The Journal OF THE House of Representatives

Number 36 **Friday, March 6, 2020**

The House was called to order by the Speaker at 9:00 a.m.

Prayer

The following prayer was offered by the Reverend Dr. Geoffrey Douglas Lentz of First United Methodist Church of Port St. Joe, upon invitation of Rep. Shoaf:

Almighty and most merciful God, we give You thanks that Your mercies are new every morning. We ask Your blessing upon this day, that we may make the most of all You have given us. We ask Your blessing upon this House and its legislators, as they make decisions on behalf of Your people, that they may lead with justice and charity. And finally we ask Your blessings upon our great state of Florida. Strengthen us that we may be a community of healing, strength, and love for all our citizens and visitors. To the name of the one who is the ruler of all, we pray, Amen.

The following members were recorded present:

Session Vote Sequence: 561

Speaker Oliva in the Chair.

Yeas—111

Alexander	Duggan	Latvala	Rommel
Aloupis	Duran	Leek	Roth
Andrade	Eagle	Magar	Sabatini
Antone	Eskamani	Maggard	Santiago
Ausley	Fernández	Mariano	Shoaf
Avila	Fernandez-Barquin	Massullo	Silvers
Bell	Fetterhoff	McClain	Sirois
Beltran	Fine	McClure	Slosberg
Brannan	Fischer	McGhee	Smith, C.
Brown	Geller	Mercado	Smith, D.
Buchanan	Goff-Marcil	Newton	Sprowls
Burton	Good	Oliva	Stark
Bush	Gottlieb	Overdorf	Stevenson
Byrd	Grall	Payne	Stone
Caruso	Grant, M.	Perez	Sullivan
Casello	Gregory	Pigman	Thompson
Clemons	Hage	Plakon	Toledo
Cortes, J.	Hart	Plasencia	Tomkow
Cummings	Hattersley	Polsky	Trumbull
Daley	Hill	Ponder	Valdés
Daniels	Hogan Johnson	Pritchett	Watson, B.
Davis	Ingoglia	Raschein	Watson, C.
Diamond	Jacquet	Renner	Webb
DiCeglie	Jenne	Roach	Willhite
Donalds	Jones	Robinson	Williamson
Drake	Killebrew	Rodrigues, R.	Yarborough
Driskell	La Rosa	Rodriguez, A.	Zika
DuBose	LaMarca	Rodriguez, A. M.	

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: Yani Smith of Okeechobee at the invitation of Rep. Pigman; Madelyn B. Stoutamire of Marianna at the invitation of Rep. Drake; Isaac R. Van Buren of Fellsmere at the invitation of Rep. Grall; and Pearce E. Witters of Tallahassee at the invitation of Rep. Omphroy.

House Physician

The Speaker introduced Dr. Karen Bartley of Panacea, who served in the Clinic today upon invitation of Rep. Shoaf.

Correction of the *Journal*

The *Journal* of March 5, 2020, was corrected and approved as corrected.

Reports of Standing Committees and Subcommittees

Reports of the Rules Committee

The Honorable Jose R. Oliva March 3, 2020
Speaker, House of Representatives

Dear Mr. Speaker:

Your Rules Committee herewith submits the Special Order for Friday, March 6, 2020. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

I. Consideration of the following bills:

CS/HB 393 - Judiciary Committee, Stone, Hogan Johnson
Jury Service

CS/HB 1049 - Government Operations & Technology Appropriations Subcommittee, Stone
Office of the Judges of Compensation Claims

CS/HB 7077 - Judiciary Committee, Criminal Justice Subcommittee, Grant, J., Bush
Postsentencing Forensic Analysis

Indices appear at the end of the *Journal*

CS/CS/CS/HB 1391 - State Affairs Committee, Government Operations & Technology Appropriations Subcommittee, Insurance & Banking Subcommittee, Grant, J., Toledo
Technology Innovation

CS/CS/HB 1393 - State Affairs Committee, Insurance & Banking Subcommittee, Grant, J.
Pub. Rec./Financial Technology Sandbox

CS/HB 519 - Civil Justice Subcommittee, Grant, J.
Private Property Rights Protection

CS/HB 7067 - Appropriations Committee, Education Committee, Sullivan
Education

HB 7103 - Education Committee, Sullivan
Education

CS/CS/HB 613 - Education Committee, Higher Education & Career Readiness Subcommittee, Rodrigues, R.
Higher Education

CS/HB 1193 - Commerce Committee, Ingoglia, Buchanan
Deregulation of Professions and Occupations

HB 7099 - State Affairs Committee, Ingoglia
Essential State Infrastructure

CS/HB 1085 - Judiciary Committee, Ponder
Veterans Treatment Court

CS/CS/CS/HB 1013 - Education Committee, PreK-12 Appropriations Subcommittee, PreK-12 Innovation Subcommittee, Grall, Aloupis, Bush, Roth, Williams
Early Learning and Early Grade Success

CS/HB 1059 - Judiciary Committee, Grall, Buchanan, Bush, Byrd, Daniels, Donalds, Fischer, McClain, Perez, Plakon, Roth, Sabatini, Santiago, Stone, Yarborough
Parental Rights

HB 163 - Altman, Cortes, J., Geller, Grieco, Polo, Polsky
Homelessness

HB 641 - Plasencia, Overdorf
Funds for the Operation of Schools

CS/HB 467 - Health & Human Services Committee, Stevenson, Smith, D.
Physical Therapy Practice

CS/CS/HB 1095 - Commerce Committee, Energy & Utilities Subcommittee, Fitzenhagen
Underground Facility Damage Prevention and Safety

CS/CS/HB 1213 - Education Committee, PreK-12 Innovation Subcommittee, Fine, Caruso, Bush, Ingoglia, Massullo, Polsky
Holocaust Education

CS/CS/CS/HB 1371 - State Affairs Committee, Transportation & Tourism Appropriations Subcommittee, Transportation & Infrastructure Subcommittee, Fine, Caruso, Altman, Slosberg
Traffic and Pedestrian Safety

CS/HB 7087 - Appropriations Committee, Education Committee, Fine
Higher Education

CS/CS/CS/HB 1339 - Commerce Committee, Ways & Means Committee, Local, Federal & Veterans Affairs Subcommittee, Yarborough, Daniels, Williams
Community Development and Housing

CS/CS/HB 821 - State Affairs Committee, Oversight, Transparency & Public Management Subcommittee, Williamson, Andrade
Pub. Rec. and Meetings/Information Technology Security Information

CS/CS/HB 767 - Health & Human Services Committee, Health Market Reform Subcommittee, Grant, M.
Assisted Living Facilities

CS/CS/HB 971 - State Affairs Committee, Transportation & Infrastructure Subcommittee, Grant, M.
Electric Bicycles

CS/HB 1409 - Oversight, Transparency & Public Management Subcommittee, Grant, M.
Pub. Rec./Records of Insurers/Department of Financial Services

CS/HB 1187 - Health Market Reform Subcommittee, Latvala
Organ Donation

CS/CS/HB 311 - Judiciary Committee, Criminal Justice Subcommittee, Massullo
Threats

CS/CS/HB 1061 - State Affairs Committee, Agriculture & Natural Resources Appropriations Subcommittee, Massullo
Aquatic Preserves

