must provide with specificity the plan's deficiencies, the reasons the permit application failed, and the applicable codes being violated. If the local building official does not provide specific written notice to the permit applicant within the prescribed 10-day period, the permit application is deemed approved as a matter of law, and the local building official must issue the permit on the next business day.

(14)~~(13)~~

(b) If the local building official does not provide notice of the deficiencies within the applicable time periods under paragraph (a), the request for a certificate of occupancy or certificate of completion is automatically granted and deemed issued as of the next business day. The local building official must provide the applicant with the written certificate of occupancy or certificate of completion within 10 days after it is automatically granted and issued. To resolve any identified deficiencies, the applicant may elect to dispute the deficiencies pursuant to subsection (15) ~~(14)~~ or to submit a corrected request for a certificate of occupancy or certificate of completion.

(17)~~(16)~~

(b) A local enforcement agency, local building official, or local government may establish, for private providers, private provider firms, and duly authorized representatives working within that jurisdiction, a system of registration to verify compliance with the licensure requirements of paragraph (1)(n) and the insurance requirements of subsection (18) ~~(17)~~.

(20)~~(19)~~ A ~~Each~~ local building code enforcement agency may not audit the performance of building code inspection services by private providers operating within the local jurisdiction until the agency has created standard operating private provider audit procedures for the agency's internal inspection and review staff, which includes, at a minimum, the private provider audit purpose and scope, private provider audit criteria, an explanation of private provider audit processes and objections, and detailed findings of areas of noncompliance. Such private provider audit procedures must be publicly available online and a printed version must be readily accessible in agency buildings. The private provider audit results of staff for the prior two quarters also must be publicly available. The agency's audit processes must adhere to the agency's posted standard operating audit procedures. ~~However,~~ The same private provider or private provider firm may not be audited more than four times in a year ~~month~~ unless the local building official determines a condition of a building constitutes an immediate threat to public safety and welfare, which must be communicated in writing to the private provider or private provider firm. Work on a building or structure may proceed after inspection and approval by a private provider. ~~if the provider has given notice of the inspection pursuant to subsection (9) and, subsequent to such inspection and approval,~~ The work may ~~shall~~ not be delayed for completion of an inspection audit by the local building code enforcement agency.

Section 5. Subsections (1) and (2) of section 553.792, Florida Statutes, are amended to read:

553.792 Building permit application to local government.—

(1)(a) A local government must approve, approve with conditions, or deny a building permit application after receipt of a completed and sufficient application within the following timeframes, unless the applicant waives such timeframes in writing:

1. Within 30 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits if the structure is less than 7,500 square feet: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

2. Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits if the structure is 7,500 square feet or more: residential units, including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

3. Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: signs or nonresidential buildings that are less than 25,000 square feet.

4. Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: multifamily residential, not exceeding 50 units; site-plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration.

5. Within 12 business days after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794 to obtain a site-specific building permit.

6. Within 10 business days after receiving a complete and sufficient application, for an applicant for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Commerce, unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

However, the local government may not require the waiver of the timeframes in this section as a condition precedent to reviewing an applicant's building permit application.

(b) A local government must meet the timeframes set forth in this section for reviewing building permit applications unless the timeframes set by local ordinance are more stringent than those prescribed in this section.

(c) After ~~Within 10 days of~~ an applicant submits ~~submitting~~ an application to the local government, the local government must provide written notice to the applicant within 5 business days after receipt of the application advising ~~shall advise~~ the applicant what information, if any, is needed to deem or determine that the application is properly completed in compliance with the filing requirements published by the local government. If the local government does not provide timely written notice that the applicant has not submitted the properly completed application, the application is ~~shall be~~ automatically deemed or determined to be properly completed and accepted. ~~Within 45 days after receiving a completed application, a local government must notify an applicant if additional information is required for the local government to determine the sufficiency of the application, and shall specify the additional information that is required. The applicant must submit the additional information to the local government or request that the local government act without the additional information. While the applicant responds to the request for additional information, the 120-day period described in this subsection is tolled. Both parties may agree to a reasonable request for an extension of time, particularly in the event of a force majeure or other extraordinary circumstance. The local government must approve, approve with conditions, or deny the application within 120 days following receipt of a completed application.~~

(d) A local government shall maintain on its website a policy containing procedures and expectations for expedited processing of those building permits and development orders required by law to be expedited.

~~(b)1. When reviewing an application for a building permit, a local government may not request additional information from the applicant more than three times, unless the applicant waives such limitation in writing.~~

~~2. If a local government requests additional information from an applicant and the applicant submits the requested additional information to the local~~

~~government within 30 days after receiving the request, the local government must, within 15 days after receiving such information:~~

~~a. Determine if the application is properly completed;~~

~~b. Approve the application;~~

~~c. Approve the application with conditions;~~

~~d. Deny the application; or~~

~~e. Advise the applicant of information, if any, that is needed to deem the application properly completed or to determine the sufficiency of the application.~~

~~3. If a local government makes a second request for additional information from the applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 10 days after receiving such information:~~

~~a. Determine if the application is properly completed;~~

~~b. Approve the application;~~

~~c. Approve the application with conditions;~~

~~d. Deny the application; or~~

~~e. Advise the applicant of information, if any, that is needed to deem the application properly completed or to determine the sufficiency of the application.~~

~~4. Before a third request for additional information may be made, the applicant must be offered an opportunity to meet with the local government to attempt to resolve outstanding issues. If a local government makes a third request for additional information from the applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 10 days after receiving such information unless the applicant waived the local government's limitation in writing, determine that the application is complete and:~~

~~a. Approve the application;~~

~~b. Approve the application with conditions; or~~

~~c. Deny the application.~~

~~5. If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the local government, at the applicant's request, must process the application and either approve the application, approve the application with conditions, or deny the application.~~

(e)~~(c)~~ If a local government fails to meet a deadline under this subsection ~~provided in paragraphs (a) and (b)~~, it must reduce the building permit fee by 10 percent for each business day that it fails to meet the deadline, unless the parties agree in writing to a reasonable extension of time, the delay is caused by the applicant, or the delay is attributable to a force majeure or other extraordinary circumstances. Each 10-percent reduction shall be based on the original amount of the building permit fee, unless the parties agree to an extension of time.

(f) A local enforcement agency does not have to reduce the building permit fee if it provides written notice to the applicant by e-mail or United States Postal Service within the respective timeframes in paragraph (a) which specifically states the reasons the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances. The written notice must also state that the applicant has 10 business days after receiving the written notice to submit revisions to correct the permit application and that failure to correct the application within 10 business days will result in a denial of the application.

(g) If the applicant submits revisions within 10 business days after receiving the written notice, the local enforcement agency has 10 business days after receiving such revisions to approve or deny the building permit unless the applicant agrees to a longer period in writing. If the local enforcement agency fails to issue or deny the building permit within 10 business days after receiving the revisions, it must reduce the building permit fee by 20 percent for each business day that it fails to meet the deadline unless the applicant agrees to a longer period in writing.

~~(2)(a) The procedures set forth in subsection (1) apply to the following building permit applications: accessory structure; alarm permit; nonresidential buildings less than 25,000 square feet; electric; irrigation permit; landscaping; mechanical; plumbing; residential units other than a single family unit; multifamily residential not exceeding 50 units; roofing; signs; site plan approvals and subdivision plats not requiring public hearings or public notice; and lot grading and site alteration associated with the permit application set forth in this subsection. The procedures set forth in subsection (1) do not apply to permits for any wireless communications facilities or when a law, agency rule, or local ordinance specify different timeframes for review of local building permit applications.~~

~~(b) If a local government has different timeframes than the timeframes set forth in subsection (1) for reviewing building permit applications described in paragraph (a), the local government must meet the deadlines established by local ordinance. If a local government does not meet an established deadline to approve, approve with conditions, or deny an application, it must reduce the building permit fee by 10 percent for each business day that it fails to meet the deadline. Each 10-percent reduction shall be based on the original amount of the building permit fee, unless the parties agree to an extension of time. This paragraph does not apply to permits for any wireless communications facilities.~~

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

And the title is amended as follows:

Delete lines 3 - 49

and insert:

468.609, F.S.; revising the eligibility requirements a person must meet to take an examination for certification as a building code inspector or plans examiner; amending s. 553.73, F.S.; requiring the Florida Building Commission to modify provisions in the Florida Building Code relating to sealed drawings by a design professional for replacement windows, doors, or garage doors on certain dwellings or townhouses; providing requirements for such modifications; amending s. 553.79, F.S.; removing provisions relating to acquiring building permits for certain residential dwellings; amending s. 553.791, F.S.; defining the term "private provider firm"; amending provisions requiring private providers to provide specified notice to the local building official; revising the timeframes in which local building officials must issue permits or provide certain written notice if certain private providers affix their professional seal to an affidavit; providing requirements for such written notices; deeming a permit application approved under certain circumstances; prohibiting a local building code enforcement agency from auditing the performance of private providers until the local building code enforcement agency creates standard operating private provider audit procedures; providing requirements for such audit procedures; requiring the audit procedures to be publicly available online and printed; requiring printed audit procedures to be available in the agency's buildings; requiring that private provider audit results of staff for a specified timeframe be made publicly available; requiring the agency's audit processes to adhere to the agency's standard operating audit procedures; revising how often a private provider or private provider firm may be audited; requiring certain written communication be provided to the private provider or private provider firm under certain circumstances; conforming cross-references; conforming provisions to changes made by the act; amending s. 553.792, F.S.; revising the timeframes for approving, approving with conditions, or denying certain building permits; prohibiting a local government from requiring a waiver of certain timeframes; requiring local governments to meet the prescribed timeframes unless a local ordinance is more stringent; requiring a local government to provide written notice to an applicant under certain circumstances; requiring a local government to reduce permit fees by a certain percentage if certain deadlines are not met; providing exceptions; specifying requirements for the written notice to the permit applicant; specifying a timeframe for the applicant to correct the application; specifying a timeframe for the local government and local enforcement agency to approve or deny certain building permits following revision; requiring a reduction in the building permit fee if the approval deadline is not met; providing an exception;

On motion by Rep. Esposito, the House concurred in **Senate Amendment 1 (505102)**.

The question recurred on passage of **CS/CS/CS/HB 267**, as amended. The vote was:

Session Vote Sequence: 978

Representative Clemons in the Chair.

Yeas—83

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

Nays—29

Antone	Cross	Hart	Tant
Arrington	Daley	Hinson	Valdés
Bartleman	Driskell	Hunschofsky	Waldron
Benjamin	Dunkley	Keen	Williams
Bracy Davis	Eskamani	Nixon	Woodson
Campbell	Gantt	Rayner	
Cassel	Gottlieb	Robinson, F.	
Chambliss	Harris	Silvers	

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1611, with 2 amendments, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/CS/HB 1611—A bill to be entitled An act relating to insurance; amending s. 624.3161, F.S.; revising the entities for which the Office of Insurance Regulation is required to conduct market conduct examinations; amending s. 624.424, F.S.; requiring insurers and insurer groups to file a specified supplemental report on a monthly basis; requiring that such report include certain information for each zip code; amending s. 624.4305, F.S.; authorizing the Financial Services Commission to adopt rules relating to notice of nonrenewal of residential property insurance policies; amending s. 624.462, F.S.; authorizing a group of nursing homes and assisted living facilities to organize a commercial self-insurance fund; amending s. 624.46226, F.S.; revising the requirements for public housing authority self-insurance funds; amending s. 626.9201, F.S.; prohibiting insurers from canceling and nonrenewing policies covering dwellings and residential properties damaged as a result hurricanes or wind losses within certain timeframes; providing exceptions to prohibitions against insurers' policy cancellations and nonrenewals within certain timeframes under certain circumstances; providing construction; authorizing the Financial Services Commission to adopt rules and the Commissioner of Insurance Regulation to issue orders; amending s. 627.062, F.S.; specifying requirements for rate filings if certain models are used; amending s. 627.351, F.S.; revising requirements for certain policies issued by Citizens Property Insurance Corporation which are not subject to certain rate increase limitations; amending s. 627.4133, F.S.; prohibiting eligible surplus lines insurers from canceling and nonrenewing policies covering dwellings and residential properties damaged by covered perils within certain timeframes; revising circumstances and timeframes under which authorized insurers are prohibited from canceling and nonrenewing policies covering dwellings and residential properties damaged by covered perils within certain timeframes; providing exceptions to such prohibitions against eligible surplus lines insurers within certain timeframes; revising exceptions to such prohibitions against authorized insurers within certain timeframes; revising conditions under which a structure is deemed to be repaired; revising the definition of the term "insurer" to include eligible surplus lines insurers; defining the term "damage"; authorizing the commissioner to issue orders under certain circumstances; providing applicability; amending s. 627.7011, F.S.; revising the definition of the term "authorized inspector" to include licensed roofing contractors for the purpose of homeowners' insurance policies; amending ss. 628.011 and 628.061, F.S.; conforming provisions to changes made by the act; amending s. 628.801, F.S.; revising requirements for rules adopted for insurers that are members of an insurance holding company; deleting an obsolete date; authorizing the office to adopt rules; amending s. 629.011, F.S.; defining terms; repealing s. 629.021, F.S., relating to the definition of the term "reciprocal insurer"; repealing s. 629.061, F.S., relating to attorney; amending s. 629.081, F.S.; revising the procedure for persons to organize as a domestic reciprocal insurer; specifying requirements for the permit application; requiring that the application be accompanied by a specified fee; requiring that the office evaluate and grant or deny the permit application in accordance with specified provisions; removing the requirement that a specified declaration be acknowledged by an attorney; amending s. 629.091, F.S.; providing requirements for the application for a certificate of authority to operate as a domestic reciprocal insurer; requiring the office to grant the authorization for reciprocal insurers to issue nonassessable policies under certain circumstances; requiring that certificates of authority be issued in the name of the reciprocal insurer to its attorney in fact; creating s. 629.094, F.S.; requiring a domestic reciprocal insurer to meet certain requirements to maintain its eligibility for a certificate of authority; amending s. 629.101, F.S.; revising requirements for the power of attorney given by subscribers of a domestic reciprocal insurer to the attorney in fact; conforming provisions to changes made by the act; creating s. 629.225, F.S.; prohibiting persons from acquiring certain securities or ownership interests of certain attorneys in fact and controlling companies of certain attorneys in fact; providing an exception; authorizing certain persons to request that the office waive certain requirements; providing that the office may waive certain requirements if specified determinations are made; specifying the requirements of an application to the office relating to certain acquisitions; requiring that such application be accompanied by a specified fee; requiring that amendments be filed with the office under certain circumstances; specifying the manner in which the acquisition application must be reviewed; authorizing the office, and requiring the office if a request for a proceeding is filed, to conduct a proceeding within a specified timeframe to consider the appropriateness of such application; requiring that certain time periods be tolled; requiring that written requests for a proceeding be filed within a certain timeframe; authorizing certain persons to take all steps to conclude the acquisition during the pendency of the proceeding or review period; requiring the office to order a proposed acquisition disapproved and that actions to conclude the acquisition be ceased under certain circumstances; prohibiting certain persons from making certain changes during the pendency of the office's review of an acquisition; providing an exception; defining the terms "material change in the operation of the attorney in fact" and "material change in the management of the attorney in fact"; requiring the office to approve or disapprove certain changes upon making certain findings; requiring that a proceeding be conducted within a certain timeframe; requiring that recommended orders and final orders be issued within a certain timeframe; specifying the circumstances under which the office may disapprove an acquisition; specifying that certain persons have the burden of proof; requiring the office to approve an acquisition upon certain findings; specifying that certain votes are not valid and that certain acquisitions are void; specifying that certain provisions may be enforced by an injunction; creating a private right of action in favor of the attorney in fact or the controlling company to enforce certain provisions; providing that a certain demand upon the office is not required before certain legal actions; providing that the office is not a

necessary party to certain actions; specifying the persons who are deemed designated for service of process and who have submitted to the administrative jurisdiction of the office; providing that approval by the office does not constitute a certain recommendation; providing that certain actions are unlawful; providing criminal penalties; providing a statute of limitations; authorizing a person to rebut a presumption of control by filing certain disclaimers; specifying the contents of such disclaimer; specifying that, after a disclaimer is filed, the attorney in fact is relieved of a certain duty; authorizing the office to order certain persons to cease acquisition of the attorney in fact or controlling company and divest themselves of any stock or ownership interest under certain circumstances; requiring the office to suspend or revoke the reciprocal certificate of authority under certain circumstances; specifying that the attorney in fact is deemed to be hazardous to its policyholders if the reciprocal insurer is subject to suspension or revocation; authorizing the office to offer the reciprocal insurer the ability to cure any suspension or revocation under certain circumstances; providing applicability; creating s. 629.227, F.S.; specifying the information as to the background and identity of certain persons which must be furnished by such persons; creating s. 629.229, F.S.; prohibiting certain persons from serving in specified positions of reciprocal insurers or insurers under certain circumstances; amending s. 629.261, F.S.; removing provisions relating to certain authorizations for reciprocal insurers; prohibiting reciprocal insurers from issuing or renewing nonassessable policies or converting assessable policies to nonassessable policies under certain circumstances; providing applicability; amending s. 629.291, F.S.; providing that certain insurers that merge are governed by the insurance code; prohibiting domestic stock insurers from converting to reciprocal insurers; requiring that specified plans be filed with the office and that such plans contain certain information; authorizing the conversion of assessable reciprocal insurers to nonassessable reciprocal insurers under certain circumstances; providing certain procedures when certain reciprocal insurers convert; authorizing reciprocal insurers to issue contingent liability policies in another state under certain circumstances; creating s. 629.525, F.S.; requiring the commission to adopt, amend, or repeal certain rules; amending ss. 163.01 and 626.9531, F.S.; conforming provisions to changes made by the act; providing effective dates.

(Amendment Bar Code: 570148)

Senate Amendment 1(with title amendment)—
Delete lines 250 - 297.