CS/HB 559 - Health & Human Services Committee, Byrd, Stone
Institutional Formularies Established by Nursing Home Facilities

CS/HB 1005 - State Affairs Committee, Byrd, Alexander, Ausley, Davis, Drake, Trumbull
Voting Systems

CS/HB 1265 - Commerce Committee, Byrd, Fitzenhagen, Andrade, Donalds, Hill, Sabatini, Santiago, Sirois
Verification of Employment Eligibility

HB 855 - Payne, Beltran
Special Districts

CS/HB 1343 - State Affairs Committee, Payne, Ingoglia, Daniels, Hogan Johnson, Jacobs, Overdorf, Sirois
Environmental Resource Management

CS/CS/HB 1063 - State Affairs Committee, Agriculture & Natural Resources Subcommittee, Drake, Massullo
State Hemp Program

CS/CS/HB 1139 - Commerce Committee, Transportation & Tourism Appropriations Subcommittee, Clemons, Polsky, Alexander, Ausley, Bell, Brannan, Drake, Mariano, Payne, Pigman, Roth, Shoaf, Smith, D., Stone
Economic Development

CS/HB 1201 - State Affairs Committee, Clemons
Department of Citrus

HB 1465 - Bell
Hardee County Economic Development Authority, Hardee County

CS/CS/CS/HB 623 - Commerce Committee, Civil Justice Subcommittee, Business & Professions Subcommittee, Shoaf

Community Associations

HB 7019 - Oversight, Transparency & Public Management Subcommittee, Shoaf
OGSR/Human Trafficking Victims

CS/CS/HB 715 - State Affairs Committee, Agriculture & Natural Resources Subcommittee, Maggard
Reclaimed Water

CS/CS/HB 1181 - State Affairs Committee, Oversight, Transparency & Public Management Subcommittee, Maggard
Florida Disaster Volunteer Leave Act

CS/CS/CS/HB 391 - State Affairs Committee, Transportation & Tourism Appropriations Subcommittee, Transportation & Infrastructure Subcommittee, Brannan, Fetterhoff, Andrade, Grall, Hill, Shoaf, Watson, C., Zika
Transportation Facility Designations

CS/CS/HB 921 - State Affairs Committee, Agriculture & Natural Resources Subcommittee, Brannan
Department of Agriculture and Consumer Services

CS/HB 941 - Children, Families & Seniors Subcommittee, Buchanan
Treatment-based Drug Court Programs

CS/CS/HB 279 - State Affairs Committee, Oversight, Transparency & Public Management Subcommittee, Smith, D., Sabatini
Local Government Public Construction Works

CS/CS/HB 733 - Judiciary Committee, Civil Justice Subcommittee, Smith, D., Ausley
Marketable Record Title Act

CS/CS/HB 731 - Health & Human Services Committee, Health Market Reform Subcommittee, Perez
Agency for Health Care Administration

CS/CS/HB 1011 - Commerce Committee, Government Operations & Technology Appropriations Subcommittee, Fischer, La Rosa, Daniels, Sabatini
Vacation Rentals

HB 833 - Rommel
Program of All-Inclusive Care for the Elderly

CS/CS/HB 1039 - State Affairs Committee, Transportation & Infrastructure Subcommittee, Rommel
Transportation Network Companies

CS/CS/HB 977 - State Affairs Committee, Transportation & Infrastructure Subcommittee, Rommel, Sabatini
Motor Vehicle Dealers

HJR 7093 - Judiciary Committee, Rommel
Petition Threshold Requirements for Citizen Initiatives

CS/HB 741 - Civil Justice Subcommittee, Leek, Sabatini
Asbestos Trust Claims

CS/CS/HB 241 - Judiciary Committee, Criminal Justice Subcommittee, Killebrew, Silvers, Altman, Andrade, Cortes, J., Daley, Eskamani, Grieco, Mercado, Omphroy, Plasencia, Polo, Polsky, Santiago, Sirois
Domestic Violence Injunctions

CS/HB 687 - Health Care Appropriations Subcommittee, Zika, Hattersley, Eskamani, Fernández, Geller, Ingoglia, Joseph, Smith, D., Webb
Services for Veterans and Their Families

CS/CS/HB 787 - State Affairs Committee, Transportation & Infrastructure Subcommittee, Tomkow
Driver Licenses and Identification Cards

CS/CS/HB 789 - State Affairs Committee, Transportation & Infrastructure Subcommittee, Tomkow
Driver License Fees

CS/CS/HB 1105 - Health & Human Services Committee, Children, Families & Seniors Subcommittee, Tomkow, Mariano
Child Welfare

CS/CS/HB 1111 - State Affairs Committee, Public Integrity & Ethics Committee, Tomkow
Government Accountability

CS/HB 1257 - Judiciary Committee, Tomkow
Community Associations

CS/HB 1335 - PreK-12 Innovation Subcommittee, LaMarca
Florida Virtual Education

CS/CS/HB 7051 - Judiciary Committee, Education Committee, Workforce Development & Tourism Subcommittee, LaMarca, McGhee, Donalds, La Rosa
Intercollegiate Athlete Compensation and Rights

CS/HB 579 - Agriculture & Natural Resources Subcommittee, Aloupis, Joseph
Public Financing of Construction Projects

CS/CS/HB 7079 - Education Committee, PreK-12 Appropriations Subcommittee, PreK-12 Innovation Subcommittee, Aloupis
Education

CS/CS/HB 6501 - Judiciary Committee, Civil Justice Subcommittee, Fernandez-Barquin, Joseph
Relief/Dontrell Stephens/Palm Beach County Sheriff's Office

CS/HB 7057 - Appropriations Committee, Judiciary Committee, Fernandez-Barquin
Appellate Courts Headquarters and Travel

CS/HB 7059 - Appropriations Committee, Judiciary Committee, Fernandez-Barquin
Jurisdiction of Appellate Courts

CS/HB 783 - Judiciary Committee, Beltran
Uniform Commercial Real Estate Receivership Act

CS/CS/CS/HB 65 - Commerce Committee, Local, Federal & Veterans Affairs Subcommittee, Business & Professions Subcommittee, Rodriguez, A. M., Sabatini
Fireworks

CS/HB 549 - Agriculture & Natural Resources Subcommittee, Overdorf
Pub. Rec./Site-specific Location Information of Endangered and Threatened Species

CS/CS/HB 569 - State Affairs Committee, Transportation & Infrastructure Subcommittee, Overdorf, McClure, Cortes, J., Zika
Diesel Exhaust Fluid

CS/CS/HB 967 - Judiciary Committee, Civil Justice Subcommittee, Gregory
Clerks of the Court

CS/CS/HB 1143 - Health & Human Services Committee, Health Quality Subcommittee, Gregory
Department of Health

CS/HB 1089 - Civil Justice Subcommittee, Caruso
Trusts

CS/CS/CS/HB 395 - State Affairs Committee, Transportation & Tourism Appropriations Subcommittee, Transportation & Infrastructure Subcommittee, Andrade
Transportation

CS/HB 7045 - Health & Human Services Committee, Health Market Reform Subcommittee, Andrade
Prescription Drug Price Transparency

CS/CS/CS/HB 689 - Commerce Committee, Government Operations & Technology Appropriations Subcommittee, Business & Professions Subcommittee, Rodriguez, A.
Department of Business and Professional Regulation