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:
Delete lines 12 - 15
and insert:
property insurance policies; amending s. 624.46226, F.S.;

On motion by Rep. Stevenson, the House concurred in **Senate Amendment 1 (570148).**

(Amendment Bar Code: 717574)

Senate Amendment 2 (with title amendment)—
Between lines 1347 and 1348
insert:
Section 26. Paragraph (c) of subsection (10) of section 766.302, Florida Statutes, is amended to read:
766.302 Definitions; ss. 766.301-766.316.—As used in ss. 766.301-766.316, the term:
(10) "Family residential or custodial care" means care normally rendered by trained professional attendants which is beyond the scope of child care duties, but which is provided by family members. Family members who provide nonprofessional residential or custodial care may not be compensated under this act for care that falls within the scope of child care duties and other services normally and gratuitously provided by family members. Family residential or custodial care shall be performed only at the direction and control of a physician when such care is medically necessary. Reasonable charges for expenses for family residential or custodial care provided by a family member shall be determined as follows:
~~(c) The award of family residential or custodial care as defined in this section shall not be included in the current estimates for purposes of s. 766.314(9)(c).~~
Section 27. Paragraph (c) of subsection (9) of section 766.314, Florida Statutes, is amended to read:
766.314 Assessments; plan of operation.—
(9)
(c) If the total of all current estimates equals or exceeds 100 ~~80~~ percent of the funds on hand and the funds that will become available to the association within the next 12 months from all sources described in subsection ~~subsections~~ (4) and paragraph (5)(a) ~~(5) and paragraph (7)(a)~~, the association may not accept any new claims without express authority from the Legislature. ~~Nothing in~~ This section does not preclude ~~precludes~~ the association from accepting any claim if the injury occurred 18 months or more before the effective date of this suspension. Within 30 days after the effective date of this suspension, the association shall notify the Governor, the Speaker of the House of Representatives, the President of the Senate, the Office of Insurance Regulation, the Agency for Health Care Administration, and the Department of Health of this suspension.
Section 28. The Florida Birth-Related Neurological Injury Compensation Association shall, in consultation with the Office of Insurance Regulation and the Agency for Health Care Administration, provide a report to the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives by September 1, 2024, which must include, but is not limited to, all of the following recommendations for:
(1) Defining actuarial soundness for the association, including options for phase-in, if appropriate.
(2) Timing of reporting actuarial soundness and to whom it should be reported.
(3) Ensuring a revenue level to maintain actuarial soundness, including options for phase-in, if appropriate.
========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:
Delete line 183
and insert:
adopt, amend, or repeal certain rules; amending s. 766.302, F.S.; revising the manner in which reasonable charges for expenses for family residential or custodial care are determined; amending s. 766.314, F.S.; revising the prohibition relating to the Florida Birth-Related Neurological Injury Compensation Plan accepting new claims; requiring the Florida Birth-Related Neurological Injury Compensation Association, in consultation with specified entities, to submit, by a specified date, a specified report to the Governor, the Chief Financial Officer, and the Legislature; specifying requirements for the report; amending ss.

On motion by Rep. Stevenson, the House concurred in **Senate Amendments 2 (717574)**.

The question recurred on passage of **CS/CS/HB 1611**, as amended. The vote was:

Session Vote Sequence: 979

Representative Clemons in the Chair.

Yeas—112

Abbott	Bartleman	Brannan	Cross
Altman	Basabe	Buchanan	Daley
Alvarez	Bell	Busatta Cabrera	Daniels
Amesty	Beltran	Campbell	Driskell
Anderson	Benjamin	Canady	Duggan
Andrade	Berfield	Caruso	Dunkley
Antone	Black	Cassel	Eskamani
Arrington	Borrero	Chamberlin	Esposito
Baker	Botana	Chambliss	Fabricio
Bankson	Brackett	Chaney	Fine
Barnaby	Bracy Davis	Clemons	Franklin

Gantt	Killebrew	Perez	Sirois
Garcia	Koster	Persons-Mulicka	Smith
Garrison	LaMarca	Plakon	Snyder
Giallombardo	Leek	Plasencia	Stark
Gonzalez Pittman	López, J.	Porras	Stevenson
Gossett-Seidman	Lopez, V.	Rayner	Tant
Gottlieb	Maggard	Redondo	Temple
Grant	Maney	Renner	Tomkow
Gregory	Massullo	Rizo	Trabulsy
Griffitts	McClain	Roach	Truenow
Harris	McClure	Robinson, F.	Tuck
Hart	McFarland	Robinson, W.	Valdés
Hinson	Michael	Rommel	Waldron
Holcomb	Mooney	Roth	Williams
Hunschofsky	Nixon	Salzman	Woodson
Jacques	Overdorf	Shoaf	Yarkosky
Keen	Payne	Silvers	Yeager

Nays—None

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

Recessed

The House recessed at 8:41 p.m., to reconvene upon call of the Chair.

Reconvened

The House was called to order by the Chair [Rep. Payne] at 9:07 p.m. A quorum was present [Session Vote Sequence: 980].

Messages from the Senate

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1181, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/CS/HB 1181—A bill to be entitled An act relating to juvenile justice; amending s. 790.115, F.S.; removing a provision requiring specified treatment of minors charged with possessing or discharging a firearm on school property; amending s. 790.22, F.S.; revising penalties for minors committing specified firearms violations; removing provisions concerning minors charged with or convicted of certain firearms offenses; amending s. 985.101, F.S.; conforming provisions to changes made by the act; amending s. 985.12, F.S.; redesignating civil citation programs as prearrest delinquency citation programs; revising program requirements; providing that certain existing programs meeting certain requirements shall be deemed authorized; amending s. 985.125, F.S.; conforming provisions to changes made by the act; amending s. 985.126, F.S.; requiring the Department of Juvenile Justice to publish a quarterly report concerning entities using delinquency citations for less than a specified amount of eligible offenses; amending s. 985.245, F.S.; conforming provisions to changes made by the act; amending s. 985.25, F.S.; requiring that youths who are arrested for certain electronic monitoring violations be placed in secure detention until a detention hearing; requiring that a child on probation for an underlying felony firearm offense who is taken into custody be placed in secure detention; providing for renewal of secure detention periods in certain circumstances; amending s. 985.255, F.S.; providing that when there is probable cause that a child committed one of a specified list of offenses that he or she is presumed to be a risk to public safety and danger to the community and must be held in secure a detention before an adjudicatory hearing; providing requirements for release of such a child despite the presumption; revising language concerning the use of risk assessments; amending s. 985.26, F.S.; revising requirements for holding a child in secure detention for more than 21 days; amending s. 985.433, F.S.; requiring conditional release conditions for children released after confinement for specified firearms offenses; requiring specified sanctions for certain children adjudicated for certain firearms offenses who are not committed to a residential program; providing that children who previously have had adjudication withheld for certain offenses my not have adjudication withheld for specified offenses; amending s. 985.435, F.S.; conforming provisions to changes made by the act; creating s. 985.438, F.S.; requiring the Department of Juvenile Justice to create and administer a graduated response matrix to hold youths accountable to the terms of their court ordered probation and the terms of their conditional release; providing requirements for the matrix; amending s. 985.439, F.S.; requiring a state attorney to file a probation violation within a specified period or inform the court and the Department of Juvenile Justice why such violation is not filed; removing provisions concerning an alternative consequence program; allowing placement of electronic monitoring for probation violations in certain circumstances; amending s. 985.455, F.S.; authorizing a court to make an exception to an order of revocation or suspension of driving privileges in certain circumstances; amending s. 985.46, F.S.; revising legislative intent concerning conditional release; revising the conditions of conditional release; providing for assessment of conditional release violations and possible recommitment of violators; amending ss. 985.48 and 985.4815, F.S.; conforming provisions to changes made by the act; amending s. 985.601, F.S.; requiring the Department of Juvenile justice to establish a specified class for firearms offenders; amending s. 985.711, F.S.; revising provisions concerning introduction of contraband into department facilities; authorizing department staff to use canine units on the grounds of juvenile detention facilities and commitment programs for specified purposes; revising criminal penalties for violations; amending s. 1002.221, F.S.; revising provisions concerning educational records for certain purposes; amending ss. 943.051, 985.11, and 1006.07, F.S.; conforming provisions to changes made by the act; providing an effective date.

(Amendment Bar Code: 498472)

Senate Amendment 2 (with title amendment)—

Delete everything after the enacting clause

and insert:

Section 1. Subsection (4) of section 790.115, Florida Statutes, is amended to read:

790.115 Possessing or discharging weapons or firearms at a school-sponsored event or on school property prohibited; penalties; exceptions.—

~~(4) Notwithstanding s. 985.24, s. 985.245, or s. 985.25(1), any minor under 18 years of age who is charged under this section with possessing or discharging a firearm on school property shall be detained in secure detention, unless the state attorney authorizes the release of the minor, and shall be given a probable cause hearing within 24 hours after being taken into custody. At the hearing, the court may order that the minor continue to be held in secure detention for a period of 21 days, during which time the minor shall receive medical, psychiatric, psychological, or substance abuse examinations pursuant to s. 985.18, and a written report shall be completed.~~

Section 2. Subsections (1), (5), (8), (9), and (10) of section 790.22, Florida Statutes, are amended, and subsection (3) of that section is republished, to read:

790.22 Use of BB guns, air or gas-operated guns, or electric weapons or devices by minor under 16; limitation; possession of firearms by minor under 18 prohibited; penalties.—

(1) The use for any purpose whatsoever of BB guns, air or gas-operated guns, or electric weapons or devices, by any minor under the age of 16 years is prohibited unless such use is under the supervision and in the presence of an adult who is acting with the consent of the minor's parent <u>or guardian</u>.

(3) A minor under 18 years of age may not possess a firearm, other than an unloaded firearm at his or her home, unless:

(a) The minor is engaged in a lawful hunting activity and is:

1. At least 16 years of age; or

2. Under 16 years of age and supervised by an adult.

(b) The minor is engaged in a lawful marksmanship competition or practice or other lawful recreational shooting activity and is:

1. At least 16 years of age; or

2. Under 16 years of age and supervised by an adult who is acting with the consent of the minor's parent or guardian.

(c) The firearm is unloaded and is being transported by the minor directly to or from an event authorized in paragraph (a) or paragraph (b).

(5)(a) A minor who violates subsection (3):

1. For a first offense, commits a misdemeanor of the first degree~~; for a first offense~~, shall ~~may~~ serve a period of detention of up to 5 days in a secure detention facility, with credit for time served in secure detention prior to disposition, and~~; and, in addition to any other penalty provided by law,~~ shall be required to perform 100 hours of community service or paid work as determined by the department.~~; and:~~

~~1. If the minor is eligible by reason of age for a driver license or driving privilege, the court may direct the Department of Highway Safety and Motor Vehicles to revoke or to withhold issuance of the minor's driver license or driving privilege for up to 1 year.~~

~~2. If the minor's driver license or driving privilege is under suspension or revocation for any reason, the court may direct the Department of Highway Safety and Motor Vehicles to extend the period of suspension or revocation by an additional period of up to 1 year.~~

~~3. If the minor is ineligible by reason of age for a driver license or driving privilege, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of the minor's driver license or driving privilege for up to 1 year after the date on which the minor would otherwise have become eligible.~~

2.~~(b)~~ For a second or subsequent offense, ~~a minor who violates subsection (3)~~ commits a felony of the third degree. For a second offense, the minor ~~and~~ shall serve a period of detention of up to 21 days in a secure detention facility, with credit for time served in secure detention prior to disposition, and shall be required to perform not less than 100 nor more than 250 hours of community service or paid work as determined by the department. For a third or subsequent offense, the minor shall be adjudicated delinquent and committed to a residential program. A withhold of adjudication of delinquency shall be considered a prior offense for the purpose of determining a second, third, or subsequent offense.~~; and:~~

(b) In addition to the penalties for a violation of subsection (3):

1. If the minor is eligible by reason of age for a driver license or driving privilege, the court may direct the Department of Highway Safety and Motor Vehicles to revoke or to withhold issuance of the minor's driver license or driving privilege for up to 1 year for a first offense and up to 2 years for a second or subsequent offense.

2. If the minor's driver license or driving privilege is under suspension or revocation for any reason, the court may direct the Department of Highway Safety and Motor Vehicles to extend the period of suspension or revocation by an additional period of up to 1 year for a first offense and up to 2 years for a second or subsequent offense.

3. If the minor is ineligible by reason of age for a driver license or driving privilege, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of the minor's driver license or driving privilege for up to 1 year ~~2 years~~ after the date on which the minor would otherwise have become eligible and up to 2 years for a second or subsequent offense.

For the purposes of this subsection, community service shall be performed, if possible, in a manner involving a hospital emergency room or other medical environment that deals on a regular basis with trauma patients and gunshot wounds.

~~(8) Notwithstanding s. 985.24 or s. 985.25(1), if a minor is charged with an offense that involves the use or possession of a firearm, including a violation of subsection (3), or is charged for any offense during the commission of which the minor possessed a firearm, the minor shall be detained in secure detention, unless the state attorney authorizes the release of the minor, and shall be given a hearing within 24 hours after being taken into custody. At the hearing, the court may order that the minor continue to be held in secure detention in accordance with the applicable time periods specified in s. 985.26(1) (5), if the court finds that the minor meets the criteria specified in s. 985.255, or if the court finds by clear and convincing evidence that the minor is a clear and present danger to himself or herself or the community. The Department of Juvenile Justice shall prepare a form for all minors charged under this subsection which states the period of detention and the relevant demographic information, including, but not limited to, the gender, age, and race of the minor; whether or not the minor was represented by private counsel or a public defender; the current offense; and the minor's complete prior record, including any pending cases. The form shall be provided to the judge for determining whether the minor should be continued in secure detention under this subsection. An order placing a minor in secure detention because the minor is a clear and present danger to himself or herself or the community must be in writing, must specify the need for detention and the benefits derived by the minor or the community by placing the minor in secure detention, and must include a copy of the form provided by the department.~~

~~(9) Notwithstanding s. 985.245, if the minor is found to have committed an offense that involves the use or possession of a firearm, as defined in s. 790.001, other than a violation of subsection (3), or an offense during the commission of which the minor possessed a firearm, and the minor is not committed to a residential commitment program of the Department of Juvenile Justice, in addition to any other punishment provided by law, the court shall order:~~

~~(a) For a first offense, that the minor shall serve a minimum period of detention of 15 days in a secure detention facility; and~~

~~1. Perform 100 hours of community service; and may~~

~~2. Be placed on community control or in a nonresidential commitment program.~~

~~(b) For a second or subsequent offense, that the minor shall serve a mandatory period of detention of at least 21 days in a secure detention facility; and~~

~~1. Perform not less than 100 nor more than 250 hours of community service; and may~~

~~2. Be placed on community control or in a nonresidential commitment program.~~

~~The minor shall not receive credit for time served before adjudication. For the purposes of this subsection, community service shall be performed, if possible, in a manner involving a hospital emergency room or other medical environment that deals on a regular basis with trauma patients and gunshot wounds.~~

~~(10) If a minor is found to have committed an offense under subsection (9), the court shall impose the following penalties in addition to any penalty imposed under paragraph (9)(a) or paragraph (9)(b):~~

~~(a) For a first offense:~~

~~1. If the minor is eligible by reason of age for a driver license or driving privilege, the court may direct the Department of Highway Safety and Motor Vehicles to revoke or to withhold issuance of the minor's driver license or driving privilege for up to 1 year.~~

~~2. If the minor's driver license or driving privilege is under suspension or revocation for any reason, the court may direct the Department of Highway Safety and Motor Vehicles to extend the period of suspension or revocation by an additional period for up to 1 year.~~

~~3. If the minor is ineligible by reason of age for a driver license or driving privilege, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of the minor's driver license or driving privilege for up to 1 year after the date on which the minor would otherwise have become eligible.~~

~~(b) For a second or subsequent offense:~~

~~1. If the minor is eligible by reason of age for a driver license or driving privilege, the court may direct the Department of Highway Safety and Motor Vehicles to revoke or to withhold issuance of the minor's driver license or driving privilege for up to 2 years.~~

~~2. If the minor's driver license or driving privilege is under suspension or revocation for any reason, the court may direct the Department of Highway Safety and Motor Vehicles to extend the period of suspension or revocation by an additional period for up to 2 years.~~

~~3. If the minor is ineligible by reason of age for a driver license or driving privilege, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of the minor's driver license or driving privilege for up to 2 years after the date on which the minor would otherwise have become eligible.~~

Section 3. Subsection (9) of section 901.15, Florida Statutes, is amended to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(9) There is probable cause to believe that the person has committed:

(a) Any battery upon another person, as defined in s. 784.03.

(b) An act of criminal mischief or a graffiti-related offense as described in s. 806.13.

(c) A violation of a safety zone, security zone, regulated navigation area, or naval vessel protection zone as described in s. 327.461.

(d) A racing, street takeover, or stunt driving violation as described in s. 316.191(2).

(e) An exposure of sexual organs in violation of s. 800.03.

(f) Possession of a firearm by a minor in violation of s. 790.22(3).

Section 4. Paragraph (d) of subsection (1) of section 985.101, Florida Statutes, is amended to read:

985.101 Taking a child into custody.—

(1) A child may be taken into custody under the following circumstances:

(d) By a law enforcement officer who has probable cause to believe that the child is in violation of the conditions of the child's probation, supervised release detention, ~~postcommitment probation,~~ or conditional release supervision; has absconded from nonresidential commitment; or has escaped from residential commitment.

Nothing in this subsection shall be construed to allow the detention of a child who does not meet the detention criteria in part V.

Section 5. Section 985.12, Florida Statutes, is amended to read:

985.12 Prearrest delinquency ~~Civil~~ citation ~~or similar prearrest diversion~~ programs.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that the creation and implementation of any prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ programs at the judicial circuit level promotes public safety, aids interagency cooperation, and provides the greatest chance of success for prearrest delinquency ~~civil~~ citation a~~nd similar prearrest diversion~~ programs. The Legislature further finds that the widespread use of prearrest delinquency ~~civil~~ citation ~~and similar prearrest diversion~~ programs has a positive effect on the criminal justice system by immediately holding youth accountable for their actions and contributes to an overall reduction in the crime rate and recidivism in the state. The Legislature encourages but does not mandate that counties, municipalities, and public or private educational institutions participate in a prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program created by their judicial circuit under this section.

(2) JUDICIAL CIRCUIT DELINQUENCY ~~CIVIL~~ CITATION ~~OR SIMILAR PREARREST DIVERSION~~ PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

(a) A prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program for misdemeanor offenses shall be established in each judicial circuit in the state. The state attorney and public defender of each circuit, the clerk of the court for each county in the circuit, and representatives of participating law enforcement agencies in the circuit shall create a prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program and develop its policies and procedures. In developing the program's policies and procedures, input from other interested stakeholders may be solicited. The department shall annually develop and provide guidelines on best practice models for prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ programs to the judicial circuits as a resource.

(b) Each judicial circuit's prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program must specify all of the following:

1. The misdemeanor offenses that qualify a juvenile for participation in the program. Offenses involving the use or possession of a firearm do not qualify for a prearrest delinquency citation program.~~;~~

2. The eligibility criteria for the program.~~;~~

3. The program's implementation and operation.~~;~~

4. The program's requirements, including, but not limited to, the completion of community service hours, payment of restitution, if applicable, classes established by the department or the prearrest delinquency citation program, and intervention services indicated by a needs assessment of the juvenile, approved by the department, such as family counseling, urinalysis monitoring, and substance abuse and mental health treatment services.~~; and~~

5. A program fee, if any, to be paid by a juvenile participating in the program. If the program imposes a fee, the clerk of the court of the applicable county must receive a reasonable portion of the fee.

(c) The state attorney of each circuit shall operate a prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program in each circuit. A sheriff, police department, county, municipality, locally authorized entity, or public or private educational institution may ~~continue to~~ operate an independent prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program ~~that is in operation as of October 1, 2018,~~ if the independent program is reviewed by the state attorney of the applicable circuit and he or she determines that the independent program is substantially similar to the prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program developed by the circuit. If the state attorney determines that the independent program is not substantially similar to the prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program developed by the circuit, the operator of the independent ~~diversion~~ program may revise the program and the state attorney may conduct an additional review of the independent program. A civil citation or similar prearrest diversion program existing before July 1, 2024, shall be deemed a delinquency citation program authorized by this section if the civil citation or similar prearrest diversion program has been approved by the state attorney of the circuit in which it operates and it complies with the requirements in paragraph (2)(b).

~~(d) A judicial circuit may model an existing sheriff's, police department's, county's, municipality's, locally authorized entity's, or public or private educational institution's independent civil citation or similar prearrest diversion program in developing the civil citation or similar prearrest diversion program for the circuit.~~

(d)~~(c)~~ If a juvenile does not successfully complete the prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program, the arresting law enforcement officer shall determine if there is good cause to arrest the juvenile for the original misdemeanor offense and refer the case to the state attorney to determine if prosecution is appropriate or allow the juvenile to continue in the program.

(e)~~(f)~~ Each prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program shall enter the appropriate youth data into the Juvenile Justice Information System Prevention Web within 7 days after the admission of the youth into the program.

(f)~~(g)~~ At the conclusion of a juvenile's prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program, the state attorney or operator of the independent program shall report the outcome to the department. The issuance of a prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program notice is not considered a referral to the department.

(g)~~(h)~~ Upon issuing a prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program notice, the law enforcement officer shall send a copy of the prearrest delinquency ~~civil~~ citation ~~or similar prearrest diversion~~ program notice to the parent or guardian of the child and to the victim.

Section 6. Section 985.125, Florida Statutes, is amended to read:

985.125 ~~Prearrest or~~ Postarrest diversion programs.—

(1) A law enforcement agency ~~or school district~~, in cooperation with the state attorney, may establish a ~~prearrest or~~ postarrest diversion program.

(2) As part of the ~~prearrest or~~ postarrest diversion program, a child who is alleged to have committed a delinquent act may be required to surrender his or her driver license, or refrain from applying for a driver license, for not more than 90 days. If the child fails to comply with the requirements of the program, the state attorney may notify the Department of Highway Safety and Motor Vehicles in writing to suspend the child's driver license for a period that may not exceed 90 days.

Section 7. Subsections (5) and (6) of section 985.126, Florida Statutes, are renumbered as subsections (6) and (7), respectively, subsections (3) and (4) of that section are amended, and a new subsection (5) is added to that section, to read:

985.126 Prearrest and postarrest diversion programs; data collection; denial of participation or expunged record.—

(3)(a) ~~Beginning October 1, 2018,~~ Each diversion program shall submit data to the department which identifies for each minor participating in the diversion program:

1. The race, ethnicity, gender, and age of that minor.

2. The offense committed, including the specific law establishing the offense.

3. The judicial circuit and county in which the offense was committed and the law enforcement agency that had contact with the minor for the offense.

4. Other demographic information necessary to properly register a case into the Juvenile Justice Information System Prevention Web, as specified by the department.

(b) ~~Beginning October 1, 2018,~~ Each law enforcement agency shall submit to the department data for every minor charged for the first-time, who is charged with a misdemeanor, and who was ~~that identifies for each minor who was eligible for a diversion program, but was instead~~ referred to the department, provided a notice to appear, or arrested:

1. The data required pursuant to paragraph (a).

2. Whether the minor was offered the opportunity to participate in a diversion program. If the minor was:

a. Not offered such opportunity, the reason such offer was not made.

b. Offered such opportunity, whether the minor or his or her parent or legal guardian declined to participate in the diversion program.

(c) The data required pursuant to paragraph (a) shall be entered into the Juvenile Justice Information System Prevention Web within 7 days after the youth's admission into the program.

(d) The data required pursuant to paragraph (b) shall be submitted on or with the arrest affidavit or notice to appear.

(4) ~~Beginning January 1, 2019,~~ The department shall compile and semiannually publish the data required by subsection (3) on the department's website in a format that is, at a minimum, sortable by judicial circuit, county, law enforcement agency, race, ethnicity, gender, age, and offense committed.

(5) The department shall provide a quarterly report to be published on its website and distributed to the Governor, President of the Senate, and Speaker of the House of Representatives listing the entities that use prearrest delinquency citations for less than 70 percent of first-time misdemeanor offenses.

Section 8. Subsection (4) of section 985.245, Florida Statutes, is amended to read:

985.245 Risk assessment instrument.—

(4) For a child who is under the supervision of the department through probation, supervised release detention, conditional release, ~~postcommitment probation,~~ or commitment and who is charged with committing a new offense, the risk assessment instrument may be completed and scored based on the underlying charge for which the child was placed under the supervision of the department.

Section 9. Subsection (1) of section 985.25, Florida Statutes, is amended to read:

985.25 Detention intake.—

(1) The department shall receive custody of a child who has been taken into custody from the law enforcement agency or court and shall review the facts in the law enforcement report or probable cause affidavit and make such further inquiry as may be necessary to determine whether detention care is appropriate.

(a) During the period of time from the taking of the child into custody to the date of the detention hearing, the initial decision as to the child's placement into detention care shall be made by the department under ss. 985.24 and 985.245(1).

(b) The department shall base the decision whether to place the child into detention care on an assessment of risk in accordance with the risk assessment instrument and procedures developed by the department under s. 985.245, except that a child shall be placed in secure detention care until the child's detention hearing if the child meets the criteria specified in s. 985.255(1)(f)~~, is charged with possessing or discharging a firearm on school property in violation of s. 790.115,~~ or is charged with any other offense involving the possession or use of a firearm.

(c) If the final score on the child's risk assessment instrument indicates detention care is appropriate, but the department otherwise determines the child should be released, the department shall contact the state attorney, who may authorize release.

(d) If the final score on the risk assessment instrument indicates detention is not appropriate, the child may be released by the department in accordance with ss. 985.115 and 985.13.

(e) Notwithstanding any other provision of law, a child who is arrested for violating the terms of his or her electronic monitoring supervision or his or her supervised release shall be placed in secure detention until his or her detention hearing.

(f) Notwithstanding any other provision of law, a child on probation for an underlying felony firearm offense in chapter 790 and who is taken into custody under s. 985.101 for violating conditions of probation not involving a new law violation shall be held in secure detention to allow the state attorney to review the violation. If, within 21 days, the state attorney notifies the court that commitment will be sought, then the child shall remain in secure detention pending proceedings under s. 985.439 until the initial 21-day period of secure detention has expired. Upon motion of the state attorney, the child may be held for an additional 21-day period if the court finds that the totality of the circumstances, including the preservation of public safety, warrants such extension. Any release from secure detention shall result in the child being held on supervised release with electronic monitoring pending proceedings under s. 985.439.

Under no circumstances shall the department or the state attorney or law enforcement officer authorize the detention of any child in a jail or other facility intended or used for the detention of adults, without an order of the court.

Section 10. Paragraph (a) of subsection (1) and subsection (3) of section 985.255, Florida Statutes, are amended, and paragraphs (g) and (h) are added to subsection (1) of that section, to read:

985.255 Detention criteria; detention hearing.—

(1) Subject to s. 985.25(1), a child taken into custody and placed into detention care shall be given a hearing within 24 hours after being taken into custody. At the hearing, the court may order a continued detention status if:

(a) The result of the risk assessment instrument pursuant to s. 985.245 indicates secure or supervised release detention or the court makes the findings required under paragraph (3)(b).

(g) The court finds probable cause at the detention hearing that the child committed one or more of the following offenses:

1. Murder in the first degree under s. 782.04(1)(a).

2. Murder in the second degree under s. 782.04(2).

3. Armed robbery under s. 812.13(2)(a) that involves the use or possession of a firearm as defined in s. 790.001.

4. Armed carjacking under s. 812.133(2)(a) that involves the use or possession of a firearm as defined in s. 790.001.

5. Having a firearm while committing a felony under s. 790.07(2).

6. Armed burglary under s. 810.02(2)(b) that involves the use or possession of a firearm as defined in s. 790.001.

7. Delinquent in possession of a firearm under s. 790.23(1)(b).

8. An attempt to commit any offense listed in this paragraph under s. 777.04.

(h) For a child who meets the criteria in paragraph (g):

1. There is a presumption that the child presents a risk to public safety and danger to the community and such child must be held in secure detention prior to an adjudicatory hearing, unless the court enters a written order that the child would not present a risk to public safety or a danger to the community if he or she were placed on supervised release detention care.

2. The written order releasing a child from secure detention must be based on clear and convincing evidence why the child does not present a risk to public safety or a danger to the community and must list the child's prior adjudications, dispositions, and prior violations of pretrial release orders. A court releasing a child from secure detention under this subparagraph shall place the child on supervised release detention care with electronic monitoring until the child's adjudicatory hearing.

3. If an adjudicatory hearing has not taken place after 60 days of secure detention for a child held in secure detention under this paragraph, the court must prioritize the efficient disposition of cases and hold a review hearing

within each successive 7-day review period until the adjudicatory hearing or until the child is placed on supervised release with electronic monitoring under subparagraph 2.

4. If the court, under this section, releases a child to supervised release detention care, the court must provide a copy of the written order to the victim, to the law enforcement agency that arrested the child, and to the law enforcement agency with primary jurisdiction over the child's primary residence.

(3)(a) The purpose of the detention hearing required under subsection (1) is to determine the existence of probable cause that the child has committed the delinquent act or violation of law that he or she is charged with and the need for continued detention. The court shall consider ~~use~~ the results of the risk assessment performed by the department and, based on the criteria in subsection (1), shall determine the need for continued detention. If the child is a prolific juvenile offender who is detained under s. 985.26(2)(c), the court shall consider ~~use~~ the results of the risk assessment performed by the department and the criteria in subsection (1) or subsection (2) only to determine whether the prolific juvenile offender should be held in secure detention.

(b) ~~If~~ The court may order ~~orders~~ a placement more or less restrictive than indicated by the results of the risk assessment instrument, and, if the court does so, shall state, in writing, clear and convincing reasons for such placement.

(c) Except as provided in ~~s. 790.22(8) or~~ s. 985.27, when a child is placed into detention care, or into a respite home or other placement pursuant to a court order following a hearing, the court order must include specific instructions that direct the release of the child from such placement no later than 5 p.m. on the last day of the detention period specified in s. 985.26 or s. 985.27, whichever is applicable, unless the requirements of such applicable provision have been met or an order of continuance has been granted under s. 985.26(4). If the court order does not include a release date, the release date shall be requested from the court on the same date that the child is placed in detention care. If a subsequent hearing is needed to provide additional information to the court for safety planning, the initial order placing the child in detention care shall reflect the next detention review hearing, which shall be held within 3 calendar days after the child's initial detention placement.

Section 11. Paragraph (b) of subsection (2) of section 985.26, Florida Statutes, is amended to read:

985.26 Length of detention.—

(2)

(b) The court may order the child to be held in secure detention beyond 21 days under the following circumstances:

1. Upon good cause being shown that the nature of the charge requires additional time for the prosecution or defense of the case or that the totality of the circumstances, including the preservation of public safety, warrants an extension, the court may extend the length of secure detention care for up to an additional 21 days if the child is charged with an offense which, if committed by an adult, would be a capital felony, a life felony, a felony of the first degree or the second degree, a felony of the third degree involving violence against any individual, or any other offense involving the possession or use of a firearm. Except as otherwise provided in subparagraph 2., the court may continue to extend the period of secure detention care in increments of up to 21 days each by conducting a hearing before the expiration of the current period to determine the need for continued secure detention of the child. At the hearing, the court must make the required findings in writing to extend the period of secure detention. If the court extends the time period for secure detention care, it shall ensure an adjudicatory hearing for the case commences as soon as is reasonably possible considering the totality of the circumstances. The court shall prioritize the efficient disposition of cases in which the child has served 60 or more days in secure detention care.

2. When the child is being held in secure detention under s. 985.255(1)(g), and subject to s. 985.255(1)(h).

Section 12. Paragraph (d) is added to subsection (7) of section 985.433, Florida Statutes, and subsections (8) and (9) of that section are amended, to read:

985.433 Disposition hearings in delinquency cases.—When a child has been found to have committed a delinquent act, the following procedures shall be applicable to the disposition of the case:

(7) If the court determines that the child should be adjudicated as having committed a delinquent act and should be committed to the department, such determination shall be in writing or on the record of the hearing. The determination shall include a specific finding of the reasons for the decision to adjudicate and to commit the child to the department, including any determination that the child was a member of a criminal gang.

(d) Any child adjudicated by the court and committed to the department under a restrictiveness level described in s. 985.03(44)(a)–(d), for any offense or attempted offense involving a firearm must be placed on conditional release, as defined in s. 985.03, for a period of 1 year following his or her release from a commitment program. Such term of conditional release shall include electronic monitoring of the child by the department for the initial 6 months following his or her release and at times and under terms and conditions set by the department.

(8) If the court determines not to adjudicate and commit to the department, then the court shall determine what community-based sanctions it will impose in a probation program for the child. Community-based sanctions may include, but are not limited to, participation in substance abuse treatment, a day-treatment probation program, restitution in money or in kind, a curfew, revocation or suspension of the driver license of the child, community service, and appropriate educational programs as determined by the district school board.

(a)1. Where a child is found to have committed an offense that involves the use or possession of a firearm, as defined in s. 790.001, other than a violation of s. 790.22(3), or is found to have committed an offense during the commission of which the child possessed a firearm, and the court has decided not to commit the child to a residential program, the court shall order the child, in addition to any other punishment provided by law, to:

a. Serve a period of detention of 30 days in a secure detention facility, with credit for time served in secure detention prior to disposition.

b. Perform 100 hours of community service or paid work as determined by the department.

c. Be placed on probation for a period of at least 1 year. Such term of probation shall include electronic monitoring of the child by the department at times and under terms and conditions set by the department.

2. In addition to the penalties in subparagraph 1., the court may impose the following restrictions upon the child's driving privileges:

a. If the child is eligible by reason of age for a driver license or driving privilege, the court may direct the Department of Highway Safety and Motor Vehicles to revoke or to withhold issuance of the child's driver license or driving privilege for up to 1 year.

b. If the child's driver license or driving privilege is under suspension or revocation for any reason, the court may direct the Department of Highway Safety and Motor Vehicles to extend the period of suspension or revocation by an additional period for up to 1 year.

c. If the child is ineligible by reason of age for a driver license or driving privilege, the court may direct the Department of Highway Safety and Motor Vehicles to withhold issuance of the minor's driver license or driving privilege for up to 1 year after the date on which the child would otherwise have become eligible.

For the purposes of this paragraph, community service shall be performed, if possible, in a manner involving a hospital emergency room or other medical environment that deals on a regular basis with trauma patients and gunshot wounds.

(b) A child who has previously had adjudication withheld for any of the following offenses shall not be eligible for a second or subsequent withhold of adjudication if he or she is subsequently found to have committed any of the following offenses, and must be adjudicated delinquent and committed to a residential program:

1. Armed robbery involving a firearm under s. 812.13(2)(a).

2. Armed carjacking under s. 812.133(2)(a) involving the use or possession of a firearm as defined in s. 790.001.

3. Having a firearm while committing a felony under s. 790.07(2).

4. Armed burglary under s. 810.02(2)(b) involving the use or possession of a firearm as defined in s. 790.001.

5. Delinquent in possession of a firearm under s. 790.23(1)(b).

6. An attempt to commit any offense listed in this paragraph under s. 777.04.

(9) After appropriate sanctions for the offense are determined, including any minimum sanctions required by this section, the court shall develop, approve, and order a plan of probation that will contain rules, requirements, conditions, and rehabilitative programs, including the option of a day-treatment probation program, that are designed to encourage responsible and acceptable behavior and to promote both the rehabilitation of the child and the protection of the community.

Section 13. Subsections (1), (3), and (4) of section 985.435, Florida Statutes, are amended to read:

985.435 Probation ~~and postcommitment probation~~; community service.—

(1) The court that has jurisdiction over an adjudicated delinquent child may, by an order stating the facts upon which a determination of a sanction and rehabilitative program was made at the disposition hearing, place the child in a probation program ~~or a postcommitment probation program~~. Such placement must be under the supervision of an authorized agent of the department or of any other person or agency specifically authorized and appointed by the court, whether in the child's own home, in the home of a relative of the child, or in some other suitable place under such reasonable conditions as the court may direct.

(3) A probation program must also include a rehabilitative program component such as a requirement of participation in substance abuse treatment or in a school or career and technical education program. The nonconsent of the child to treatment in a substance abuse treatment program in no way precludes the court from ordering such treatment. Upon the recommendation of the department at the time of disposition, or subsequent to disposition pursuant to the filing of a petition alleging a violation of the child's conditions of ~~postcommitment~~ probation, the court may order the child to submit to random testing for the purpose of detecting and monitoring the use of alcohol or controlled substances.

(4) A probation program must ~~may also~~ include an alternative consequence component to address instances in which a child is noncompliant with technical conditions of his or her probation but has not committed any new violations of law. The alternative consequence component must be aligned with the department's graduated response matrix as described in s. 985.438 ~~Each judicial circuit shall develop, in consultation with judges, the state attorney, the public defender, the regional counsel, relevant law enforcement agencies, and the department, a written plan specifying the alternative consequence component which must be based upon the principle that sanctions must reflect the seriousness of the violation, the assessed criminogenic needs and risks of the child, the child's age and maturity level, and how effective the sanction or incentive will be in moving the child to compliant behavior. The alternative consequence component is designed to provide swift and appropriate consequences or incentives to a child who is alleged to be noncompliant with or in violation of probation. If the probation program includes this component, specific consequences that apply to noncompliance with specific technical conditions of probation, as well as incentives used to move the child toward compliant behavior, must be detailed in the disposition order~~.

Section 14. Section 985.438, Florida Statutes, is created to read:

985.438 Graduated response matrix.—

(1) The department shall create and administer a statewide plan to hold youths accountable to the terms of their court ordered probation and the terms of their conditional release. The plan must be based upon the principle that sanctions must reflect the seriousness of the violation, provide immediate accountability for violations, the assessed criminogenic needs and risks of the child, and the child's age and maturity level. The plan is designed to provide swift and appropriate consequences or incentives to a child who is alleged to be noncompliant with or in violation of his or her probation.

(2) The graduated response matrix shall outline sanctions for youth based on their risk to reoffend and shall include, but not be limited to:

(a) Increased contacts.

(b) Increased drug tests.

(c) Curfew reductions.

(d) Increased community service.

(e) Additional evaluations.

(f) Addition of electronic monitoring.

(3) The graduated response matrix shall be adopted in rule by the department.

Section 15. Section 985.439, Florida Statutes, is amended to read:

985.439 Violation of probation ~~or postcommitment probation~~.—

(1)(a) This section is applicable when the court has jurisdiction over a child on probation ~~or postcommitment probation~~, regardless of adjudication.

(b) If the conditions of the probation program ~~or the postcommitment probation program~~ are violated, the department or the state attorney may bring the child before the court on a petition alleging a violation of the program. A child who violates the conditions of probation ~~or postcommitment probation~~ must be brought before the court if sanctions are sought.

(c) Upon receiving notice of a violation of probation from the department, the state attorney must file the violation within 5 days or provide in writing to the department and the court the reason as to why he or she is not filing.

(2) A child taken into custody under s. 985.101 for violating the conditions of probation shall be screened and detained or released based on his or her risk assessment instrument score.

(3) If the child denies violating the conditions of probation ~~or postcommitment probation~~, the court shall, upon the child's request, appoint counsel to represent the child.

(4) Upon the child's admission, or if the court finds after a hearing that the child has violated the conditions of probation ~~or postcommitment probation~~, the court shall enter an order revoking, modifying, or continuing probation ~~or postcommitment probation~~. In each such case, the court shall enter a new disposition order and, in addition to the sanctions set forth in this section, may impose any sanction the court could have imposed at the original disposition hearing. If the child is found to have violated the conditions of probation ~~or postcommitment probation~~, the court may:

(a) Place the child in supervised release detention with electronic monitoring.