CS/CS/HB 865 - State Affairs Committee, Oversight, Transparency & Public Management Subcommittee, Rodriguez, A., Overdorf
Emergency Reporting

HJR 369 - Roth, Webb
Limitation on Homestead Assessments

HB 371 - Roth, Webb
Limitations on Homestead Assessments

HB 7085 - Children, Families & Seniors Subcommittee, Roth
Dependency Proceedings and Child Protection Services

CS/HB 255 - Civil Justice Subcommittee, Antone
Florida Commission on Human Relations

CS/HB 563 - Health & Human Services Committee, Daley, Slosberg
Procurement of Human Organs and Tissue

CS/CS/HB 59 - Health & Human Services Committee, Health Quality Subcommittee, Willhite, Daniels, Sabatini
Automated Pharmacy Systems

CS/CS/HB 755 - Commerce Committee, Energy & Utilities Subcommittee, DuBose
Pub. Rec. and Meetings/Public Safety Communication Systems

HB 1231 - DuBose, Rodrigues, R., Bush, Donalds, Duran, Eskamani, Hattersley, Hill, Jenne, Mercado, Polo, Slosberg, Stark, Toledo, Valdés
Students with Disabilities in Public Schools

CS/HB 835 - Children, Families & Seniors Subcommittee, Willhite, Plakon, Daley, Eskamani, Fernández, Gottlieb, Grieco, Hogan Johnson, Joseph, Killebrew, LaMarca, Maggard, Newton, Silvers, Williams
Alzheimer's Disease

CS/CS/HB 625 - State Affairs Committee, Civil Justice Subcommittee, Newton, McClain, Mercado
Public Nuisances

CS/CS/HB 573 - Judiciary Committee, Civil Justice Subcommittee, Casello, McClain, Newton
Peer Support for First Responders

CS/HB 529 - Insurance & Banking Subcommittee, Webb, Stark
Insurance Guaranty Associations

CS/HB 1083 - PreK-12 Innovation Subcommittee, Webb, Bush, Byrd, Daniels, Donalds, Duran, Eskamani, Grieco, Joseph, Plasencia, Santiago, Smith, C., Williams
Student Mental Health Procedures

CS/HB 675 - Judiciary Committee, Mercado
Exposure of Sexual Organs

CS/HB 199 - Criminal Justice Subcommittee, Davis, Plakon, Cortes, J., Eskamani, Gottlieb, Grieco, Hattersley, Joseph, Mercado, Polsky, Slosberg, Webb
Sexual Battery Prosecution Time Limitation

CS/CS/HB 1259 - Justice Appropriations Subcommittee, Criminal Justice Subcommittee, Jones, Mercado, Brown, Bush, Eskamani, Geller, Goff-Marcil, Hart, Joseph, Killebrew, Newton, Polsky, Smith, C.
Restrictive Housing for Incarcerated Pregnant Women

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

Respectfully submitted,
Chris Sprowls, Chair
Rules Committee

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

Bills and Joint Resolutions on Third Reading

Consideration of **CS/CS/HB 7063** was temporarily postponed.

CS/CS/HB 1249—A bill to be entitled An act relating to transfer of tax exemption for veterans; amending s. 196.011, F.S.; conforming a provision to changes made by the act; amending s. 196.081, F.S.; providing that certain veterans and their surviving spouses receiving a certain homestead tax exemption may apply for and receive a prorated refund of property taxes paid on new homestead property acquired during a certain timeframe; requiring the property appraiser to immediately make certain entries upon the tax rolls to allow a prorated refund under certain circumstances; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 562

Speaker Oliva in the Chair.

Yeas—108

Aloupis	Donalds	Hill	Pigman
Andrade	Drake	Hogan Johnson	Plakon
Antone	Driskell	Ingoglia	Plasencia
Ausley	DuBose	Jacquet	Polsky
Avila	Duggan	Jenne	Ponder
Bell	Duran	Killebrew	Pritchett
Beltran	Eagle	La Rosa	Raschein
Brannan	Eskamani	LaMarca	Renner
Brown	Fernández	Latvala	Roach
Buchanan	Fernandez-Barquin	Leek	Robinson
Burton	Fetterhoff	Magar	Rodrigues, R.
Bush	Fine	Maggard	Rodriguez, A.
Byrd	Fischer	Mariano	Rommel
Caruso	Geller	Massullo	Roth
Casello	Goff-Marcil	McClain	Sabatini
Clemons	Good	McClure	Santiago
Cortes, J.	Gottlieb	McGhee	Shoaf
Cummings	Grall	Mercado	Silvers
Daley	Grant, M.	Newton	Sirois
Daniels	Gregory	Oliva	Slosberg
Davis	Hage	Overdorf	Smith, C.
Diamond	Hart	Payne	Smith, D.
DiCeglie	Hattersley	Perez	Sprowls

Stark	Thompson	Valdés	Willhite
Stevenson	Toledo	Watson, B.	Williamson
Stone	Tomkow	Watson, C.	Yarborough
Sullivan	Trumbull	Webb	Zika

Nays—None

Votes after roll call:
Yeas—Alexander, Altman, Grieco, Jacobs, Joseph, Omphroy, Polo, Rodriguez, A. M.

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

CS/HB 7101—A bill to be entitled An act relating to state advisory bodies; creating the Local Government Efficiency Task Force within the Legislature; providing for membership, duties, and meetings of the task force; requiring the task force to submit a report to the Governor and Legislature by a date certain; providing for expiration of the task force; creating the Urban Core Crime and Violence Task Force within the Department of Law Enforcement; providing for membership, duties, and meetings of the task force; requiring state agencies to provide assistance when requested; authorizing the task force to receive exempt or confidential and exempt information and specifying that the information maintains such status; requiring the task force to submit a report to the Governor and Legislature by a date certain; providing for expiration of the task force; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 563

Speaker Oliva in the Chair.

Yeas—99

Aloupis	DuBose	Leek	Rommel
Andrade	Duggan	Magar	Roth
Antone	Duran	Maggard	Santiago
Ausley	Eagle	Mariano	Shoaf
Avila	Fernández	Massullo	Silvers
Bell	Fernandez-Barquin	McClain	Slosberg
Beltran	Fetterhoff	McClure	Smith, D.
Brannan	Fine	Mercado	Sprowls
Brown	Fischer	Newton	Stark
Buchanan	Geller	Oliva	Stevenson
Burton	Grall	Overdorf	Stone
Bush	Grant, M.	Payne	Sullivan
Byrd	Gregory	Perez	Thompson
Caruso	Hage	Pigman	Toledo
Casello	Hart	Plakon	Tomkow
Clemons	Hattersley	Plasencia	Trumbull
Cummings	Hill	Polsky	Valdés
Daley	Hogan Johnson	Ponder	Watson, B.
Daniels	Ingoglia	Pritchett	Watson, C.
Davis	Jenne	Raschein	Webb
Diamond	Jones	Renner	Willhite
DiCeglie	Killebrew	Roach	Williamson
Donalds	La Rosa	Robinson	Yarborough
Drake	LaMarca	Rodrigues, R.	Zika
Driskell	Latvala	Rodriguez, A.	