(b) If the violation of probation is technical in nature and not a new violation of law, place the child in an alternative consequence program designed to provide swift and appropriate consequences to any further violations of probation.

~~1. Alternative consequence programs shall be established, within existing resources, at the local level in coordination with law enforcement agencies, the chief judge of the circuit, the state attorney, and the public defender.~~

~~2. Alternative consequence programs may be operated by an entity such as a law enforcement agency, the department, a juvenile assessment center, a county or municipality, or another entity selected by the department.~~

~~3. Upon placing a child in an alternative consequence program, the court must approve specific consequences for specific violations of the conditions of probation.~~

(c) Modify or continue the child's probation program ~~or postcommitment probation program~~.

(d) Revoke probation ~~or postcommitment probation~~ and commit the child to the department.

(e) Allow the department to place a child on electronic monitoring for a violation of probation if it determines doing so will preserve and protect public safety.

(5) Upon the recommendation of the department at the time of disposition, or subsequent to disposition pursuant to the filing of a petition alleging a violation of the child's conditions of ~~postcommitment~~ probation, the court may order the child to submit to random testing for the purpose of detecting and monitoring the use of alcohol or controlled substances.

Section 16. Subsection (2) of section 985.441, Florida Statutes, is amended to read:

985.441 Commitment.—

(2) Notwithstanding subsection (1), the court having jurisdiction over an adjudicated delinquent child whose offense is a misdemeanor, other than a violation of s. 790.22(3), or a child who is currently on probation for a misdemeanor, other than a violation of s. 790.22(3), may not commit the child for any misdemeanor offense or any probation violation that is technical in nature and not a new violation of law at a restrictiveness level other than

minimum-risk nonresidential. However, the court may commit such child to a nonsecure residential placement if:

(a) The child has previously been adjudicated or had adjudication withheld for a felony offense;

(b) The child has previously been adjudicated or had adjudication withheld for three or more misdemeanor offenses within the previous 18 months;

(c) The child is before the court for disposition for a violation of s. 800.03, s. 806.031, or s. 828.12; or

(d) The court finds by a preponderance of the evidence that the protection of the public requires such placement or that the particular needs of the child would be best served by such placement. Such finding must be in writing.

Section 17. Subsection (5) is added to section 985.455, Florida Statutes, to read:

985.455 Other dispositional issues.—

(5) If the court orders revocation or suspension of a child's driver license as part of a disposition, the court may, upon finding a compelling circumstance to warrant an exception, direct the Department of Highway Safety and Motor Vehicles to issue a license for driving privileges restricted to business or employment purposes only, as defined in s. 322.271.

Section 18. Subsections (2), (3), and (5) of section 985.46, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

985.46 Conditional release.—

(2) It is the intent of the Legislature that:

(a) Commitment programs include rehabilitative efforts on preparing committed juveniles for a successful release to the community.

(b) Conditional release transition planning begins as early in the commitment process as possible.

(c) Each juvenile committed to a residential commitment program receive conditional release services ~~be assessed to determine the need for conditional release services~~ upon release from the commitment program unless the juvenile is directly released by the court.

(3) For juveniles referred or committed to the department, the function of the department may include, but shall not be limited to, supervising each juvenile on conditional release when ~~assessing each juvenile placed in a residential commitment program to determine the need for conditional release services upon release from the program, supervising the juvenile when~~ released into the community from a residential commitment facility of the department, providing such counseling and other services as may be necessary for the families and assisting their preparations for the return of the child. Subject to specific appropriation, the department shall provide for outpatient sexual offender counseling for any juvenile sexual offender released from a residential commitment program as a component of conditional release.

(5) Conditional release supervision shall contain, at a minimum, the following conditions:

(a)~~(5)~~ Participation in the educational program by students of compulsory school attendance age pursuant to s. 1003.21(1) and (2)(a) ~~is mandatory for juvenile justice youth on conditional release or postcommitment probation status~~. A student of noncompulsory school-attendance age who has not received a high school diploma or its equivalent must participate in an educational program or career and technical education course of study. A youth who has received a high school diploma or its equivalent and is not employed must participate in workforce development or other career or technical education or attend a community college or a university while in the program~~, subject to available funding~~.

(b) A curfew.

(c) A prohibition on contact with victims, co-defendants, or known gang members.

(d) A prohibition on use of controlled substances.

(e) A prohibition on possession of firearms.

(6) A youth who violates the terms of his or her conditional release shall be assessed using the graduated response matrix as described in s. 985.438. A youth who fails to move into compliance shall be recommitted to a residential facility.

Section 19. Paragraph (c) of subsection (1) of section 985.48, Florida Statutes, is amended to read:

985.48 Juvenile sexual offender commitment programs; sexual abuse intervention networks.—

(1) In order to provide intensive treatment and psychological services to a juvenile sexual offender committed to the department, it is the intent of the Legislature to establish programs and strategies to effectively respond to juvenile sexual offenders. In designing programs for juvenile sexual offenders, it is the further intent of the Legislature to implement strategies that include:

(c) Providing intensive ~~postcommitment~~ supervision of juvenile sexual offenders who are released into the community with terms and conditions which may include electronic monitoring of a juvenile sexual offender for the purpose of enhancing public safety.

Section 20. Paragraph (a) of subsection (6) of section 985.4815, Florida Statutes, is amended to read:

985.4815 Notification to Department of Law Enforcement of information on juvenile sexual offenders.—

(6)(a) The information provided to the Department of Law Enforcement must include the following:

1. The information obtained from the sexual offender under subsection (4).

2. The sexual offender's most current address and place of permanent, temporary, or transient residence within the state or out of state, and address, location or description, and dates of any current or known future temporary residence within the state or out of state, while the sexual offender is in the care or custody or under the jurisdiction or supervision of the department in this state, including the name of the county or municipality in which the offender permanently or temporarily resides, or has a transient residence, and address, location or description, and dates of any current or known future temporary residence within the state or out of state; and, if known, the intended place of permanent, temporary, or transient residence, and address, location or description, and dates of any current or known future temporary residence within the state or out of state upon satisfaction of all sanctions.

3. The legal status of the sexual offender and the scheduled termination date of that legal status.

4. The location of, and local telephone number for, any department office that is responsible for supervising the sexual offender.

5. An indication of whether the victim of the offense that resulted in the offender's status as a sexual offender was a minor.

6. The offense or offenses at adjudication and disposition that resulted in the determination of the offender's status as a sex offender.

7. A digitized photograph of the sexual offender, which must have been taken within 60 days before the offender was released from the custody of the department or a private correctional facility by expiration of sentence under s. 944.275, or within 60 days after the onset of the department's supervision of any sexual offender who is on probation, ~~postcommitment probation,~~ residential commitment, nonresidential commitment, licensed child-caring commitment, community control, conditional release, parole, provisional release, or control release or who is supervised by the department under the Interstate Compact Agreement for Probationers and Parolees. If the sexual offender is in the custody of a private correctional facility, the facility shall take a digitized photograph of the sexual offender within the time period provided in this subparagraph and shall provide the photograph to the department.

Section 21. Subsection (11) of section 985.601, Florida Statutes, is renumbered as subsection (12), and a new subsection (11) is added to that section, to read:

985.601 Administering the juvenile justice continuum.—

(11) The department shall establish a class focused on the risk and consequences of youthful firearm offending which shall be provided by the department to any youth who has been adjudicated or had adjudication withheld for any offense involving the use or possession of a firearm.

Section 22. Section 985.711, Florida Statutes, is amended to read:

985.711 Introduction, removal, or possession of certain articles unlawful; penalty.—

(1)(a) Except as authorized through program policy or operating procedure or as authorized by the facility superintendent, program director, or manager, a person may not introduce into or upon the grounds of a juvenile detention facility or commitment program, or take or send, or attempt to take or send,

from a juvenile detention facility or commitment program, any of the following articles, which are declared to be contraband under this section:

1. Any unauthorized article of food or clothing given or transmitted, or intended to be given or transmitted, to any youth in a juvenile detention facility or commitment program.

2. Any intoxicating beverage or any beverage that causes or may cause an intoxicating effect.

3. Any controlled substance as defined in s. 893.02(4), marijuana as defined in s. 381.986, hemp as defined in s. 581.217, industrial hemp as defined in s. 1004.4473, or any prescription or nonprescription drug that has a hypnotic, stimulating, or depressing effect.

4. Any firearm or weapon of any kind or any explosive substance.

5. Any cellular telephone or other portable communication device as described in s. 944.47(1)(a)6., intentionally and unlawfully introduced inside the secure perimeter of any juvenile detention facility or commitment program. As used in this subparagraph, the term "portable communication device" does not include any device that has communication capabilities which has been approved or issued by the facility superintendent, program director, or manager.

6. Any vapor-generating electronic device as defined in s. 386.203, intentionally and unlawfully introduced inside the secure perimeter of any juvenile detention facility or commitment program.

7. Any currency or coin given or transmitted, or intended to be given or transmitted, to any youth in any juvenile detention facility or commitment program.

8. Any cigarettes, as defined in s. 210.01(1) or tobacco products, as defined in s. 210.25, given, or intended to be given, to any youth in a juvenile detention facility or commitment program.

(b) A person may not transmit contraband to, cause contraband to be transmitted to or received by, attempt to transmit contraband to, or attempt to cause contraband to be transmitted to or received by, a juvenile offender into or upon the grounds of a juvenile detention facility or commitment program, except as authorized through program policy or operating procedures or as authorized by the facility superintendent, program director, or manager.

(c) A juvenile offender or any person, while upon the grounds of a juvenile detention facility or commitment program, may not be in actual or constructive possession of any article or thing declared to be contraband under this section, except as authorized through program policy or operating procedures or as authorized by the facility superintendent, program director, or manager.

(d) Department staff may use canine units on the grounds of a juvenile detention facility or commitment program to locate and seize contraband and ensure security within such facility or program.

(2)~~(a) Any person who violates this section as it pertains to an article of contraband described in subparagraph (1)(a)1. commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

~~(b) Any person who violates this section as it pertains to an article of contraband described in subparagraph (1)(a)5. or subparagraph (1)(a)6. commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(c) In all other cases,~~ A person who violates this section commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 23. Paragraph (c) of subsection (2) of section 1002.221, Florida Statutes, is amended to read:

1002.221 K-12 education records; public records exemption.—

(2)

(c) In accordance with the FERPA and the federal regulations issued pursuant to the FERPA, an agency or institution, as defined in s. 1002.22, may release a student's education records without written consent of the student or parent to parties to an interagency agreement among the Department of Juvenile Justice, the school, law enforcement authorities, and other signatory agencies. Information provided pursuant to an interagency agreement may be used for proceedings initiated under chapter 984 or chapter 985 ~~in furtherance of an interagency agreement is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of the programs and services, and as such is inadmissible in any court proceeding before a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile~~.

Section 24. Paragraph (b) of subsection (3) of section 943.051, Florida Statutes, is amended to read:

943.051 Criminal justice information; collection and storage; fingerprinting.—

(3)

(b) A minor who is charged with or found to have committed the following offenses shall be fingerprinted and the fingerprints shall be submitted electronically to the department, unless the minor is issued a prearrest delinquency ~~civil~~ citation pursuant to s. 985.12:

1. Assault, as defined in s. 784.011.

2. Battery, as defined in s. 784.03.

3. Carrying a concealed weapon, as defined in s. 790.01(2).

4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).

5. Neglect of a child, as defined in s. 827.03(1)(e).

6. Assault or battery on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a) and (b).

7. Open carrying of a weapon, as defined in s. 790.053.

8. Exposure of sexual organs, as defined in s. 800.03.

9. Unlawful possession of a firearm, as defined in s. 790.22(5).

10. Petit theft, as defined in s. 812.014(3).

11. Cruelty to animals, as defined in s. 828.12(1).

12. Arson, as defined in s. 806.031(1).

13. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property, as provided in s. 790.115.

Section 25. Paragraph (b) of subsection (1) of section 985.11, Florida Statutes, is amended to read:

985.11 Fingerprinting and photographing.—

(1)

(b) Unless the child is issued a prearrest delinquency ~~civil~~ citation ~~or is participating in a similar diversion program~~ pursuant to s. 985.12, a child who is charged with or found to have committed one of the following offenses shall be fingerprinted, and the fingerprints shall be submitted to the Department of Law Enforcement as provided in s. 943.051(3)(b):

1. Assault, as defined in s. 784.011.

2. Battery, as defined in s. 784.03.

3. Carrying a concealed weapon, as defined in s. 790.01(2).

4. Unlawful use of destructive devices or bombs, as defined in s. 790.1615(1).

5. Neglect of a child, as defined in s. 827.03(1)(e).

6. Assault on a law enforcement officer, a firefighter, or other specified officers, as defined in s. 784.07(2)(a).

7. Open carrying of a weapon, as defined in s. 790.053.

8. Exposure of sexual organs, as defined in s. 800.03.

9. Unlawful possession of a firearm, as defined in s. 790.22(5).

10. Petit theft, as defined in s. 812.014.

11. Cruelty to animals, as defined in s. 828.12(1).

12. Arson, resulting in bodily harm to a firefighter, as defined in s. 806.031(1).

13. Unlawful possession or discharge of a weapon or firearm at a school-sponsored event or on school property as defined in s. 790.115.

A law enforcement agency may fingerprint and photograph a child taken into custody upon probable cause that such child has committed any other violation of law, as the agency deems appropriate. Such fingerprint records and photographs shall be retained by the law enforcement agency in a separate file, and these records and all copies thereof must be marked "Juvenile Confidential." These records are not available for public disclosure and inspection under s. 119.07(1) except as provided in ss. 943.053 and 985.04(2), but shall be available to other law enforcement agencies, criminal justice agencies, state attorneys, the courts, the child, the parents or legal custodians of the child, their attorneys, and any other person authorized by the court to have access to such records. In addition, such records may be submitted to the Department of Law Enforcement for inclusion in the state criminal history records and used by criminal justice agencies for criminal

justice purposes. These records may, in the discretion of the court, be open to inspection by anyone upon a showing of cause. The fingerprint and photograph records shall be produced in the court whenever directed by the court. Any photograph taken pursuant to this section may be shown by a law enforcement officer to any victim or witness of a crime for the purpose of identifying the person who committed such crime.

Section 26. Paragraph (n) of subsection (2) of section 1006.07, Florida Statutes, is amended to read:

1006.07 District school board duties relating to student discipline and school safety.—The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(2) CODE OF STUDENT CONDUCT.—Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(n) Criteria for recommending to law enforcement that a student who commits a criminal offense be allowed to participate in a prearrest delinquency citation ~~civil citation or similar prearrest diversion~~ program as an alternative to expulsion or arrest. All prearrest delinquency citation ~~civil citation or similar prearrest diversion~~ programs must comply with s. 985.12.

Section 27. This act shall take effect July 1, 2024.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to juvenile justice; amending s. 790.115, F.S.; removing a provision requiring specified treatment of minors charged with possessing or discharging a firearm on school property; amending s. 790.22, F.S.; revising penalties for minors committing specified firearms violations; removing provisions concerning minors charged with or convicted of certain firearms offenses; amending 901.15; adding possession of a firearm by a minor to the list of crimes for which a warrant is not needed for arrest; amending s. 985.101, F.S.; conforming provisions to changes made by the act; amending s. 985.12, F.S.; redesignating civil citation programs as prearrest delinquency citation programs; revising program requirements; providing that certain existing programs meeting certain requirements shall be deemed authorized; amending s. 985.125, F.S.; conforming provisions to changes made by the act; amending s. 985.126, F.S.; requiring the Department of Juvenile Justice to publish a quarterly report concerning entities using delinquency citations for less than a specified amount of eligible offenses; amending s. 985.245, F.S.; conforming provisions to changes made by the act; amending s. 985.25, F.S.; requiring that youths who are arrested for certain electronic monitoring violations be placed in secure detention until a detention hearing; requiring that a child on probation for an underlying felony firearm offense who is taken into custody be placed in secure detention; providing for renewal of secure detention periods in certain circumstances; amending s. 985.255, F.S.; providing that when there is probable cause that a child committed one of a specified list of offenses that he or she is presumed to be a risk to public safety and danger to the community and must be held in secure a detention before an adjudicatory hearing; providing requirements for release of such a child despite the presumption; revising language concerning the use of risk assessments; amending s. 985.26, F.S.; revising requirements for holding a child in secure detention for more than 21 days; amending s. 985.433, F.S.; requiring conditional release conditions for children released after confinement for specified firearms offenses; requiring specified sanctions for certain children adjudicated for certain firearms offenses who are not committed to a residential program; providing that children who previously have had adjudication withheld for certain offenses my not have adjudication withheld for specified offenses; amending s. 985.435, F.S.; conforming provisions to changes made by the act; creating s. 985.438, F.S.; requiring the Department of Juvenile Justice to create and administer a graduated response matrix to hold youths accountable to the terms of their court ordered probation and the terms of their conditional release; providing requirements for the matrix; amending s. 985.439, F.S.; requiring a state attorney to file a probation violation within a specified period or inform the court and the Department of Juvenile Justice why such violation is not filed; removing provisions concerning an alternative consequence program; allowing placement of electronic monitoring for probation violations in certain circumstances; amending s. 985.441, F.S.; adding an exception to the prohibition against committing certain children to a residential program; amending s. 985.455, F.S.; authorizing a court to make an exception to an order of revocation or suspension of driving privileges in certain circumstances; amending s. 985.46, F.S.; revising legislative intent concerning conditional release; revising the conditions of conditional release; providing for assessment of conditional release violations and possible recommitment of violators; amending ss. 985.48 and 985.4815, F.S.; conforming provisions to changes made by the act; amending s. 985.601, F.S.; requiring the Department of Juvenile Justice to establish a specified class for firearms offenders; amending s. 985.711, F.S.; revising provisions concerning introduction of contraband into department facilities; authorizing department staff to use canine units on the grounds of juvenile detention facilities and commitment programs for specified purposes; revising criminal penalties for violations; amending s. 1002.221, F.S.; revising provisions concerning educational records for certain purposes; amending ss. 943.051, 985.11, and 1006.07, F.S.; conforming provisions to changes made by the act; providing an effective date.

On motion by Rep. Jacques, the House concurred in **Senate Amendment 2 (498472)**.

The question recurred on the passage of **CS/CS/HB 1181**, as amended. The vote was:

Session Vote Sequence: 981

Representative Payne in the Chair.

Yeas—84

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

Nays—25

Antone	Dunkley	Hunschofsky	Tant
Arrington	Eskamani	Keen	Valdés
Bartleman	Gantt	López, J.	Williams
Bracy Davis	Gottlieb	Nixon	Woodson
Campbell	Harris	Rayner	
Chambliss	Hart	Robinson, F.	
Driskell	Hinson	Silvers	

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

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 433, with 1 amendment, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

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.

(Amendment Bar Code: 846392)

Senate Amendment 1 (with title amendment)—

Delete everything after the enacting clause
and insert:

Section 1. Section 448.106, Florida Statutes, is created to read:

448.106 Workplace heat exposure requirements.—

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

(a) "Competitive solicitation" means an invitation to bid, a request for proposals, or an invitation to negotiate.

(b) "Heat exposure requirement" means a standard to control an employee's exposure to heat or sun, or to otherwise address or moderate the effects of such exposure. The term includes, but is not limited to, standards relating to any of the following:

1. Employee monitoring and protection.

2. Water consumption.

3. Cooling measures.

4. Acclimation and recovery periods or practices.

5. Posting or distributing notices or materials that inform employees how to protect themselves from heat exposure.

6. Implementation and maintenance of heat exposure programs or training.

7. Appropriate first-aid measures or emergency responses related to heat exposure.

8. Protections for employees who report that they have experienced excessive heat exposure.

9. Reporting and recordkeeping requirements.

(c) "Political subdivision" means a county, municipality, department, commission, district, board, or other public body, whether corporate or otherwise, created by or under state law.

(2)(a) A political subdivision may not establish, mandate, or otherwise require an employer, including an employer contracting to provide goods or services to the political subdivision, to meet or provide heat exposure requirements not otherwise required under state or federal law.

(b) A political subdivision may not give preference in a competitive solicitation to an employer based on the employer's heat exposure requirements and may not consider or seek information relating to the employer's heat exposure requirements.

(3) This section does not limit the authority of a political subdivision to establish or otherwise provide heat exposure requirements not otherwise required under state or federal law for direct employees of the political subdivision.

(4) This section does not apply if it is determined that compliance with this section will prevent the distribution of federal funds to a political subdivision or would otherwise be inconsistent with federal requirements pertaining to receiving federal funds, but only to the extent necessary to allow a political subdivision to receive federal funds or to eliminate inconsistency with federal requirements.

Section 2. This act shall take effect July 1, 2024.

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

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to employment regulations; creating s. 448.106, F.S.; defining terms; prohibiting a political subdivision from requiring employers to meet or provide heat exposure requirements beyond those required by law; prohibiting a political subdivision from giving preference to or considering or seeking information from an employer in a competitive solicitation based on or relating to an employer's heat exposure requirements; providing construction; providing applicability; providing an effective date.

Representative Esposito offered the following:

(Amendment Bar Code: 702123)

House Amendment 1 (with title amendment) to Senate Amendment 1 (846392) (with title amendment)—Remove line 52 of the amendment and insert:

Section 2. Effective September 30, 2026, subsection (2) and paragraph (a) of subsection (3) of section 218.077, Florida Statutes, are amended to read:

218.077 Wage and employment benefits requirements by political subdivisions; restrictions.—

(2)(a) Except as otherwise provided in subsection (3), a political subdivision may not establish, mandate, maintain, or otherwise require an employer to pay a minimum wage, other than a state or federal minimum wage, to apply a state or federal minimum wage to wages exempt from a state or federal minimum wage, or to provide employment benefits not otherwise required by state or federal law.

(b) A political subdivision may not through its purchasing or contracting procedures seek to control or affect the wages or employment benefits provided by its vendors, contractors, service providers, or other parties doing business with the political subdivision. However a local government may require the coverage of health benefits but may not require or mandate a level of coverage or benefits or cost-sharing obligation.

(c) A political subdivision may not through the use of evaluation factors, qualification of bidders, or otherwise award preferences on the basis of wages or employment benefits provided by vendors, contractors, service providers, or other parties doing business with the political subdivision.

(3) This section does not:

(a) Limit the authority of a political subdivision to establish a minimum wage other than a state or federal minimum wage or to provide employment benefits not otherwise required under state or federal law:

1. For the employees of the political subdivision; or

~~2. For the employees of an employer contracting to provide goods or services for the political subdivision, or for the employees of a subcontractor of such an employer, under the terms of a contract with the political subdivision; or~~

2.~~3.~~ For the employees of an employer receiving a direct tax abatement or subsidy from the political subdivision, as a condition of the direct tax abatement or subsidy.

Section 3. Section 448.077, Florida Statutes, is created to read:

448.077 Preemption of Conditions of Employment.—

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

(a) "Local government" means a county, municipality, special district, or other political subdivision of the state.

(b) "Conditions of employment" means personnel policies; practices; employment screenings; period of employment; position classifications; promotions; attire; position responsibilities; hours of work; scheduling, including predictive scheduling; location of employment; non-compete agreements; and termination policies.

(2) A local government may not regulate the conditions of employment established by a private employer through an ordinance, a resolution, an order, a rule, a policy, or a contract requirement unless expressly authorized or required by state or federal law, rule, or regulation or pursuant to federal grant requirements. Any ordinance, resolution, order, rule, policy, or contract requirement adopted as authorized or required by state or federal law may not exceed the requirements of the state or federal law, rule, or regulation. An ordinance, a resolution, an order, a rule, a policy, or a contract requirement that violates this section is void and unenforceable.

Section 4. Except as otherwise provided, this act shall take effect July 1, 2024.

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

Remove line 59 of the amendment and insert:

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 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 condition of employment is void and unenforceable; creating s.

Rep. Esposito moved the adoption of the amendment to the amendment, which was adopted.

On motion by Rep. Esposito, the House concurred in **Senate Amendment 1 (846392)**, as amended.

The question recurred on passage of **CS/CS/HB 433**, as amended. The vote was:

Session Vote Sequence: 982

Representative Payne in the Chair.

Yeas—73

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

Nays—33

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

Votes after roll call:
Yeas—McClure, Tomkow

So the bill passed, as amended. The action, together with the bill and the amendments thereto, was immediately certified to the Senate.

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 989, with 3 amendments, and requests the concurrence of the House.

Tracy C. Cantella, Secretary

CS/CS/CS/HB 989—A bill to be entitled 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 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.

(Amendment Bar Code: 383170)

Senate Amendment 1 (with title amendment)—

Delete lines 401 - 443.

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

And the title is amended as follows:

Delete lines 14 - 19

and insert:

membership; amending s.

(Amendment Bar Code: 919464)

Senate Amendment 2 (with title amendment)—

Delete lines 1570 - 1672

and insert:

Section 1. Effective July 1, 2024, section 655.0323, Florida Statutes, is amended to read:

655.0323 Unsafe and unsound practices.—

(1) Financial institutions must make determinations about the provision or denial of services based on an analysis of risk factors unique to each current or prospective customer or member and may not engage in an unsafe and unsound practice as provided in subsection (2). This subsection does not restrict a financial institution that claims a religious purpose from making such determinations based on the current or prospective customer's or member's religious beliefs, religious exercise, or religious affiliations.

(2) It is an unsafe and unsound practice for a financial institution to deny or cancel its services to a person, or to otherwise discriminate against a person in making available such services, including, but not limited to, the suspension of a customer's or member's account or the restriction of a customer's or member's ability to withdraw the available balance of such customer's or member's depository account for a period in excess of that allowable by law or in excess of that provided in the financial institution's policies, procedures, or processes, or in the terms or conditions of such services, on the basis of:

(a) The person's political opinions, speech, or affiliations;

(b) Except as provided in subsection (1), the person's religious beliefs, religious exercise, or religious affiliations;

(c) Any factor if it is not a quantitative, impartial, and risk-based standard, including any such factor related to the person's business sector; or

(d) The use of any rating, scoring, analysis, tabulation, or action that considers a social credit score based on factors including, but not limited to:

1. The person's political opinions, speech, or affiliations.

2. The person's religious beliefs, religious exercise, or religious affiliations.

3. The person's lawful ownership of a firearm.

4. The person's engagement in the lawful manufacture, distribution, sale, purchase, or use of firearms or ammunition.

5. The person's engagement in the exploration, production, utilization, transportation, sale, or manufacture of fossil fuel-based energy, timber, mining, or agriculture.

6. The person's support of the state or Federal Government in combating illegal immigration, drug trafficking, or human trafficking.

7. The person's engagement with, facilitation of, employment by, support of, business relationship with, representation of, or advocacy for any person described in this paragraph.

8. The person's failure to meet or commit to meet, or expected failure to meet, any of the following as long as such person is in compliance with applicable state or federal law:

a. Environmental standards, including emissions standards, benchmarks, requirements, or disclosures;

b. Social governance standards, benchmarks, or requirements, including, but not limited to, environmental or social justice;

c. Corporate board or company employment composition standards, benchmarks, requirements, or disclosures based on characteristics protected under the Florida Civil Rights Act of 1992; or

d. Policies or procedures requiring or encouraging employee participation in social justice programming, including, but not limited to, diversity, equity, or inclusion training.

(3) Beginning July 1, 2023, and by July 1 of each year thereafter, financial institutions as defined in s. 655.005 ~~subject to the financial institutions codes~~ must attest, under penalty of perjury, on a form prescribed by the commission whether the entity is acting in compliance with subsections (1) and (2).

(4) If a person who is a customer or member of a financial institution suspects that such financial institution has acted in violation of subsection (2), the aggrieved customer or member may submit a complaint to the office on a form prescribed by the commission within 30 days after such action. A complaint is barred if not timely submitted. The complaint must, at a minimum, contain the name and address of the customer or member; the name of the financial institution; and the facts upon which the customer or member bases his or her allegation.

(a) Within 90 calendar days after receiving a complaint submitted pursuant to this subsection, the office must determine whether the allegations made in the complaint constitute a violation of subsection (2) and, if so, must begin an investigation of the alleged violation. A complaint submitted pursuant to this subsection which is a result of a financial institution taking action due to suspicious activity, as defined in s. 655.50(3), without any basis for finding a violation under this section, must be handled in accordance with s. 655.50.

(b) After the investigation is completed or ceases to be active, the office shall:

1. Within 30 calendar days after the completion or cessation of the investigation, create a report detailing the findings of the investigation. Such report, however, may not contain or must redact any information that remains confidential and exempt from s. 119.07(1). If the office determines that no violation of subsection (2) has occurred, the report must only:

a. Identify the complaint for which the report is made; and

b. State that a determination has been made that no violation of subsection (2) has occurred.

2. Except as otherwise provided or prohibited by law, within 45 calendar days after the completion or cessation of the investigation, send such report to the customer or member who submitted the complaint pursuant to this subsection, via certified mail, return receipt requested, delivery restricted to the addressee; and to the subject financial institution.

(c) If the office determines that a violation of subsection (2) has occurred, the office must provide notice of such violation to the Department of Financial Services and the enforcing authority, as defined in s. 501.203(2), and provide a copy of the report created pursuant to this subsection. A violation does not include an action related to the presumption that the account in question is presumed to be unclaimed property pursuant to chapter 717.

(5)~~(4)~~ Engaging in a practice described in subsection (2) or failing to timely provide the attestation under subsection (3) is a failure to comply with this chapter, constitutes a violation of the financial institutions codes, and is subject to the applicable sanctions and penalties provided for in the financial institutions codes.

(6)~~(5)~~ Notwithstanding ss. 501.211 and 501.212, a failure to comply with subsection (1) or engaging in a practice described in subsection (2) constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act under part II of chapter 501. 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 that part. If such action is successful, the enforcing authority is entitled to reasonable attorney fees and costs.

(7)~~(6)~~ The office and the commission may not exercise authority pursuant to s. 655.061 in relation to this section.

(8) The commission may adopt rules to administer this section.

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

And the title is amended as follows:

Delete lines 149 - 177

and insert:

applications; amending s. 655.0323, F.S.; providing that certain actions are included as an unsafe and unsound practice for financial institutions; making a technical change; authorizing certain aggrieved customers or members to make a complaint to the Office of Financial Regulation on a specified form within a specified timeframe; providing that complaints are barred if not timely submitted; requiring the office to make certain determinations and begin an investigation within a specified timeframe after receiving a complaint; requiring that certain claims be handled in accordance with certain provisions; requiring the office to take certain actions after an investigation is completed or ceases to be active; authorizing the Financial Services Commission to adopt rules to administer this section; amending s. 717.101, F.S.; providing and

(Amendment Bar Code: 699538)

Senate Amendment 3 (with title amendment)—

Between lines 2936 and 2937

insert:

Section 1. For the 2024-2025 fiscal year, the sum of $250,000 in general revenue funds is appropriated to the Department of Financial Services to contract with an appropriate vendor to prepare a report pursuant to the requirements of this section, providing findings and recommendations related to depositing public funds with credit unions in this state. The Chief Financial Officer shall provide the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 15, 2025.

(1) At a minimum, the vendor preparing the report shall review all of the following:

(a) The policies, procedures, and practices of other states related to qualified public depositories and the treatment of credit unions.

(b) Best practices for public deposits and public depositories, including compliance responsibilities, collateral requirements, and other features of public deposits laws and regulations.

(c) Federal laws and regulations related to the governance of allowing credit unions to serve as public depositories.

(d) Input from industry stakeholders and experts, including state and national associations, credit unions, federal administrations including the National Credit Union Administration, and research institutions.

(2) The vendor shall study the effects of authorizing state funds to be deposited with credit unions. Consideration must be given to evaluating the return on investment to the state, direct and indirect benefits to the state, and statewide impacts on jobs, businesses, and state agencies.

(3) The vendor shall evaluate current state deposits and make recommendations on the feasibility of depositing state funds with credit unions in this state, the scope of appropriate state funds for such deposits, and any statutory provisions necessary to carry out the recommendations.

(4) The vendor shall study the effects of authorizing local government funds to be deposited with credit unions. Consideration must be given to evaluating the direct and indirect benefits to the local area, estimated immediate and long-term impacts on current depositories, and impacts on other businesses, jobs, and the local economy.

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

And the title is amended as follows:

Delete line 276

and insert:

Association; providing an appropriation; requiring the Chief Financial Officer to submit a report to the Governor and the Legislature by a specified date; providing requirements for the vendor in preparing the report; providing effective dates.

Representative LaMarca offered the following:

(Amendment Bar Code: 773673)

House Amendment 1 to Senate Amendment 2 (919464) (with title amendment)—Remove lines 5-138 of the amendment and insert:

Section 39. Effective July 1, 2024, section 655.0323, Florida Statutes, is amended to read:

655.0323 Unsafe and unsound practices.—

(1) Financial institutions must make determinations about the provision or denial of services based on an analysis of risk factors unique to each current or prospective customer or member and may not engage in an unsafe and unsound practice as provided in subsection (2). This subsection does not restrict a financial institution that claims a religious purpose from making such determinations based on the current or prospective customer's or member's religious beliefs, religious exercise, or religious affiliations.

(2) It is an unsafe and unsound practice for a financial institution to deny, ~~or~~ cancel, suspend, or terminate its services to a person, or to otherwise discriminate against a person in making available such services, or in the terms or conditions of such services, on the basis of:

(a) The person's political opinions, speech, or affiliations;

(b) Except as provided in subsection (1), the person's religious beliefs, religious exercise, or religious affiliations;

(c) Any factor if it is not a quantitative, impartial, and risk-based standard, including any such factor related to the person's business sector; or

(d) The use of any rating, scoring, analysis, tabulation, or action that considers a social credit score based on factors including, but not limited to:

1. The person's political opinions, speech, or affiliations.

2. The person's religious beliefs, religious exercise, or religious affiliations.

3. The person's lawful ownership of a firearm.

4. The person's engagement in the lawful manufacture, distribution, sale, purchase, or use of firearms or ammunition.

5. The person's engagement in the exploration, production, utilization, transportation, sale, or manufacture of fossil fuel-based energy, timber, mining, or agriculture.

6. The person's support of the state or Federal Government in combating illegal immigration, drug trafficking, or human trafficking.

7. The person's engagement with, facilitation of, employment by, support of, business relationship with, representation of, or advocacy for any person described in this paragraph.

8. The person's failure to meet or commit to meet, or expected failure to meet, any of the following as long as such person is in compliance with applicable state or federal law:

a. Environmental standards, including emissions standards, benchmarks, requirements, or disclosures;

b. Social governance standards, benchmarks, or requirements, including, but not limited to, environmental or social justice;

c. Corporate board or company employment composition standards, benchmarks, requirements, or disclosures based on characteristics protected under the Florida Civil Rights Act of 1992; or

d. Policies or procedures requiring or encouraging employee participation in social justice programming, including, but not limited to, diversity, equity, or inclusion training.

(3) Beginning July 1, 2023, and by July 1 of each year thereafter, financial institutions as defined in s. 655.005 ~~subject to the financial institutions codes~~ must attest, under penalty of perjury, on a form prescribed by the commission whether the entity is acting in compliance with subsections (1) and (2).

(4) If a person who is a customer or member of a financial institution suspects that such financial institution has acted in violation of subsection (2), the aggrieved customer or member may submit a complaint to the office on a form prescribed by the commission within 30 days after such action. A complaint is barred if not timely submitted. The complaint must, at a minimum, contain the name and address of the customer or member; the

name of the financial institution; and the facts upon which the customer or member bases his or her allegation.

(5) After receipt of a customer's or member's complaint under subsection (4):

(a) The office must notify the financial institution that a complaint has been filed.

(b) Within 90 calendar days after receiving the notice from the office, the financial institution must file with the office a complaint response report containing such information as the commission requires by rule.

(c) If the complaint response report indicates that the financial institution took action due to suspicious activity, as defined in s. 655.50(3), the initial investigation by the office must be handled in accordance with s. 655.50. If the office determines that the financial institution's action was taken without any basis under s. 655.50, the office must continue to investigate the financial institution's action and determine whether the financial institution has acted in violation of subsection (2).

(d) Within 90 calendar days after receiving the complaint submitted pursuant to this subsection, the office shall begin an investigation of the alleged violation.

(e) After the investigation is completed or ceases to be active, the office shall:

1. Within 30 calendar days after the completion or cessation of the investigation, create a report on the findings of the investigation. Such report, however, may not contain or must redact any information that remains confidential and exempt from s. 119.07(1). If the office determines that no violation of subsection (2) has occurred, the report must only:

a. Identify the complaint for which the report is made; and

b. State that a determination has been made that no violation of subsection (2) has occurred.

2. Except as otherwise provided or prohibited by law, within 45 calendar days after the completion or cessation of the investigation, send such report to the customer or member who submitted the complaint pursuant to this subsection, via certified mail, return receipt requested, delivery restricted to the addressee; and to the subject financial institution.

(f) Except as otherwise provided or prohibited by law, if the office determines that a violation of subsection (2) has occurred, the office must provide notice of such violation to the customer or member and to the Department of Financial Services and the enforcing authority, as defined in s. 501.203(2), and provide a copy of the report created pursuant to this subsection.

(6)~~(4)~~ Engaging in a practice described in subsection (2) or failing to timely provide the attestation under subsection (3) is a failure to comply with this chapter, constitutes a violation of the financial institutions codes, and is subject to the applicable sanctions and penalties provided for in the financial institutions codes.

(7)~~(5)~~ Notwithstanding ss. 501.211 and 501.212, a failure to comply with subsection (1) or engaging in a practice described in subsection (2) constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act under part II of chapter 501. 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 that part. If such action is successful, the enforcing authority is entitled to reasonable attorney fees and costs.

(8)~~(6)~~ The office and the commission may not exercise authority pursuant to s. 655.061 in relation to this section.

(9) The commission may adopt rules to administer this section.