Nays—5

Cortes, J.	Goff-Marcil	McGhee
Eskamani	Gottlieb	

Votes after roll call:
Yeas—Alexander, Altman, Grieco, Joseph, Omphroy, Polo, Rodriguez, A. M., Sabatini, Sirois
Nays—Good, Smith, C.
Yeas to Nays—Geller
Nays to Yeas—Eskamani

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

CS/CS/HB 7053—A bill to be entitled An act relating to direct care; amending s. 400.141, F.S.; authorizing a nursing home facility to use paid feeding assistants in accordance with certain federal regulations under certain circumstances; providing a requirement for a feeding assistant training program; amending s. 400.23, F.S.; prohibiting paid feeding assistants from counting toward compliance with minimum staffing standards; amending s. 400.462, F.S.; revising the definition of "home health aide"; amending s. 400.464, F.S.; requiring a licensed home health agency that authorizes a registered nurse to delegate tasks to a certified nursing assistant to ensure that certain requirements are met; amending s. 400.488, F.S.; authorizing an unlicensed person to assist with self-administration of certain treatments; revising the requirements for such assistance; creating s. 400.489, F.S.; authorizing a home health aide to administer certain prescription medications under certain conditions; requiring the home health aide to meet certain training and competency requirements; requiring that the training, determination of competency, and annual validations be performed by a registered nurse or a physician; requiring a home health aide to complete annual inservice training in medication administration and medication error prevention in addition to existing annual inservice training requirements; requiring the Agency for Health Care Administration, in consultation with the Board of Nursing, to adopt rules for medication administration; creating s. 400.490, F.S.; authorizing a certified nursing assistant or home health aide to perform tasks delegated by a registered nurse; creating s. 400.52, F.S.; creating the Excellence in Home Health Program within the agency; requiring the agency to adopt rules establishing program criteria; requiring the agency to annually evaluate certain home health agencies or nurse registries that apply for a program award; providing eligibility requirements; requiring an agency or registry to reapply biennially for the award designation; authorizing an award recipient to use the designation in advertising and marketing; prohibiting a home health agency or nurse registry from using the award designation in any advertising or marketing under certain circumstances; providing that an application for an award designation under the program is not an application for licensure and such designation or denial of an award does not constitute final agency action subject to certain administrative procedures; creating s. 408.064, F.S.; requiring the agency to create a webpage to provide information to patients and their families about direct care workers; providing requirements for the webpage; requiring the agency to display a link on its website to the webpage; creating s. 408.822, F.S.; defining the term "direct care worker"; requiring certain licensees to provide specified information about employees in a survey beginning on a specified date; requiring that the survey be completed on a form with a specified attestation adopted by the agency in rule; requiring a licensee to submit such survey by a time designated by the agency in rule; prohibiting the agency from issuing a license renewal until the licensee submits a completed survey; requiring the agency to analyze the results of such survey and publish its results on the agency's website; requiring the agency to update such information monthly; requiring the agency's analysis to include specified information; creating s. 464.0156, F.S.; authorizing a registered nurse to delegate tasks to a certified nursing assistant or home health aide under certain conditions; providing the criteria that a registered nurse must consider in determining if a task may be delegated; authorizing a registered nurse to delegate medication administration to a certified nursing assistant or home health aide if certain requirements are met; requiring the Board of Nursing, in consultation with the agency, to adopt rules; amending s. 464.018, F.S.; providing that a registered nurse who delegates certain tasks to a person the registered nurse knows or has reason to know is unqualified is grounds for licensure denial or disciplinary action; providing additional grounds for denial of a license or disciplinary action for advanced practice registered nurses registered to engage in autonomous practice; creating s. 464.2035, F.S.; authorizing a certified nursing assistant to administer certain prescription medications under certain conditions; requiring the certified nursing assistant to meet certain training and competency requirements; requiring the training, determination of competency, and annual validations to be performed by a registered nurse or a physician; requiring a certified nursing assistant to complete annual inservice training in medication administration and medication error prevention in addition to existing annual inservice training requirements; requiring the board, in consultation with the agency, to adopt rules; amending s. 409.905, F.S.; requiring the Agency for Health Care Administration to pay for services provided to Medicaid