Section 40. Paragraph (f) of subsection (26) of section 280.02, Florida Statutes, is amended to read:

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

(26) "Qualified public depository" means a bank, savings bank, or savings association that:

(f) Does not engage in the unsafe and unsound practice of denying, ~~or~~ canceling, suspending, or terminating its services to a person, or otherwise discriminating against a person in making available such services or in the terms or conditions of such services, on the basis of:

1. The person's political opinions, speech, or affiliations;

2. Except as provided in paragraph (e), the person's religious beliefs, religious exercise, or religious affiliations;

3. Any factor if it is not a quantitative, impartial, and risk-based standard, including any such factor related to the person's business sector; or

4. The use of any rating, scoring, analysis, tabulation, or action that considers a social credit score based on factors including, but not limited to:

a. The person's political opinions, speech, or affiliations.

b. The person's religious beliefs, religious exercise, or religious affiliations.

c. The person's lawful ownership of a firearm.

d. The person's engagement in the lawful manufacture, distribution, sale, purchase, or use of firearms or ammunition.

e. The person's engagement in the exploration, production, utilization, transportation, sale, or manufacture of fossil fuel-based energy, timber, mining, or agriculture.

f. The person's support of the state or Federal Government in combating illegal immigration, drug trafficking, or human trafficking.

g. The person's engagement with, facilitation of, employment by, support of, business relationship with, representation of, or advocacy for any person described in this subparagraph.

h. The person's failure to meet or commit to meet, or expected failure to meet, any of the following as long as such person is in compliance with applicable state or federal law:

(I) Environmental standards, including emissions standards, benchmarks, requirements, or disclosures;

(II) Social governance standards, benchmarks, or requirements, including, but not limited to, environmental or social justice;

(III) Corporate board or company employment composition standards, benchmarks, requirements, or disclosures based on characteristics protected under the Florida Civil Rights Act of 1992; or

(IV) Policies or procedures requiring or encouraging employee participation in social justice programming, including, but not limited to, diversity, equity, or inclusion training.

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

Remove lines 144-160 of the amendment and insert:

applications; amending s. 655.0323, F.S.; providing that certain actions are included as an unsafe and unsound practice for financial institutions; making a technical change; authorizing certain aggrieved customers or members to make a complaint to the Office of Financial Regulation on a specified form within a specified timeframe; providing that complaints are barred if not timely submitted; requiring the office to take certain actions, make certain determinations, and begin an investigation within a specified timeframe after receiving a complaint; requiring a financial institution to provide certain information to the office after being notified that a complaint has been filed; requiring that certain claims be handled in accordance with certain provisions; requiring the office to take certain actions after an investigation is completed or ceases to be active; authorizing the Financial Services Commission to adopt rules to administer this section; amending s. 280.02, F.S.; conforming provisions to changes made by the act; amending s. 717.101, F.S.; providing and

Rep. LaMarca moved the adoption of the amendment to the amendment.

Representative LaMarca offered the following:

(Amendment Bar Code: 198697)

House Amendment 1 to House Amendment 1 (773673) to Senate Amendment 2 (919464)—Remove line 87 of the amendment and insert:
as the commission requires by rule, unless precluded by law.

Rep. LaMarca moved the adoption of the amendment to the amendment, which was adopted.

The question recurred on the adoption of **House Amendment 1 (773673)**, as amended, which was adopted.

Representative Botana offered the following:

(Amendment Bar Code: 895767)

House Amendment 1 to Senate Amendment 3 (699538) (with title amendment)—Remove lines 5-44 of the amendment and insert:

Section 66. Effective July 1, 2024, paragraph (b) of subsection (1) and subsection (7) of section 17.57, Florida Statutes, are amended to read:

17.57 Deposits and investments of state money.—

(1)(b) The Chief Financial Officer, or other parties with the permission of the Chief Financial Officer, shall deposit the money of the state or any money in the State Treasury in such qualified public depositories of the state as will offer satisfactory collateral security for such deposits, pursuant to chapter 280. It is the duty of the Chief Financial Officer, consistent with the cash requirements of the state, to keep such money fully invested or deposited as provided herein in order that the state may realize maximum earnings and benefits. Nothing in this section shall preclude credit unions designated as public depositories from participation.

(7) In addition to the deposits authorized under this section and notwithstanding any other provisions of law, funds that are not needed to meet the disbursement needs of the state may be deposited by the Chief Financial Officer in accordance with the following conditions:

(a) The funds are initially deposited in a qualified public depository, as defined in s. 280.02, selected by the Chief Financial Officer.

(b) The selected depository arranges for depositing the funds in financial deposit instruments insured by:

1. The Federal Deposit Insurance Corporation in one or more federally insured banks or savings and loan associations, wherever located, for the account of the state.

2. For credit unions designated as qualified public depositories, the National Credit Union Share Insurance Fund.

(c) The full amount of the principal and accrued interest of each financial deposit instrument is insured by the Federal Deposit Insurance Corporation or, for credit unions designated as qualified public depositories, the National Credit Union Share Insurance Fund.

(d) The selected depository acts as custodian for the state with respect to each financial deposit instrument issued for its account.

Section 67. Effective July 1, 2024, subsection (4) of section 17.68, Florida Statutes, is amended to read:

17.68 Financial Literacy Program for Individuals with Developmental Disabilities.—

(4) Within 90 days after the department establishes the website clearinghouse and publishes the brochure, each bank, credit union, savings association, and savings bank that is a qualified public depository as defined in s. 280.02 shall:

(a) Make copies of the department's brochures available, upon the request of the consumer, at its principal place of business and each branch office located in this state which has in-person teller services by having copies of the brochure available or having the capability to print a copy of the brochure from the department's website. Upon request, the department shall provide copies of the brochure to a bank, credit union, savings association, or savings bank.

(b) Provide on its website a hyperlink to the department's website clearinghouse. If the department changes the website address for the clearinghouse, the bank, credit union, savings association, or savings bank must update the hyperlink within 90 days after notification by the department of such change.

Section 68. Effective July 1, 2024, subsections (6), (10), (21), (23), and (26) of section 280.02, Florida Statutes, are amended to read:

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

(6) "Capital account" or "tangible equity capital" means total equity capital, as defined on the balance-sheet portion of the Consolidated Reports of Condition and Income (call report), or net worth, as described in the National Credit Union Administration 5300 Call Report, less intangible assets, as submitted to the regulatory financial ~~banking~~ authority.

(10) "Custodian" means the Chief Financial Officer or a bank, credit union, savings association, or trust company that:

(a) Is organized and existing under the laws of this state, any other state, or the United States;

(b) Has executed all forms required under this chapter or any rule adopted hereunder;

(c) Agrees to be subject to the jurisdiction of the courts of this state, or of the courts of the United States which are located within this state, for the purpose of any litigation arising out of this chapter; and

(d) Has been approved by the Chief Financial Officer to act as a custodian.

(21) "Pool figure" means the total average monthly balances of public deposits held by all banks, savings banks, or savings associations or held separately by all credit unions ~~qualified public depositories~~ during the immediately preceding 12-month period.

(23) "Public deposit" means the moneys of the state or of any state university, county, school district, community college district, special district, metropolitan government, or municipality, including agencies, boards, bureaus, commissions, and institutions of any of the foregoing, or of any court, and includes the moneys of all county officers, including constitutional officers, which are placed on deposit in a bank, credit union, savings bank, or savings association. This includes, but is not limited to, time deposit accounts, demand deposit accounts, and nonnegotiable certificates of deposit. Moneys in deposit notes and in other nondeposit accounts such as repurchase or reverse repurchase operations are not public deposits. Securities, mutual funds, and similar types of investments are not public deposits and are not subject to this chapter.

(26) "Qualified public depository" means a bank, credit union, savings bank, or savings association that:

(a) Is organized and exists under the laws of the United States, ~~or~~ the laws of this state, or the laws of any other state or territory of the United States.

(b) Has its principal place of business in this state or has a branch office in this state which is authorized under the laws of this state or of the United States to receive deposits in this state.

(c) Is insured by the Federal Deposit Insurance Corporation or the National Credit Union Share Insurance Fund ~~Has deposit insurance pursuant to the Federal Deposit Insurance Act, as amended, 12 U.S.C. ss. 1811 et seq~~.

(d) Has procedures and practices for accurate identification, classification, reporting, and collateralization of public deposits.

(e) Makes determinations about the provision of services or the denial of services based on an analysis of risk factors unique to each customer or member. This paragraph does not restrict a qualified public depository that claims a religious purpose from making such determinations based on the religious beliefs, religious exercise, or religious affiliations of a customer or member.

(f) Does not engage in the unsafe and unsound practice of denying or canceling its services to a person, or otherwise discriminating against a person in making available such services or in the terms or conditions of such services, on the basis of:

1. The person's political opinions, speech, or affiliations;

2. Except as provided in paragraph (e), the person's religious beliefs, religious exercise, or religious affiliations;

3. Any factor if it is not a quantitative, impartial, and risk-based standard, including any such factor related to the person's business sector; or

4. The use of any rating, scoring, analysis, tabulation, or action that considers a social credit score based on factors including, but not limited to:

a. The person's political opinions, speech, or affiliations.

b. The person's religious beliefs, religious exercise, or religious affiliations.

c. The person's lawful ownership of a firearm.

d. The person's engagement in the lawful manufacture, distribution, sale, purchase, or use of firearms or ammunition.

e. The person's engagement in the exploration, production, utilization, transportation, sale, or manufacture of fossil fuel-based energy, timber, mining, or agriculture.

f. The person's support of the state or Federal Government in combating illegal immigration, drug trafficking, or human trafficking.

g. The person's engagement with, facilitation of, employment by, support of, business relationship with, representation of, or advocacy for any person described in this subparagraph.

h. The person's failure to meet or commit to meet, or expected failure to meet, any of the following as long as such person is in compliance with applicable state or federal law:

(I) Environmental standards, including emissions standards, benchmarks, requirements, or disclosures;

(II) Social governance standards, benchmarks, or requirements, including, but not limited to, environmental or social justice;

(III) Corporate board or company employment composition standards, benchmarks, requirements, or disclosures based on characteristics protected under the Florida Civil Rights Act of 1992; or

(IV) Policies or procedures requiring or encouraging employee participation in social justice programming, including, but not limited to, diversity, equity, or inclusion training.

(g) Meets all the requirements of this chapter.

(h) Has been designated by the Chief Financial Officer as a qualified public depository.

Section 69. Effective July 1, 2024, subsection (1) of section 280.025, Florida Statutes, is amended to read:

280.025 Attestation required.—

(1) Beginning July 1, 2024 ~~2023~~, the following entities must attest, under penalty of perjury, on a form prescribed by the Chief Financial Officer, whether the entity is in compliance with s. 280.02(26)(e) and (f):

(a) A bank, savings bank, credit union, or savings association, upon application or reapplication for designation as a qualified public depository.

(b) A qualified public depository, upon filing the report required by s. 280.16(1)(d).

Section 70. Effective July 1, 2024, paragraph (a) of subsection (3) of section 280.03, Florida Statutes, is amended to read:

280.03 Public deposits to be secured; prohibitions; exemptions.—

(3) The following are exempt from the requirements of, and protection under, this chapter:

(a) Public deposits deposited in a bank, credit union, or savings association by a trust department or trust company which are fully secured under trust business laws.

Section 71. Effective July 1, 2024, section 280.042, Florida Statutes, is created to read:

280.042 Credit union designations as qualified public depositories; withdrawal by the Chief Financial Officer from collateral agreements; limits on public deposits.—

(1) The Chief Financial Officer may not designate a credit union as a qualified public depository unless, at the time the credit union submits its agreement of contingent liability and its collateral agreement. The credit union submits a signed statement from a public depositor indicating that if the credit union is designated as a qualified public depository, the public depositor intends to deposit public funds with the credit union.

(2) Within 10 business days after the Chief Financial Officer notifies the credit union that the Chief Financial Officer has withdrawn from the collateral agreement, the credit union must return all public deposits that the credit union holds to the public depositor who deposited the funds. The notice provided for in this subsection may be sent to a credit union by regular mail or by e-mail.

(3)(a) All credit unions designated as qualified public depositories may hold only the following public deposits:

1. A total combined amount of not more than 7 percent of the total funds held in the state treasury.

2. A total combined amount of not more than 7 percent of all public deposits of any state university or any state college.

(b) A credit union may not hold public deposits of more than 10 percent of its total institution's assets.

Section 72. Effective July 1, 2024, subsection (11) of section 280.05, Florida Statutes, is amended to read:

280.05 Powers and duties of the Chief Financial Officer.—In fulfilling the requirements of this act, the Chief Financial Officer has the power to take the following actions he or she deems necessary to protect the integrity of the public deposits program:

(11) Sell securities for the purpose of paying losses to public depositors not covered by deposit or share insurance.

Section 73. Effective July 1, 2024, subsection (1) of section 280.052, Florida Statutes, is amended to read:

280.052 Order of suspension or disqualification; procedure.—

(1) The suspension or disqualification of a bank, credit union, or savings association as a qualified public depository must be by order of the Chief Financial Officer and must be mailed to the qualified public depository by registered or certified mail.

Section 74. Effective July 1, 2024, paragraph (c) of subsection (1) and paragraph (c) of subsection (2) of section 280.053, Florida Statutes, are amended to read:

280.053 Period of suspension or disqualification; obligations during period; reinstatement.—

(1)

(c) Upon expiration of the suspension period, the bank, credit union, or savings association may, by order of the Chief Financial Officer, be reinstated as a qualified public depository, unless the cause of the suspension has not been corrected or the bank, credit union, or savings association is otherwise not in compliance with this chapter or any rule adopted pursuant to this chapter.

(2)

(c) Upon expiration of the disqualification period, the bank, credit union, or savings association may reapply for qualification as a qualified public depository. If a disqualified bank, credit union, or savings association is purchased or otherwise acquired by new owners, it may reapply to the Chief Financial Officer to be a qualified public depository before ~~prior to~~ the expiration date of the disqualification period. Redesignation as a qualified public depository may occur only after the Chief Financial Officer has determined that all requirements for holding public deposits under the law have been met.

Section 75. Effective July 1, 2024, section 280.055, Florida Statutes, is amended to read:

280.055 Cease and desist order; corrective order; administrative penalty.—

(1) The Chief Financial Officer may issue a cease and desist order and a corrective order upon determining that:

(a) A qualified public depository has requested and obtained a release of pledged collateral without approval of the Chief Financial Officer;

(b) A bank, credit union, savings association, or other financial institution is holding public deposits without a certificate of qualification issued by the Chief Financial Officer;

(c) A qualified public depository pledges, deposits, or arranges for the issuance of unacceptable collateral;

(d) A custodian has released pledged collateral without approval of the Chief Financial Officer;

(e) A qualified public depository or a custodian has not furnished to the Chief Financial Officer, when the Chief Financial Officer requested, a power of attorney or bond power or bond assignment form required by the bond agent or bond trustee for each issue of registered certificated securities pledged and registered in the name, or nominee name, of the qualified public depository or custodian;

(f) A qualified public depository; a bank, credit union, savings association, or other financial institution; or a custodian has committed any other violation of this chapter or any rule adopted pursuant to this chapter that the Chief Financial Officer determines may be remedied by a cease and desist order or corrective order; or

(g) A qualified public depository no longer meets the definition of a qualified public depository under s. 280.02.

(2) Any qualified public depository or other bank, credit union, savings association, or financial institution or custodian that violates a cease and desist order or corrective order of the Chief Financial Officer is subject to an administrative penalty not exceeding $1,000 for each violation of the order. Each day the violation of the order continues constitutes a separate violation.

Section 76. Effective July 1, 2024, section 280.07, Florida Statutes, is amended to read:

280.07 Mutual responsibility and contingent liability.—

(1) A ~~Any~~ bank, savings bank, or savings association that is designated as a qualified public depository and that is not insolvent shall guarantee public

depositors against loss caused by the default or insolvency of other banks, savings banks, or savings associations that are designated as qualified public depositories.

(2) A credit union that is designated as a qualified public depository and that is not insolvent shall guarantee public depositors against loss caused by the default or insolvency of other credit unions that are designated as qualified public depositories.

Each qualified public depository shall execute a form prescribed by the Chief Financial Officer for such guarantee which must ~~shall~~ be approved by the board of directors and must ~~shall~~ become an official record of the institution.

Section 77. Effective July 1, 2024, subsections (1) and (3) of section 280.08, Florida Statutes, are amended to read:

280.08 Procedure for payment of losses.—When the Chief Financial Officer determines that a default or insolvency has occurred, he or she shall provide notice as required in s. 280.085 and implement the following procedures:

(1) The Division of Treasury, in cooperation with the Office of Financial Regulation of the Financial Services Commission or the receiver of the qualified public depository in default, shall ascertain the amount of funds of each public depositor on deposit at such depository and the amount of deposit or share insurance applicable to such deposits.

(3)(a) The loss to public depositors shall be satisfied, insofar as possible, first through any applicable deposit or share insurance and then through demanding payment under letters of credit or the sale of collateral pledged or deposited by the defaulting depository. The Chief Financial Officer may assess qualified public depositories as provided in paragraph (b), subject to the segregation of contingent liability in s. 280.07, for the total loss if the demand for payment or sale of collateral cannot be accomplished within 7 business days.

(b) The Chief Financial Officer shall provide coverage of any remaining loss by assessment against the other qualified public depositories. The Chief Financial Officer shall determine such assessment for each qualified public depository by multiplying the total amount of any remaining loss to all public depositors by a percentage which represents the average monthly balance of public deposits held by each qualified public depository during the previous 12 months divided by the total average monthly balances of public deposits held by all qualified public depositories, excluding the defaulting depository, during the same period. The assessment calculation must ~~shall~~ be computed to six decimal places.

Section 78. Effective July 1, 2024, subsection (4) of section 280.085, Florida Statutes, is amended, and subsection (1) of that section is republished, to read:

280.085 Notice to claimants.—

(1) Upon determining the default or insolvency of a qualified public depository, the Chief Financial Officer shall notify, by first-class mail, all public depositors that have complied with s. 280.17 of such default or insolvency. The notice must direct all public depositors having claims or demands against the Public Deposits Trust Fund occasioned by the default or insolvency to file their claims with the Chief Financial Officer within 30 days after the date of the notice.

(4) The notice required in subsection (1) is not required if the default or insolvency of a qualified public depository is resolved in a manner in which all Florida public deposits are acquired by another insured bank, credit union, savings bank, or savings association.

Section 79. Effective July 1, 2024, section 280.09, Florida Statutes, is amended to read:

280.09 Public Deposits Trust Fund.—

(1) In order to facilitate the administration of this chapter, there is created the Public Deposits Trust Fund, hereafter in this section designated "the fund." The proceeds from the sale of securities or draw on letters of credit held as collateral or from any assessment pursuant to s. 280.08 must ~~shall~~ be deposited into the fund. The Chief Financial Officer must segregate and separately account for any collateral proceeds, assessments, or administrative penalties attributable to a credit union from any collateral proceeds, assessments, or administrative penalties attributable to any bank, savings bank, or savings association. Any administrative penalty collected pursuant to this chapter shall be deposited into the Treasury Administrative and Investment Trust Fund.