recipients by a licensed advanced practice registered nurse who is registered to engage in autonomous practice; amending s. 456.0391, F.S.; requiring an autonomous physician assistant to submit certain information to the Department of Health; requiring the department to send a notice to autonomous physician assistants regarding the required information; requiring autonomous physician assistants who have submitted required information to update such information in writing; providing penalties; amending s. 456.041, F.S.; requiring the department to provide a practitioner profile for an autonomous physician assistant; amending ss. 458.347 and 459.022, F.S.; defining the term "autonomous physician assistant"; authorizing third-party payors to reimburse employers for services provided by autonomous physician assistants; deleting a requirement that a physician assistant must inform a patient of a right to see a physician before prescribing or dispensing a prescription; revising the requirements for physician assistant education and training programs; authorizing the Board of Medicine to impose certain penalties upon an autonomous physician assistant; requiring the board to register a physician assistant as an autonomous physician assistant if the applicant meets certain criteria; providing requirements; providing exceptions; requiring the department to distinguish such autonomous physician assistants' licenses; authorizing such autonomous physician assistants to perform specified acts without physician supervision or supervisory protocol; requiring biennial registration renewal; requiring the Council on Physician Assistants to establish rules; revising the membership and duties of the council; prohibiting a person who is not registered as an autonomous physician assistant from using the title; providing for the denial, suspension, or revocation of the registration of an autonomous physician assistant; requiring the board to adopt rules; requiring autonomous physician assistants to report adverse incidents to the department; amending s. 464.012, F.S.; requiring applicants for registration as an advanced practice registered nurse to apply to the Board of Nursing; authorizing an advanced practice registered nurse to sign, certify, stamp, verify, or endorse a document that requires the signature, certification, stamp, verification, affidavit, or endorsement of a physician within the framework of an established protocol; providing an exception; creating s. 464.0123, F.S.; defining the term "autonomous practice"; providing for the registration of an advanced practice registered nurse to engage in autonomous practice; providing registration requirements; requiring the department to distinguish such advanced practice registered nurses' licenses and include the registration in their practitioner profiles; authorizing such advanced practice registered nurses to perform specified acts without physician supervision or supervisory protocol; requiring biennial registration renewal and continuing education; authorizing the Board of Nursing to establish an advisory committee to determine the medical acts that may be performed by such advanced practice registered nurses; providing for appointment and terms of committee members; requiring the board to adopt rules; creating s. 464.0155, F.S.; requiring advanced practice registered nurses registered to engage in autonomous practice to report adverse incidents to the Department of Health; providing requirements; defining the term "adverse incident"; providing for department review of such reports; authorizing the department to take disciplinary action; amending s. 39.01, F.S.; revising the definition of the term "licensed health care professional" to include an autonomous physician assistant; amending s. 39.303, F.S.; authorizing a specified autonomous physician assistant to review certain cases of abuse or neglect and standards for face-to-face medical evaluations by a Child Protection Team; amending s. 39.304, F.S.; authorizing an autonomous physician assistant to perform or order an examination and diagnose a child without parental consent under certain circumstances; amending s. 110.12315, F.S.; revising requirements for reimbursement of pharmacies for specified prescription drugs and supplies under the state employees' prescription drug program; amending s. 252.515, F.S.; providing immunity from civil liability for an autonomous physician assistant under the Postdisaster Relief Assistance Act; amending ss. 310.071, 310.073, and 310.081, F.S.; authorizing an autonomous physician assistant and a physician assistant to administer the physical examination required for deputy pilot certification and state pilot licensure; authorizing an applicant for a deputy pilot certificate or a state pilot license to use controlled substances prescribed by an autonomous physician assistant; amending s. 320.0848, F.S.; authorizing an autonomous physician assistant to certify that a person is disabled to satisfy requirements for certain permits; amending s. 381.00315, F.S.; providing for the temporary reactivation of the registration of an autonomous physician assistant in a public health emergency; amending s. 381.00593, F.S.; revising the definition of the term "health care practitioner" to include an autonomous physician assistant for purposes of the Public School Volunteer Health Care Practitioner Act; amending s. 381.026, F.S.; revising the definition of the term "health care provider" to include an advanced practice registered nurse and an autonomous physician assistant for purposes of the Florida Patient's Bill of Rights and Responsibilities; amending s. 382.008, F.S.; authorizing an autonomous physician assistant, a physician assistant, and an advanced practice registered nurse to file a certificate of death or fetal death under certain circumstances; authorizing a certified nurse midwife to provide certain information to the funeral director within a specified time period; replacing the term "primary or attending physician" with "primary or attending practitioner"; defining the term "primary or attending practitioner"; amending s. 382.011, F.S.; conforming a provision to changes made by the act; amending s. 383.14, F.S.; authorizing the release of certain newborn tests and screening results to an autonomous physician assistant; revising the definition of the term "health care practitioner" to include an autonomous physician assistant for purposes of screening for certain disorders and risk factors; amending s. 390.0111, F.S.; authorizing a certain action by an autonomous physician assistant before an abortion procedure; amending s. 390.012, F.S.; authorizing certain actions by an autonomous physician assistant during and after an abortion procedure; amending s. 394.463, F.S.; authorizing an autonomous physician assistant, a physician assistant, and an advanced practice registered nurse to initiate an involuntary examination for mental illness under certain circumstances; authorizing a physician assistant to examine a patient; amending s. 395.0191, F.S.; providing an exception to certain onsite medical direction requirements for a specified advanced practice registered nurse; amending s. 395.602, F.S.; authorizing the Department of Health to use certain funds to increase the number of autonomous physician assistants in rural areas; amending s. 397.501, F.S.; prohibiting the denial of certain services to an individual who takes medication prescribed by an autonomous physician assistant, a physician assistant, or an advanced practice registered nurse; amending ss. 397.679 and 397.6793, F.S.; authorizing an autonomous physician assistant to execute a certificate for emergency admission of a person who is substance abuse impaired; amending s. 400.021, F.S.; revising the definition of the term "geriatric outpatient clinic" to include a site staffed by an autonomous physician assistant; amending s. 400.172, F.S.; authorizing an autonomous physician assistant and an advanced practice registered nurse to provide certain medical information to a prospective respite care resident; amending s. 400.487, F.S.; authorizing an autonomous physician assistant to establish treatment orders for certain patients under certain circumstances; amending s. 400.506, F.S.; requiring an autonomous physician assistant to comply with specified treatment plan requirements; amending ss. 400.9973, 400.9974, 400.9976, and 400.9979, F.S.; authorizing an autonomous physician assistant to prescribe client admission to a transitional living facility and care for such client, order treatment plans, supervise and record client medications, and order physical and chemical restraints, respectively; amending s. 401.445, F.S.; prohibiting recovery of damages in court against a registered autonomous physician assistant under certain circumstances; requiring an autonomous physician assistant to attempt to obtain a person's consent before providing emergency services; amending ss. 409.906 and 409.908, F.S.; authorizing the agency to reimburse an autonomous physician assistant for providing certain optional Medicaid services; amending s. 409.973, F.S.; requiring managed care plans to cover autonomous physician assistant services; amending s. 429.26, F.S.; prohibiting autonomous physician assistants from having a financial interest in the assisted living facility at which they are employed; authorizing an autonomous physician assistant to examine an assisted living facility resident before admission; amending s. 429.918, F.S.; revising the definition of the term "ADRD participant" to include a participant who has a specified diagnosis from an autonomous physician assistant; authorizing an autonomous physician assistant to provide signed documentation to an ADRD participant; amending s. 440.102, F.S.; authorizing an autonomous physician assistant to collect a specimen for a drug test for specified purposes; amending s. 456.053, F.S.; revising

definitions; authorizing an advanced practice registered nurse registered to engage in autonomous practice and an autonomous physician assistant to make referrals under certain circumstances; conforming a cross-reference; amending s. 456.072, F.S.; providing penalties for an autonomous physician assistant who prescribes or dispenses a controlled substance in a certain manner; amending s. 456.44, F.S.; revising the definition of the term "registrant" to include an autonomous physician assistant for purposes of controlled substance prescribing; providing requirements for an autonomous physician assistant who prescribes controlled substances for the treatment of chronic nonmalignant pain; amending ss. 458.3265 and 459.0137, F.S.; requiring an autonomous physician assistant to perform a physical examination of a patient at a pain-management clinic under certain circumstances; amending ss. 458.331 and 459.015, F.S.; providing grounds for denial of a license or disciplinary action against an autonomous physician assistant for certain violations; amending s. 464.003, F.S.; revising the definition of the term "practice of practical nursing" to include an autonomous physician assistant for purposes of authorizing such assistant to supervise a licensed practical nurse; amending s. 464.0205, F.S.; authorizing an autonomous physician assistant to directly supervise a certified retired volunteer nurse; amending s. 480.0475, F.S.; authorizing the operation of a massage establishment during specified hours if the massage therapy is prescribed by an autonomous physician assistant; amending s. 493.6108, F.S.; authorizing an autonomous physician assistant to certify the physical fitness of a certain class of applicants to bear a weapon or firearm; amending s. 626.9707, F.S.; prohibiting an insurer from refusing to issue and deliver certain disability insurance that covers any medical treatment or service furnished by an autonomous physician assistant or an advanced practice registered nurse; amending s. 627.357, F.S.; revising the definition of the term "health care provider" to include an autonomous physician assistant for purposes of medical malpractice self-insurance; amending s. 627.736, F.S.; requiring personal injury protection insurance to cover a certain percentage of medical services and care provided by specified health care providers; providing for specified reimbursement of advanced practice registered nurses registered to engage in autonomous practice or autonomous physician assistants; amending s. 633.412, F.S.; authorizing an autonomous physician assistant to medically examine an applicant for firefighter certification; amending s. 641.495, F.S.; requiring certain health maintenance organization documents to disclose that certain services may be provided by autonomous physician assistants or advanced practice registered nurses; amending s. 744.2006, F.S.; authorizing an autonomous physician assistant to carry out guardianship functions under a contract with a public guardian; conforming terminology; amending s. 744.331, F.S.; authorizing an autonomous physician assistant or a physician assistant to be an eligible member of an examining committee; conforming terminology; amending s. 744.3675, F.S.; authorizing an advanced practice registered nurse, autonomous physician assistant, or physician assistant to provide the medical report of a ward in an annual guardianship plan; amending s. 766.103, F.S.; prohibiting recovery of damages against an autonomous physician assistant under certain conditions; amending s. 766.105, F.S.; revising the definition of the term "health care provider" to include an autonomous physician assistants for purposes of the Florida Patient's Compensation Fund; amending ss. 766.1115 and 766.1116, F.S.; revising the definitions of the terms "health care provider" and "health care practitioner," respectively, to include autonomous physician assistants for purposes of the Access to Health Care Act; amending s. 766.118, F.S.; revising the definition of the term "practitioner" to include an advanced practice registered nurse registered to engage in autonomous practice and an autonomous physician assistant; amending s. 768.135, F.S.; providing immunity from liability for an advanced practice registered nurse registered to engage in autonomous practice or an autonomous physician assistant who provides volunteer services under certain circumstances; amending s. 794.08, F.S.; providing an exception to medical procedures conducted by an autonomous physician assistant under certain circumstances; amending s. 893.02, F.S.; revising the definition of the term "practitioner" to include an autonomous physician assistant; amending s. 943.13, F.S.; authorizing an autonomous physician assistant to conduct a physical examination for a law enforcement or correctional officer to satisfy qualifications for employment or appointment; amending s. 945.603, F.S.; authorizing the Correctional Medical Authority to review and make recommendations relating to the use of autonomous physician assistants as physician extenders; amending s. 948.03, F.S.; authorizing an autonomous physician assistant to prescribe drugs or narcotics to a probationer; amending ss. 984.03 and 985.03, F.S.; revising the definition of the term "licensed health care professional" to include an autonomous physician assistant; amending ss. 1002.20 and 1002.42, F.S.; providing immunity from liability for autonomous physician assistants who administer epinephrine auto-injectors in public and private schools; amending s. 1006.062, F.S.; authorizing an autonomous physician assistant to provide training in the administration of medication to designated school personnel; requiring an autonomous physician assistant to monitor such personnel; authorizing an autonomous physician assistant to determine whether such personnel may perform certain invasive medical services; amending s. 1006.20, F.S.; authorizing an autonomous physician assistant to medically evaluate a student athlete; amending s. 1009.65, F.S.; authorizing an autonomous physician assistant to participate in the Medical Education Reimbursement and Loan Repayment Program; providing appropriations and authorizing positions; providing an effective date.