(2) The Chief Financial Officer is authorized to pay any losses to public depositors from the fund, subject to the limitations provided in subsection (1), and there are hereby appropriated from the fund such sums as may be necessary from time to time to pay the losses. The term "losses," for purposes of this chapter, must ~~shall~~ also include losses of interest or other accumulations to the public depositor as a result of penalties for early withdrawal required by Depository Institution Deregulatory Commission Regulations or applicable successor federal laws or regulations because of suspension or disqualification of a qualified public depository by the Chief Financial Officer pursuant to s. 280.05 or because of withdrawal from the public deposits program pursuant to s. 280.11. In that event, the Chief Financial Officer is authorized to assess against the suspended, disqualified, or withdrawing public depository, in addition to any amount authorized by any other provision of this chapter, an administrative penalty equal to the amount of the early withdrawal penalty and to pay that amount over to the public depositor as reimbursement for such loss. Any money in the fund estimated not to be needed for immediate cash requirements shall be invested pursuant to s. 17.61.

Section 80. Effective July 1, 2024, subsections (1) and (3) of section 280.10, Florida Statutes, are amended to read:

280.10 Effect of merger, acquisition, or consolidation; change of name or address.—

(1) When a qualified public depository is merged into, acquired by, or consolidated with a bank, credit union, savings bank, or savings association that is not a qualified public depository:

(a) The resulting institution shall automatically become a qualified public depository subject to the requirements of the public deposits program.

(b) The contingent liability of the former institution shall be a liability of the resulting institution.

(c) The public deposits and associated collateral of the former institution shall be public deposits and collateral of the resulting institution.

(d) The resulting institution shall, within 90 calendar days after the effective date of the merger, acquisition, or consolidation, deliver to the Chief Financial Officer:

1. Documentation in its name as required for participation in the public deposits program; or

2. Written notice of intent to withdraw from the program as provided in s. 280.11 and a proposed effective date of withdrawal which shall be within 180 days after the effective date of the acquisition, merger, or consolidation of the former institution.

(e) If the resulting institution does not meet qualifications to become a qualified public depository or does not submit required documentation within 90 calendar days after the effective date of the merger, acquisition, or consolidation, the Chief Financial Officer shall initiate mandatory withdrawal actions as provided in s. 280.11 and shall set an effective date of withdrawal that is within 180 days after the effective date of the acquisition, merger, or consolidation of the former institution.

(3) If the default or insolvency of a qualified public depository results in acquisition of all or part of its Florida public deposits by a bank, credit union, savings bank, or savings association that is not a qualified public depository, the bank, credit union, savings bank, or savings association acquiring the Florida public deposits is subject to subsection (1).

Section 81. Effective July 1, 2024, subsection (1) of section 280.13, Florida Statutes, is amended to read:

280.13 Eligible collateral.—

(1) Securities eligible to be pledged as collateral by qualified public depositories ~~banks and savings associations~~ shall be limited to:

(a) Direct obligations of the United States Government.

(b) Obligations of any federal agency that are fully guaranteed as to payment of principal and interest by the United States Government.

(c) Obligations of the following federal agencies:

1. Farm credit banks.

2. Federal land banks.

3. The Federal Home Loan Bank and its district banks.

4. Federal intermediate credit banks.

5. The Federal Home Loan Mortgage Corporation.

6. The Federal National Mortgage Association.

7. Obligations guaranteed by the Government National Mortgage Association.

(d) General obligations of a state of the United States, or of Puerto Rico, or of a political subdivision or municipality thereof.

(e) Obligations issued by the Florida State Board of Education under authority of the State Constitution or applicable statutes.

(f) Tax anticipation certificates or warrants of counties or municipalities having maturities not exceeding 1 year.

(g) Public housing authority obligations.

(h) Revenue bonds or certificates of a state of the United States or of a political subdivision or municipality thereof.

(i) Corporate bonds of any corporation that is not an affiliate or subsidiary of the qualified public depository.

Section 82. Effective July 1, 2024, paragraph (b) of subsection (4) of section 280.17, Florida Statutes, is amended, and paragraph (a) of subsection (1) of that section is reenacted, to read:

280.17 Requirements for public depositors; notice to public depositors and governmental units; loss of protection.—In addition to any other requirement specified in this chapter, public depositors shall comply with the following:

(1)(a) Each official custodian of moneys that meet the definition of a public deposit under s. 280.02 shall ensure such moneys are placed in a qualified public depository unless the moneys are exempt under the laws of this state.

(4) If public deposits are in a qualified public depository that has been declared to be in default or insolvent, each public depositor shall:

(b) Submit to the Chief Financial Officer for each public deposit, within 30 days after the date of official notification from the Chief Financial Officer, the following:

1. A claim form and agreement, as prescribed by the Chief Financial Officer, executed under oath, accompanied by proof of authority to execute the form on behalf of the public depositor.

2. A completed public deposit identification and acknowledgment form, as described in subsection (2).

3. Evidence of the insurance afforded the deposit pursuant to the Federal Deposit Insurance Act or the Federal Credit Union Act, as appropriate.

Section 83. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in a reference thereto, subsection (1) of section 24.114, Florida Statutes, is reenacted to read:

24.114 Bank deposits and control of lottery transactions.—

(1) All moneys received by each retailer from the operation of the state lottery, including, but not limited to, all ticket sales, interest, gifts, and donations, less the amount retained as compensation for the sale of the tickets and the amount paid out as prizes, shall be remitted to the department or deposited in a qualified public depository, as defined in s. 280.02, as directed by the department. The department shall have the responsibility for all administrative functions related to the receipt of funds. The department may also require each retailer to file with the department reports of the retailer's receipts and transactions in the sale of lottery tickets in such form and containing such information as the department may require. The department may require any person, including a qualified public depository, to perform any function, activity, or service in connection with the operation of the lottery as it may deem advisable pursuant to this act and rules of the department, and such functions, activities, or services shall constitute lawful functions, activities, and services of such person.

Section 84. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 125.901, Florida Statutes, is reenacted to read:

125.901 Children's services; independent special district; council; powers, duties, and functions; public records exemption.—

(3)

(e)1. All moneys received by the council on children's services shall be deposited in qualified public depositories, as defined in s. 280.02, with separate and distinguishable accounts established specifically for the council and shall be withdrawn only by checks signed by the chair of the council and countersigned by either one other member of the council on children's services or by a chief executive officer who shall be so authorized by the council.

2. Upon entering the duties of office, the chair and the other member of the council or chief executive officer who signs its checks shall each give a surety bond in the sum of at least $1,000 for each $1 million or portion thereof of the council's annual budget, which bond shall be conditioned that each shall faithfully discharge the duties of his or her office. The premium on such bond may be paid by the district as part of the expense of the council. No other member of the council shall be required to give bond or other security.

3. No funds of the district shall be expended except by check as aforesaid, except expenditures from a petty cash account which shall not at any time exceed $100. All expenditures from petty cash shall be recorded on the books and records of the council on children's services. No funds of the council on children's services, excepting expenditures from petty cash, shall be expended without prior approval of the council, in addition to the budgeting thereof.

Section 85. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in a reference thereto, section 136.01, Florida Statutes, is reenacted to read:

136.01 County depositories.—Each county depository shall be a qualified public depository as defined in s. 280.02 for the following funds: county funds; funds of all county officers, including constitutional officers; funds of the school board; and funds of the community college district board of trustees. This enumeration of funds is made not by way of limitation, but of illustration; and it is the intent hereof that all funds of the county, the board of county commissioners or the several county officers, the school board, or the community college district board of trustees be included.

Section 86. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in a reference thereto, subsection (11) of section 159.608, Florida Statutes, is reenacted to read:

159.608 Powers of housing finance authorities.—A housing finance authority shall constitute a public body corporate and politic, exercising the public and essential governmental functions set forth in this act, and shall exercise its power to borrow only for the purpose as provided herein:

(11) To invest and reinvest surplus funds of the housing finance authority in accordance with s. 218.415. However, in addition to the investments expressly authorized in s. 218.415(16)(a)-(g) and (17)(a)-(d), a housing finance authority may invest surplus funds in interest-bearing time deposits or savings accounts that are fully insured by the Federal Deposit Insurance Corporation regardless of whether the bank or financial institution in which the deposit or investment is made is a qualified public depository as defined in s. 280.02. This subsection is supplementary to and may not be construed as limiting any powers of a housing finance authority or providing or implying a limiting construction of any other statutory provision.

Section 87. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in a reference thereto, section 175.301, Florida Statutes, is reenacted to read:

175.301 Depository for pension funds.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, all funds of the firefighters' pension trust fund of any chapter plan or local law plan under this chapter may be deposited by the board of trustees with the treasurer of the municipality or special fire control district, acting in a ministerial capacity only, who shall be liable in the same manner and to the same extent as he or she is liable for the safekeeping of funds for the municipality or special fire control district. However, any funds so deposited with the treasurer of the municipality or special fire control district shall be kept in a separate fund by the treasurer or clearly identified as such funds of the firefighters' pension trust fund. In lieu thereof, the board of trustees shall deposit the funds of the firefighters' pension trust fund in a qualified public depository as defined in s. 280.02, which depository with regard to such funds shall conform to and be bound by all of the provisions of chapter 280.

Section 88. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in references thereto, subsection (8) of section 175.401, Florida Statutes, is reenacted to read:

175.401 Retiree health insurance subsidy.—For any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under this chapter, under the broad grant of home rule powers under the State Constitution and chapter 166, municipalities have the authority to establish and administer locally funded health insurance subsidy programs. In addition, special fire control districts may, by resolution, establish and administer locally funded health insurance subsidy programs. Pursuant thereto:

(8) DEPOSIT OF HEALTH INSURANCE SUBSIDY FUNDS.—All funds of the health insurance subsidy fund may be deposited by the board of trustees with the treasurer of the municipality or special fire control district, acting in a ministerial capacity only, who shall be liable in the same manner and to the same extent as he or she is liable for the safekeeping of funds for the municipality or special fire control district. Any funds so deposited shall be segregated by the treasurer in a separate fund, clearly identified as funds of the health insurance subsidy fund. In lieu thereof, the board of trustees shall deposit the funds of the health insurance subsidy fund in a qualified public depository as defined in s. 280.02, which shall conform to and be bound by the provisions of chapter 280 with regard to such funds. In no case shall the funds of the health insurance subsidy fund be deposited in any financial institution, brokerage house trust company, or other entity that is not a public depository as provided by s. 280.02.

Section 89. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in a reference thereto, section 185.30, Florida Statutes, is reenacted to read:

185.30 Depository for retirement fund.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, all funds of the municipal police officers' retirement trust fund of any municipality, chapter plan, local law municipality, or local law plan under this chapter may be deposited by the board of trustees with the treasurer of the municipality acting in a ministerial capacity only, who shall be liable in the same manner and to the same extent as he or she is liable for the safekeeping of funds for the municipality. However, any funds so deposited with the treasurer of the municipality shall be kept in a separate fund by the municipal treasurer or clearly identified as such funds of the municipal police officers' retirement trust fund. In lieu thereof, the board of trustees shall deposit the funds of the municipal police officers' retirement trust fund in a qualified public depository as defined in s. 280.02, which depository with regard to such funds shall conform to and be bound by all of the provisions of chapter 280.

Section 90. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in references thereto, subsection (8) of section 185.50, Florida Statutes, is reenacted to read:

185.50 Retiree health insurance subsidy.—For any municipality, chapter plan, local law municipality, or local law plan under this chapter, under the broad grant of home rule powers under the State Constitution and chapter 166, municipalities have the authority to establish and administer locally funded health insurance subsidy programs. Pursuant thereto:

(8) DEPOSIT OF PENSION FUNDS.—All funds of the health insurance subsidy fund may be deposited by the board of trustees with the treasurer of the municipality, acting in a ministerial capacity only, who shall be liable in the same manner and to the same extent as he or she is liable for the safekeeping of funds for the municipality. Any funds so deposited shall be segregated by said treasurer in a separate fund, clearly identified as funds of the health insurance subsidy fund. In lieu thereof, the board of trustees shall deposit the funds of the health insurance subsidy fund in a qualified public depository as defined in s. 280.02, which shall conform to and be bound by the provisions of chapter 280 with regard to such funds. In no case shall the funds of the health insurance subsidy fund be deposited in any financial institution, brokerage house trust company, or other entity that is not a public depository as provided by s. 280.02.

Section 91. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in a reference thereto, subsection (3) of section 190.007, Florida Statutes, is reenacted to read:

190.007 Board of supervisors; general duties.—

(3) The board is authorized to select as a depository for its funds any qualified public depository as defined in s. 280.02 which meets all the requirements of chapter 280 and has been designated by the Chief Financial Officer as a qualified public depository, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the board may deem just and reasonable.

Section 92. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in a reference thereto, subsection (16) of section 191.006, Florida Statutes, is reenacted to read:

191.006 General powers.—The district shall have, and the board may exercise by majority vote, the following powers:

(16) To select as a depository for its funds any qualified public depository as defined in s. 280.02 which meets all the requirements of chapter 280 and has been designated by the Chief Financial Officer as a qualified public depository, upon such terms and conditions as to the payment of interest upon the funds deposited as the board deems just and reasonable.

Section 93. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in a reference thereto, subsection (2) of section 215.34, Florida Statutes, is reenacted to read:

215.34 State funds; noncollectible items; procedure.—

(2) Whenever a check, draft, or other order for the payment of money is returned by the Chief Financial Officer, or by a qualified public depository as defined in s. 280.02, to a state officer, a state agency, or the judicial branch for collection, the officer, agency, or judicial branch shall add to the amount due a service fee of $15 or 5 percent of the face amount of the check, draft, or order, whichever is greater. An agency or the judicial branch may adopt a rule which prescribes a lesser maximum service fee, which shall be added to the amount due for the dishonored check, draft, or other order tendered for a particular service, license, tax, fee, or other charge, but in no event shall the fee be less than $15. The service fee shall be in addition to all other penalties imposed by law, except that when other charges or penalties are imposed by an agency related to a noncollectible item, the amount of the service fee shall not exceed $150. Proceeds from this fee shall be deposited in the same fund as the collected item. Nothing in this section shall be construed as authorization to deposit moneys outside the State Treasury unless specifically authorized by law.

Section 94. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in references thereto, paragraph (c) of subsection (16), paragraph (c) of subsection (17), and paragraph (a) of subsection (23) of section 218.415, Florida Statutes, are reenacted to read:

218.415 Local government investment policies.—Investment activity by a unit of local government must be consistent with a written investment plan adopted by the governing body, or in the absence of the existence of a governing body, the respective principal officer of the unit of local government and maintained by the unit of local government or, in the alternative, such activity must be conducted in accordance with subsection (17). Any such unit of local government shall have an investment policy for any public funds in excess of the amounts needed to meet current expenses as provided in subsections (1)-(16), or shall meet the alternative investment guidelines contained in subsection (17). Such policies shall be structured to place the highest priority on the safety of principal and liquidity of funds. The optimization of investment returns shall be secondary to the requirements for safety and liquidity. Each unit of local government shall adopt policies that are commensurate with the nature and size of the public funds within its custody.

(16) AUTHORIZED INVESTMENTS; WRITTEN INVESTMENT POLICIES.—Those units of local government electing to adopt a written investment policy as provided in subsections (1)-(15) may by resolution invest and reinvest any surplus public funds in their control or possession in:

(c) Interest-bearing time deposits or savings accounts in qualified public depositories as defined in s. 280.02.

(17) AUTHORIZED INVESTMENTS; NO WRITTEN INVESTMENT POLICY.—Those units of local government electing not to adopt a written investment policy in accordance with investment policies developed as provided in subsections (1)-(15) may invest or reinvest any surplus public funds in their control or possession in:

(c) Interest-bearing time deposits or savings accounts in qualified public depositories, as defined in s. 280.02.

The securities listed in paragraphs (c) and (d) shall be invested to provide sufficient liquidity to pay obligations as they come due.

(23) AUTHORIZED DEPOSITS.—In addition to the investments authorized for local governments in subsections (16) and (17) and notwithstanding any other provisions of law, a unit of local government may deposit any portion of surplus public funds in its control or possession in accordance with the following conditions:

(a) The funds are initially deposited in a qualified public depository, as defined in s. 280.02, selected by the unit of local government.

Section 95. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in a reference thereto, paragraph (h) of subsection (4) of section 255.502, Florida Statutes, is reenacted to read:

255.502 Definitions; ss. 255.501-255.525.—As used in this act, the following words and terms shall have the following meanings unless the context otherwise requires:

(4) "Authorized investments" means and includes without limitation any investment in:

(h) Savings accounts in, or certificates of deposit of, qualified public depositories as defined in s. 280.02, in an amount that does not exceed 15 percent of the net worth of the institution, or a lesser amount as determined by rule by the State Board of Administration, provided such savings accounts and certificates of deposit are secured in the manner prescribed in chapter 280.

Investments in any security authorized in this subsection may be under repurchase agreements or reverse repurchase agreements.

Section 96. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in a reference thereto, subsection (15) of section 280.051, Florida Statutes, is reenacted to read:

280.051 Grounds for suspension or disqualification of a qualified public depository.—A qualified public depository may be suspended or disqualified or both if the Chief Financial Officer determines that the qualified public depository has:

(15) No longer meets the definition of a qualified public depository under s. 280.02.

Section 97. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in a reference thereto, subsection (1) of section 280.18, Florida Statutes, is reenacted to read:

280.18 Protection of public depositors; liability of the state.—

(1) When public deposits are made in accordance with this chapter, there shall be protection from loss to public depositors, as defined in s. 280.02, in the absence of negligence, malfeasance, misfeasance, or nonfeasance on the part of the public depositor or on the part of his or her agents or employees.

Section 98. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in references thereto, subsections (1) and (2) of section 331.309, Florida Statutes, are reenacted to read:

331.309 Treasurer; depositories; fiscal agent.—

(1) The board shall designate an individual who is a resident of the state, or a qualified public depository as defined in s. 280.02, as treasurer of Space Florida, who shall have charge of the funds of Space Florida. Such funds shall be disbursed only upon the order of or pursuant to the resolution of the board by warrant, check, authorization, or direct deposit pursuant to s. 215.85, signed or authorized by the treasurer or his or her representative or by such other persons as may be authorized by the board. The board may give the treasurer such other or additional powers and duties as the board may deem appropriate and shall establish the treasurer's compensation. The board may require the treasurer to give a bond in such amount, on such terms, and with such sureties as may be deemed satisfactory to the board to secure the performance by the treasurer of his or her powers and duties. The board shall audit or have audited the books of the treasurer at least once a year.

(2) The board is authorized to select as depositories in which the funds of the board and of Space Florida shall be deposited any qualified public depository as defined in s. 280.02, upon such terms and conditions as to the payment of interest by such depository upon the funds so deposited as the board may deem just and reasonable. The funds of Space Florida may be kept in or removed from the State Treasury upon written notification from the chair of the board to the Chief Financial Officer.

Section 99. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in a reference thereto, subsection (2) of section 373.553, Florida Statutes, is reenacted to read:

373.553 Treasurer of the board; payment of funds; depositories.—

(2) The board is authorized to select as depositories in which the funds of the board and of the district shall be deposited in any qualified public depository as defined in s. 280.02, and such deposits shall be secured in the manner provided in chapter 280.

Section 100. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in a reference thereto, section 631.221, Florida Statutes, is reenacted to read:

631.221 Deposit of moneys collected.—The moneys collected by the department in a proceeding under this chapter shall be deposited in a qualified public depository as defined in s. 280.02, which depository with regards to such funds shall conform to and be bound by all the provisions of chapter 280, or invested with the Chief Financial Officer pursuant to chapter 18. For the purpose of accounting for the assets and transactions of the estate, the receiver shall use such accounting books, records, and systems as the court directs after it hears and considers the recommendations of the receiver.

Section 101. Effective July 1, 2024, for the purpose of incorporating the amendment made by this act to section 280.02, Florida Statutes, in a reference thereto, paragraph (c) of subsection (3) of section 723.06115, Florida Statutes, is reenacted to read:

723.06115 Florida Mobile Home Relocation Trust Fund.—

(3) The department shall distribute moneys in the Florida Mobile Home Relocation Trust Fund to the Florida Mobile Home Relocation Corporation in accordance with the following:

(c) Funds transferred from the trust fund to the corporation shall be transferred electronically and shall be transferred to and maintained in a qualified public depository as defined in s. 280.02 which is specified by the corporation.

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

Remove lines 50-54 of the amendment and insert:

Association; amending s. 17.57, F.S.; providing certain requirements for credit unions designated as qualified public depositories relating to the National Credit Union Share Insurance Fund; 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 applies 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), 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 effective dates.

Rep. Botana moved the adoption of the amendment to the amendment, which was adopted. The vote was:

Session Vote Sequence: 983

Representative Payne in the Chair.

Yeas—49

Abbott	Caruso	Harris	Rizo
Alvarez	Cassel	Holcomb	Robinson, F.
Anderson	Chamberlin	Jacques	Salzman
Andrade	Chaney	Koster	Sirois
Antone	Daley	Lopez, V.	Snyder
Bartleman	Esposito	McFarland	Temple
Basabe	Fine	Mooney	Trabulsy
Bell	Gantt	Nixon	Tuck
Berfield	Garcia	Payne	Waldron
Black	Giallombardo	Persons-Mulicka	Yeager
Botana	Gonzalez Pittman	Plakon	
Brackett	Gossett-Seidman	Porras	
Canady	Grant	Redondo	

Nays—45

Altman	Dunkley	Maggard	Smith
Amesty	Eskamani	Maney	Stark
Arrington	Fabricio	McClain	Stevenson
Baker	Garrison	McClure	Tant
Bankson	Gottlieb	Michael	Tomkow
Borrero	Hart	Overdorf	Truenow
Bracy Davis	Hinson	Plasencia	Valdés
Buchanan	Hunschofsky	Rayner	Williams
Busatta Cabrera	Keen	Roach	Woodson
Campbell	Killebrew	Roth	
Cross	LaMarca	Shoaf	
Driskell	López, J.	Silvers	

Votes after roll call:
Yeas—Beltran, Perez
Nays to Yeas—Garrison

On motion by Rep. LaMarca, the House concurred in **Senate Amendment 1 (383170)**.

On motion by Rep. LaMarca, the House concurred in **Senate Amendment 2 (919464)**, as amended by the House.

On motion by Rep. LaMarca, the House concurred in **Senate Amendment 3 (699538)**, as amended by the House.

The question recurred on passage of **CS/CS/CS/HB 989**, as amended. The vote was:

Session Vote Sequence: 984

Representative Payne in the Chair.

Yeas—92

Abbott	Canady	Holcomb	Rayner
Altman	Caruso	Hunschofsky	Redondo
Alvarez	Cassel	Jacques	Renner
Amesty	Chamberlin	Keen	Rizo
Anderson	Chaney	Killebrew	Roach
Andrade	Cross	LaMarca	Robinson, F.
Antone	Daley	Leek	Rommel
Baker	Driskell	López, J.	Salzman
Bankson	Dunkley	Lopez, V.	Shoaf
Basabe	Esposito	Maney	Silvers
Bell	Fabricio	Massullo	Sirois
Beltran	Fine	McClain	Smith
Benjamin	Franklin	McClure	Snyder
Berfield	Gantt	McFarland	Stark
Black	Garcia	Michael	Stevenson
Borrero	Garrison	Mooney	Tant
Botana	Giallombardo	Nixon	Temple
Brackett	Gonzalez Pittman	Overdorf	Tomkow
Bracy Davis	Gossett-Seidman	Payne	Trabulsy
Brannan	Gottlieb	Perez	Truenow
Buchanan	Grant	Persons-Mulicka	Tuck
Busatta Cabrera	Gregory	Plakon	Woodson
Campbell	Harris	Plasencia	Yeager

Nays—9

Arrington	Hart	Roth
Bartleman	Hinson	Valdés
Eskamani	Maggard	Williams

Votes after roll call:
Yeas—Waldron

So the bill passed, as amended. The action, together with the bill and the amendments thereto, was immediately certified to the Senate.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has refused to concur in House Amendment 1 (249405) to CS for CS for SB 556 and requests the House to recede.

Tracy C. Cantella, Secretary

By the Committees on Rules; and Banking and Insurance; and Senators Rouson and Book—

CS for CS for SB 556—A bill to be entitled An act relating to protection of specified adults; creating s. 415.10341, F.S.; defining terms; providing legislative findings and intent; authorizing financial institutions, under certain circumstances, to delay a disbursement or transaction from an account of a specified adult; specifying that a delay on a disbursement or transaction expires on a certain date; authorizing the financial institution to extend the delay under certain circumstances; authorizing a court of competent jurisdiction to shorten or extend the delay; providing construction; granting financial institutions immunity from certain liability; providing construction; requiring financial institutions to take certain actions before placing a delay on a disbursement or transaction; providing construction; providing an effective date.

Representative Silvers offered the following:

(Amendment Bar Code: 249405)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:
Section 1. Section 415.10341, Florida Statutes, is created to read:

415.10341 Protection of specified adults.—

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

(a) "Financial exploitation" means the wrongful or unauthorized taking, withholding, appropriation, or use of money, assets, or property of an adult individual; or any act or omission by a person, including through the use of a power of attorney, guardianship, or conservatorship of an individual, to:

1. Obtain control over the individual's money, assets, or property through deception, intimidation, or undue influence to deprive him or her of the ownership, use, benefit, or possession of the money, assets, or property; or

2. Divert the individual's money, assets, or property to deprive him or her of the ownership, use, benefit, or possession of the money, assets, or property.

(b) "Financial institution" means a state financial institution or a federal financial institution as those terms are defined under s. 655.005(1).

(c) "Trusted contact" means a natural person 18 years of age or older whom the account owner has expressly identified and recorded in a financial institution's books and records as the person who may be contacted about the account.

(2) If a financial institution reports suspected financial exploitation of an individual pursuant to s. 415.1034, it may delay a disbursement or transaction from an account of the individual or an account for which the individual is a beneficiary or beneficial owner if all of the following apply:

(a) The financial institution immediately initiates an internal review of the facts and circumstances that caused an employee of the financial institution to report suspected financial exploitation.

(b) Not later than 3 business days after the date on which the delay was first placed, the financial institution:

1. Notifies in writing all parties authorized to transact business on the account and any trusted contact on the account, using the contact information provided for the account, with the exception of any party an employee of the financial institution reasonably believes has engaged in, is engaging in, has attempted to engage in, or will attempt to engage in the suspected financial exploitation of the individual. The notice, which may be provided electronically, must provide the reason for the delay.

2. Creates and maintains a written or an electronic record of the delayed disbursement or transaction that includes, at minimum, the following information:

a. The date on which the delay was first placed.

b. The name and address of the individual.

c. The business location of the financial institution.

d. The name and title of the employee who reported suspected financial exploitation of the individual pursuant to s. 415.1034.

e. The facts and circumstances that caused the employee to report suspected financial exploitation.

(3) The financial institution must maintain for at least 5 years after the date of a delayed disbursement or transaction a written or an electronic record of the information required in subparagraph (2)(b)2.

(4) A delay on a disbursement or transaction under subsection (2) expires 5 business days after the date on which the delay was first placed. However, the financial institution may extend the delay for up to 7 additional calendar days if the financial institution's review of the available facts and circumstances continues to support the reasonable belief that financial exploitation of the individual has occurred, is occurring, has been attempted, or will be attempted. The length of the delay may be shortened or extended at any time by a court of competent jurisdiction. This subsection does not prevent a financial institution from terminating a delay after communication with the parties authorized to transact business on the account and any trusted contact on the account.

(5) Before placing a delay on a disbursement or transaction pursuant to this section, a financial institution must do all of the following:

(a) Develop training policies or programs reasonably designed to educate employees on issues pertaining to financial exploitation of individuals.

(b) Conduct training for all employees at least annually and maintain a written record of all trainings conducted.

(c) Develop, maintain, and enforce written procedures regarding the manner in which suspected financial exploitation is reviewed internally, including, if applicable, the manner in which suspected financial exploitation is required to be reported to supervisory personnel.

(6) Absent a reasonable belief of financial exploitation as provided in this section, this section does not otherwise alter a financial institution's obligations to all parties authorized to transact business on an account and any trusted contact named on such account.

(7) This section does not create new rights for or impose new obligations on a financial institution under other applicable law.

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 protection of specified adults; creating s. 415.10341, F.S.; defining terms; authorizing financial institutions, under certain circumstances, to delay a disbursement or transaction from an account of a specified individual; requiring certain financial institutions to maintain specified information for a certain timeframe; specifying that a delay on a disbursement or transaction expires on a certain date; authorizing the financial institution to extend the delay under certain circumstances; authorizing a court of competent jurisdiction to shorten or extend the delay; requiring financial institutions to take certain actions before placing a delay on a disbursement or transaction; providing construction; providing an effective date.

On motion by Rep. Silvers, the House receded from **House Amendment 1 (249405)**.

The question recurred on the passage **of CS for CS for SB 556**. The vote was:

Session Vote Sequence: 985

Representative Payne in the Chair.

Yeas—104

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

Nays—1

Fine

So the bill passed. The action, together with the bill thereto, was immediately certified to the Senate.

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 10:30 a.m., Friday, March 8, 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 HB 165.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 191.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 509.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 533.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 691.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 741.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 755.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 793.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 819.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 821.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 823.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 867.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 897.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 931.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1023.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1025.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1115.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1117.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for CS for HB 1165.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 1291.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1451.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1483.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 1571.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1573.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1575.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 1577.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7043.

Tracy C. Cantella, Secretary

The above bill was ordered enrolled.

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 3 (903751), and passed SB 184, as amended.

Tracy C. Cantella, Secretary

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 (814927), and passed CS for SB 280, as further amended.

Tracy C. Cantella, Secretary

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 (034487), and passed CS for SB 362, as amended.

Tracy C. Cantella, Secretary

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 (018011), and passed CS for CS for CS for SB 892, as further amended.

Tracy C. Cantella, Secretary

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 (917109) to Senate Amendment 1 (660000), and passed CS for HB 1361, as further amended.

Tracy C. Cantella, Secretary

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendment 1 (413719), and passed CS for CS for CS for SB 1582, as further amended.

Tracy C. Cantella, Secretary

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendments 1 (147775), and 2 (206225), and passed CS for SB 7028, as amended.

Tracy C. Cantella, Secretary

The Honorable Paul Renner, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendments 1 (616755), 2 (089309), and 3 (133095), and passed CS for SB 7032, as amended.

Tracy C. Cantella, Secretary

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Bell:

Yeas—March 4: 793, 802, 819, 822, 823; March 5: 870, 871, 872, 873

Yeas to Nays—March 5: 836

Rep. Cross:

Yeas—February 29: 746, 747

Rep. Dunkley:

Yeas—February 8: 580, 581, 582, 583, 584; February 28: 718, 719; March 1: 785; March 5: 833

Rep. Garcia:

Yeas—March 6: 918

Rep. Gossett-Seidman:

Yeas—March 5: 833

Rep. Hinson:

Yeas—February 29: 753; March 1: 775; March 5: 835; March 6: 914, 922

Nays—February 29: 755; March 1: 774

Rep. V. Lopez:

Yeas to Nays—March 6: 909

Rep. Shoaf:

Nays to Yeas—March 6: 928

Rep. Sirois:

Yeas—February 22: 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685; March 1: 781, 788, 789, 790; March 5: 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866; March 6: 926

Rep. Stark:

Yeas—February 22: 674

Rep. Tant:

Yeas—March 5: 828, 870, 871, 872, 873

Nays—March 4: 814

Rep. Tomkow:

Yeas—March 6: 917

Rep. Truenow:

Yeas—February 29: 745, 746, 747; March 6: 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893

Rep. Yarkosky:

Yeas—March 6: 911

Explanation of Vote for Sequence Number 914

I voted No on the bill with the intention of voting Yes on a final bill, subject to an amendment by the Senate that would clarify language regarding peaceful recording. The Senate, however, passed the bill without this agreed-upon amendment.

Rep. Lindsay Cross
District 60

First-named Sponsors

CS/CS/HB 515—Beltran

CS/HB 1281—Joseph

Cosponsors

CS/CS/HB 3—Anderson, Black, Chaney, Fabricio, Massullo, Roth, Snyder, Trabulsy, Waldron

CS/CS/HB 49—Maggard

CS/HB 75—Alvarez, Maggard, Porras

CS/HB 87—Maggard

HB 187—Maggard

CS/CS/HB 231—Maggard

CS/HB 293—Maggard

CS/HB 415—Maggard

CS/CS/HB 515—Beltran

CS/CS/HB 623—Leek

CS/CS/HB 635—J. López

HB 725—Benjamin

HB 905—Benjamin

CS/CS/HB 917—Maggard

CS/HB 919—Leek

CS/CS/HB 1001—J. López

HB 1025—J. López

CS/CS/CS/HB 1029—Leek

CS/CS/HB 1071—Maggard, Yeager

HB 1131—Rizo

CS/CS/HB 1133—Cross

CS/CS/HB 1181—Yeager

CS/HB 1291—Yeager

CS/HB 1317—Fabricio, Roth

CS/CS/HB 1329—Arrington, Berfield, Garcia, Nixon, Smith, Yeager

CS/HB 1361—Barnaby, Mooney

CS/CS/HB 1365—Yeager

CS/HB 1379—Roth

HB 1401—Williams

CS/HB 1429—Fabricio, Mooney, Salzman

CS/CS/CS/HB 1459—Barnaby, Chaney, Eskamani, Overdorf

CS/HB 1541—Maggard

CS/CS/HB 1611—Barnaby, Roth

HB 1615—Maggard

HB 5401—Fabricio

HB 7087—Chaney, Roth

Withdrawal as Cosponsor

CS/CS/HB 515—Beltran

Excused

Reps. Casello, Edmonds, Melo, Skidmore, Steele, Tramont

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 9:59 p.m., to reconvene at 10:30 a.m., Friday, March 8, 2024, or upon call of the Chair.

CHAMBER ACTIONS ON BILLS

Thursday, March 7, 2024

CS/HB 87 — Amendment 542244 Concur; CS passed as amended; YEAS 83, NAYS 28

CS/HB 135 — Amendment 830180 Concur; CS passed as amended; YEAS 113, NAYS 0

CS/CS/CS/HB 267 — Amendment 505102 Concur; CS passed as amended; YEAS 83, NAYS 29

CS/CS/HB 271 — Amendment 800572 Concur; CS passed as amended; YEAS 113, NAYS 0

CS for SB 278 — 03/07/24 S Requested House to recede

CS for SB 280 — 03/07/24 S Amendment(s) to House amendment(s) failed (177554)

CS/CS/HB 433 — Amendment 702123 adopted; Concurred in Senate amendment 846392 as amended; CS passed as amended; YEAS 73, NAYS 33

CS/CS/HB 537 — Amendment 319730 Concur; CS passed as amended; YEAS 111, NAYS 0

CS/HB 549 — Amendment 942840 Concur; CS passed as amended; YEAS 83, NAYS 27

CS for CS for SB 556 — 03/07/24 S Requested House to recede; Passed as amended; YEAS 104, NAYS 1; Amendment 249405 Recede

HB 601 — Amendment 855090 Concur; Passed as amended; YEAS 81, NAYS 28

CS/CS/HB 623 — Amendment 615874 Concur; CS passed as amended; YEAS 104, NAYS 7

CS/HB 761 — Amendment 930838 Concur; CS passed as amended; YEAS 113, NAYS 0

CS/CS/HB 917 — Amendment 673320 Concur; CS passed as amended; YEAS 105, NAYS 3

CS/CS/HB 975 — Amendment 667080 Concur; CS passed as amended; YEAS 109, NAYS 0

CS/CS/HB 981 — Amendment 163918 Refuse to Concur; Refused to concur, requested Senate to recede

CS/CS/CS/HB 989 — Amendment 198697 adopted; Amendment 773673 adopted as amended; Amendment 895767 adopted; Amendment 383170 Concur; Concurred in Senate amendment 919464 as amended; Concurred in Senate amendment 699538 as amended; CS passed as amended; YEAS 92, NAYS 9

CS/CS/HB 1007 — Amendment 955516 Concur; CS passed as amended; YEAS 105, NAYS 5

CS for SB 1112 — 03/07/24 S Requested House to recede

CS/CS/HB 1181 — Amendment 498472 Concur; CS passed as amended; YEAS 84, NAYS 25

CS/CS/HB 1203 — Amendment 254472 Concur; CS passed as amended; YEAS 110, NAYS 0

CS/HB 1281 — Amendment 353898 Concur; CS passed as amended; YEAS 112, NAYS 0

CS/CS/HB 1285 — Amendment 495571 Failed; Amendment 648583 Failed; Amendment 155292 Concur; CS passed as amended; YEAS 84, NAYS 29

CS/CS/CS/HB 1301 — Amendment 299830 Concur; CS passed as amended; YEAS 79, NAYS 32

CS/HB 1317 — Amendment 668628 Concur; CS passed as amended; YEAS 111, NAYS 0

CS/CS/HB 1329 — Amendment 402874 Concur; CS passed as amended; YEAS 113, NAYS 0

CS/CS/HB 1335 — Amendment 833732 Concur; CS passed as amended; YEAS 102, NAYS 9

CS/HB 1361 — Amendment 917109 adopted; Concurred in Senate amendment 660000 as amended; CS passed as amended; YEAS 113, NAYS 0; 03/07/24 S Concurred in House amendment(s) to Senate amendment(s) (917109)

CS/CS/HB 1403 — Amendment 203782 Concur; CS passed as amended; YEAS 89, NAYS 18

CS/CS/HB 1473 — Amendment 536102 Concur; CS passed as amended; YEAS 112, NAYS 0

CS/CS/HB 1503 — Amendment 102780 Concur; CS passed as amended; YEAS 113, NAYS 0

CS/HB 1545 — Amendment 285882 Concur; CS passed as amended; YEAS 100, NAYS 11

CS/CS/CS/HB 1555 — Amendment 656380 Concur; CS passed as amended; YEAS 112, NAYS 0

CS/CS/HB 1611 — Amendment 570148 Concur; Amendment 717574 Concur; CS passed as amended; YEAS 112, NAYS 0

CS/CS/HB 1645 — Amendment 282208 Concur; CS passed as amended; YEAS 81, NAYS 29

CS/CS/HB 7013 — Amendment 613928 Concur; CS passed as amended; YEAS 112, NAYS 1

CS for SB 7014 — Concurred in 844484 amendment(s); CS passed as amended; YEAS 79, NAYS 34

HB 7067 — Amendment 137798 Concur; Passed as amended; YEAS 81, NAYS 31

JOURNAL OF THE HOUSE OF REPRESENTATIVES

DAILY INDICES FOR

March 7, 2024

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