—was read the third time by title.

Representative Tomkow offered the following:

(Amendment Bar Code: 232561)

Amendment 3 (with title amendment)—Remove lines 560-618 and insert:

Section 8. Section 400.52, Florida Statutes, is created to read:

400.52 Excellence in Home Health Program.—

(1) There is created within the agency the Excellence in Home Health Program for the purpose of awarding home health agencies that meet the criteria specified in this section.

(2)(a) The agency shall adopt rules establishing criteria for the program which must include, at a minimum, meeting standards relating to:

1. Patient satisfaction.

2. Patients requiring emergency care for wound infections.

3. Patients admitted or readmitted to an acute care hospital.

4. Patient improvement in the activities of daily living.

5. Employee satisfaction.

6. Quality of employee training.

7. Employee retention rates.

8. High performance under federal Medicaid electronic visit verification requirements.

(b) The agency must annually evaluate home health agencies seeking the award which apply on a form and in the manner designated by rule.

(3) The home health agency must:

(a) Be actively licensed and operating for at least 24 months to be eligible to apply for a program award. An award under the program is not transferrable to another license, except when the existing home health agency is being relicensed in the name of an entity related to the current licenseholder by common control or ownership, and there will be no change in the management, operation, or programs of the home health agency as a result of the relicensure.

(b) Have had no licensure denials, revocations, or any Class I, Class II, or uncorrected Class III deficiencies within the 24 months preceding the application for the program award.

(4) The award designation shall expire on the same date as the home health agency's license. A home health agency must reapply and be approved for the award designation to continue using the award designation in the manner authorized under subsection (5).

(5) A home health agency that is awarded under the program may use the designation in advertising and marketing. However, a home health agency may not use the award designation in any advertising or marketing if the home health agency:

(a) Has not been awarded the designation;

(b) Fails to renew the award upon expiration of the award designation;

(c) Has undergone a change in ownership that does not qualify for an exception under paragraph (3)(a); or

(d) Has been notified that it no longer meets the criteria for the award upon reapplication after expiration of the award designation.

(6) An application for an award designation under the program is not an application for licensure. A designation award or denial by the agency under this section does not constitute final agency action subject to chapter 120.

Section 9. Section 400.53, Florida Statutes, is created to read:

400.53 Nurse Registry Excellence Program.—

(1) There is created within the agency the Nurse Registry Excellence Program for the purpose of awarding nurse registries that meet the criteria specified in this section.

(2)(a) The agency shall adopt rules establishing criteria for the program which must include, at a minimum, meeting standards relating to:

1. Patient or client satisfaction.

2. Patients or clients requiring emergency care for wound infections.

3. Patients or clients admitted or readmitted to an acute care hospital.

4. Patient or client longevity with the nurse registry.

5. Independent contractor satisfaction.

6. Independent contractor longevity with the nurse registry.

7. High performance under federal Medicaid electronic visit verification requirements.

(b) The agency must annually evaluate nurse registries seeking the award which apply on a form and in the manner designated by rule.

(3) The nurse registry must:

(a) Be actively licensed and operating for at least 24 months to be eligible to apply for a program award. An award under the program is not transferrable to another license, except when the existing nurse registry is being relicensed in the name of an entity related to the current licenseholder by common control or ownership, and there will be no change in the management, operation, or programs of the nurse registry as a result of the relicensure.

(b) Have had no licensure denials, revocations, or any Class I, Class II, or uncorrected Class III deficiencies within the 24 months preceding the application for the program award.

(4) The award designation shall expire on the same date as the nurse registry's license. A nurse registry must reapply and be approved for the award designation to continue using the award designation in the manner authorized under subsection (5).

(5) A nurse registry that is awarded under the program may use the designation in advertising and marketing. However, a nurse registry may not use the award designation in any advertising or marketing if the nurse registry:

(a) Has not been awarded the designation;

(b) Fails to renew the award upon expiration of the award designation;

(c) Has undergone a change in ownership that does not qualify for an exception under paragraph (3)(a); or

(d) Has been notified that it no longer meets the criteria for the award upon reapplication after expiration of the award designation.

(6) An application for an award designation under the program is not an application for licensure. A designation award or denial by the agency under this section does not constitute final agency action subject to chapter 120.

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

Remove lines 34-51 and insert:

nurse; creating s. 400.52, F.S.; creating the Excellence in Home Health Program within the agency; requiring the agency to adopt rules establishing program criteria; requiring the agency to annually evaluate certain home health agencies that apply for a program award; providing eligibility requirements; requiring an agency to reapply biennially for the award designation; authorizing an award recipient to use the designation in advertising and marketing; prohibiting a home health agency from using the award designation in any advertising or marketing under certain circumstances; providing that an application for an award designation under the program is not an application for licensure and such designation or denial of an award does not constitute final agency action subject to certain administrative procedures; creating s. 400.53, F.S.; creating the Nurse Registry Excellence Program within the agency; requiring the agency to adopt rules establishing program criteria; requiring the agency to annually evaluate certain nurse registries that apply for a program award; providing eligibility requirements; requiring a nurse registry to reapply biennially for the award designation; authorizing an award recipient to use the designation in advertising and marketing; prohibiting a nurse registry from using the award designation in any advertising or marketing under certain circumstances; providing that an application for an award designation under the program is not an application for licensure and such designation or denial of an award does not constitute final agency action subject to certain administrative procedures; creating s. 408.064, F.S.; requiring the

Rep. Tomkow moved the adoption of the amendment, which was adopted by the required two-thirds vote.

Representative Tomkow offered the following:

(Amendment Bar Code: 147067)

Amendment 4—Remove lines 4238-4244 and insert:

Section 97. For the 2020-2021 fiscal year, two full-time equivalent positions with associated salary rate of 82,211 are authorized and the sums of $320,150 in recurring and $232,342 in nonrecurring funds from the Health Care Trust Fund are appropriated to the Agency for Health Care Administration for the purpose of implementing ss. 400.52, 400.53, 408.064, and 408.822, Florida Statutes, as created by this act.

Rep. Tomkow moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of **CS/CS/HB 7053**. The vote was:

Session Vote Sequence: 564

Speaker Oliva in the Chair.

Yeas—96

Alexander	Driskell	Leek	Rommel
Aloupis	DuBose	Magar	Roth
Andrade	Duggan	Maggard	Sabatini
Antone	Duran	Mariano	Santiago
Ausley	Eagle	McClain	Shoaf
Avila	Eskamani	McClure	Silvers
Bell	Fernández	Mercado	Sirois
Beltran	Fernandez-Barquin	Newton	Slosberg
Brannan	Fetterhoff	Oliva	Smith, C.
Brown	Fine	Overdorf	Smith, D.
Buchanan	Fischer	Payne	Sprowls
Burton	Goff-Marcil	Perez	Stevenson
Bush	Grant, M.	Pigman	Stone
Byrd	Gregory	Plakon	Sullivan
Caruso	Hage	Plasencia	Thompson
Casello	Hattersley	Ponder	Toledo
Clemons	Hill	Pritchett	Tomkow
Cortes, J.	Hogan Johnson	Raschein	Trumbull
Cummings	Ingoglia	Renner	Watson, C.
Daniels	Jenne	Roach	Webb
Diamond	Killebrew	Robinson	Willhite
DiCeglie	La Rosa	Rodrigues, R.	Williamson
Donalds	LaMarca	Rodriguez, A.	Yarborough
Drake	Latvala	Rodriguez, A. M.	Zika

Nays—10

Geller	Hart	Polsky	Watson, B.
Good	Massullo	Stark	
Gottlieb	McGhee	Valdés	

Votes after roll call:

Yeas—Grieco, Polo

Nays—Grall, Omphroy

Nays to Yeas—McGhee

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

CS/HB 389—A bill to be entitled An act relating to the practice of pharmacy; amending s. 381.0031, F.S.; requiring specified licensed pharmacists to report certain information relating to public health to the Department of Health; amending s. 465.003, F.S.; revising the definition of the term "practice of the profession of pharmacy"; creating s. 465.1865, F.S.; providing definitions; providing requirements for pharmacists to provide services under a collaborative pharmacy practice agreement; requiring the terms and conditions of such agreement to be appropriate to the training of the pharmacist and the scope of practice of the physician; requiring notification to the board upon practicing under a collaborative pharmacy practice agreement; requiring pharmacists to submit a copy of the signed collaborative pharmacy practice agreement to the Board of Pharmacy; providing for the maintenance of patient records for a certain period of time; providing for renewal of such agreement; requiring a pharmacist and the collaborating physician to maintain on file and make available the collaborative pharmacy practice agreement; prohibiting certain actions relating to such agreement; requiring specified continuing education for a pharmacist who practices under a collaborative pharmacy practice agreement; requiring the Board of Pharmacy to adopt rules; amending s. 465.189, F.S.; revising the recommended immunizations or vaccines a pharmacist or a certain registered intern may administer; authorizing a certified pharmacist to administer the influenza vaccine to specified persons; amending s. 465.1893, F.S.; authorizing pharmacists who meet certain requirements to administer certain extended release medications; creating s. 465.1895, F.S.; requiring the board to identify minor, nonchronic health conditions that a pharmacist may test or screen for and treat; providing requirements for a pharmacist to test or screen for and treat minor, nonchronic health conditions; requiring the board to develop a formulary of medicinal drugs that a pharmacist may prescribe; providing requirements for the written protocol between a pharmacist and a supervising physician; prohibiting a pharmacist from providing certain services under certain circumstances; requiring a pharmacist to complete a specified amount of continuing education; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 565

Speaker Oliva in the Chair.

Yeas—88

Alexander	Duggan	Magar	Rodriguez, A.
Aloupis	Duran	Maggard	Rodriguez, A. M.
Andrade	Eagle	Mariano	Rommel
Antone	Eskamani	McClain	Roth
Ausley	Fernandez-Barquin	McClure	Sabatini
Avila	Fetterhoff	McGhee	Santiago
Bell	Fine	Mercado	Shoaf
Beltran	Fischer	Newton	Silvers
Brannan	Grant, M.	Oliva	Sirois
Buchanan	Gregory	Overdorf	Smith, C.
Burton	Hage	Payne	Smith, D.
Bush	Hart	Perez	Sprowls
Byrd	Hattersley	Pigman	Stevenson
Caruso	Hill	Plakon	Stone
Casello	Hogan Johnson	Plasencia	Sullivan
Clemons	Ingoglia	Ponder	Tomkow
Cummings	Jenne	Pritchett	Trumbull
Daniels	Killebrew	Raschein	Watson, C.
Diamond	La Rosa	Renner	Webb
DiCeglie	LaMarca	Roach	Willhite
Donalds	Latvala	Robinson	Williamson
Drake	Leek	Rodrigues, R.	Yarborough

Nays—18

Brown	Fernández	Massullo	Toledo
Cortes, J.	Geller	Polsky	Valdés
Davis	Goff-Marcil	Slosberg	Watson, B.
Driskell	Good	Stark	
DuBose	Gottlieb	Thompson	

Votes after roll call:

Nays—Grall, Grieco, Jacobs, Omphroy, Polo

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

CS/CS/HB 1091—A bill to be entitled An act relating to environmental enforcement; amending s. 161.054, F.S.; revising administrative penalties for violations of certain provisions relating to beach and shore construction and activities; making technical changes; amending ss. 258.397, 258.46, 373.129, 376.16, 376.25, 377.37, 378.211, and 403.141, F.S.; revising civil penalties for violations of certain provisions relating to the Biscayne Bay Aquatic Preserve, aquatic preserves, water resources, the Pollutant Discharge Prevention and Control Act, the Clean Ocean Act, regulation of oil and gas resources, the Phosphate Land Reclamation Act, and other provisions relating to pollution and the environment, respectively; providing that each day that certain violations occur constitutes a separate offense; making technical changes; amending ss. 373.209, 376.065, 376.071, 403.086, 403.413, 403.7234, and 403.93345, F.S.; revising civil penalties for violations of certain provisions relating to artesian wells, terminal facilities, discharge contingency plans for vessels, sewage disposal facilities, dumping litter, small quantity generators, and coral reef protection, respectively; making technical changes; amending ss. 373.430 and 403.161, F.S.; revising criminal penalties for violations of certain provisions relating to pollution and the environment; providing that each day that the cause of unauthorized discharges of domestic wastewater is not addressed constitutes a separate offense; making technical changes; amending s. 403.121, F.S.; revising civil and administrative penalties for violations of certain provisions relating to pollution and the environment; providing that each day that the cause of unauthorized discharges of domestic wastewater is not addressed constitutes a separate offense; increasing the amount of penalties that can be assessed administratively; making technical changes; amending ss. 403.726 and 403.727, F.S.; revising civil penalties for violations of certain provisions relating to hazardous waste; making technical changes; reenacting s. 823.11(5), F.S., to incorporate the amendment made to s. 376.16, F.S., in a reference thereto; reenacting ss. 403.077(5), 403.131(2), 403.4154(3)(d), and 403.860(5), F.S., to incorporate the amendment made to s. 403.121, F.S., in a reference thereto; reenacting ss. 403.708(10), 403.7191(7), and 403.811, F.S., to incorporate the amendment made to s. 403.141, F.S., in a reference thereto; reenacting s. 403.7186(8), F.S., to incorporate the amendment made to ss. 403.141 and 403.161, F.S., in references thereto; reenacting s. 403.7255(2), F.S., to incorporate the amendment made to s. 403.161, F.S., in a reference thereto; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 566

Speaker Oliva in the Chair.

Yeas—106

Alexander	Driskell	LaMarca	Rodriguez, A.
Aloupis	DuBose	Latvala	Rodriguez, A. M.
Andrade	Duggan	Leek	Rommel
Antone	Duran	Magar	Roth
Ausley	Eagle	Maggard	Sabatini
Avila	Eskamani	Mariano	Santiago
Bell	Fernández	Massullo	Shoaf
Beltran	Fernandez-Barquin	McClain	Silvers
Brannan	Fetterhoff	McClure	Sirois
Brown	Fine	McGhee	Slosberg
Buchanan	Fischer	Mercado	Smith, C.
Burton	Geller	Newton	Smith, D.
Bush	Goff-Marcil	Oliva	Sprowls
Byrd	Good	Overdorf	Stark
Caruso	Gottlieb	Payne	Stevenson
Casello	Grant, M.	Perez	Stone
Clemons	Gregory	Pigman	Sullivan
Cortes, J.	Hage	Plakon	Thompson
Cummings	Hart	Plasencia	Toledo
Daley	Hattersley	Polsky	Tomkow
Daniels	Hill	Ponder	Trumbull
Davis	Hogan Johnson	Raschein	Valdés
Diamond	Ingoglia	Renner	Watson, B.
DiCeglie	Jenne	Roach	Watson, C.
Donalds	Killebrew	Robinson	Webb
Drake	La Rosa	Rodrigues, R.	Willhite

Williamson Yarborough

Nays—None

Votes after roll call:
Yeas—Altman, Grall, Grieco, Jacobs, Jacquet, Joseph, Omphroy, Polo, Pritchett

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

CS/CS/HB 607—A bill to be entitled An act relating to health care practitioners; amending s. 409.905, F.S.; requiring the Agency for Health Care Administration to pay for services provided to Medicaid recipients by a licensed advanced practice registered nurse who is registered to engage in autonomous practice; amending s. 456.0391, F.S.; requiring an autonomous physician assistant to submit certain information to the Department of Health; requiring the department to send a notice to autonomous physician assistants regarding the required information; requiring autonomous physician assistants who have submitted required information to update such information in writing; providing penalties; amending s. 456.041, F.S.; requiring the department to provide a practitioner profile for an autonomous physician assistant; amending ss. 458.347 and 459.022, F.S.; defining the term "autonomous physician assistant"; authorizing third-party payors to reimburse employers for services provided by autonomous physician assistants; deleting a requirement that a physician assistant must inform a patient of a right to see a physician before prescribing or dispensing a prescription; revising the requirements for physician assistant education and training programs; authorizing the Board of Medicine to impose certain penalties upon an autonomous physician assistant; requiring the board to register a physician assistant as an autonomous physician assistant if the applicant meets certain criteria; providing requirements; providing exceptions; requiring the department to distinguish such autonomous physician assistants' licenses; authorizing such autonomous physician assistants to perform specified acts without physician supervision or supervisory protocol; requiring biennial registration renewal; requiring the Council on Physician Assistants to establish rules; revising the membership and duties of the council; prohibiting a person who is not registered as an autonomous physician assistant from using the title; providing for the denial, suspension, or revocation of the registration of an autonomous physician assistant; requiring the board to adopt rules; requiring autonomous physician assistants to report adverse incidents to the department; amending s. 464.012, F.S.; requiring applicants for registration as an advanced practice registered nurse to apply to the Board of Nursing; authorizing an advanced practice registered nurse to sign, certify, stamp, verify, or endorse a document that requires the signature, certification, stamp, verification, affidavit, or endorsement of a physician within the framework of an established protocol; providing an exception; creating s. 464.0123, F.S.; defining the term "autonomous practice"; providing for the registration of an advanced practice registered nurse to engage in autonomous practice; providing registration requirements; requiring the department to distinguish such advanced practice registered nurses' licenses and include the registration in their practitioner profiles; authorizing such advanced practice registered nurses to perform specified acts without physician supervision or supervisory protocol; requiring biennial registration renewal and continuing education; authorizing the Board of Nursing to establish an advisory committee to determine the medical acts that may be performed by such advanced practice registered nurses; providing for appointment and terms of committee members; requiring the board to adopt rules; creating s. 464.0155, F.S.; requiring advanced practice registered nurses registered to engage in autonomous practice to report adverse incidents to the Department of Health; providing requirements; defining the term "adverse incident"; providing for department review of such reports; authorizing the department to take disciplinary action; amending s. 464.018, F.S.; providing additional grounds for denial of a license or disciplinary action for advanced practice registered nurses registered to engage in autonomous practice; amending s. 39.01, F.S.; revising the definition of the term "licensed health care professional" to include an autonomous physician assistant; amending s. 39.303, F.S.; authorizing a specified autonomous physician assistant to review certain cases of abuse or neglect and standards for face-to-face medical evaluations by a Child Protection Team; amending s. 39.304, F.S.; authorizing an autonomous physician assistant to perform or order an examination and diagnose a child without parental consent under certain circumstances; amending s. 110.12315, F.S.; revising requirements for reimbursement of pharmacies for specified prescription drugs and supplies under the state employees' prescription drug program; amending s. 252.515, F.S.; providing immunity from civil liability for an autonomous physician assistant under the Postdisaster Relief Assistance Act; amending ss. 310.071, 310.073, and 310.081, F.S.; authorizing an autonomous physician assistant and a physician assistant to administer the physical examination required for deputy pilot certification and state pilot licensure; authorizing an applicant for a deputy pilot certificate or a state pilot license to use controlled substances prescribed by an autonomous physician assistant; amending s. 320.0848, F.S.; authorizing an autonomous physician assistant to certify that a person is disabled to satisfy requirements for certain permits; amending s. 381.00315, F.S.; providing for the temporary reactivation of the registration of an autonomous physician assistant in a public health emergency; amending s. 381.00593, F.S.; revising the definition of the term "health care practitioner" to include an autonomous physician assistant for purposes of the Public School Volunteer Health Care Practitioner Act; amending s. 381.026, F.S.; revising the definition of the term "health care provider" to include an advanced practice registered nurse and an autonomous physician assistant for purposes of the Florida Patient's Bill of Rights and Responsibilities; amending s. 382.008, F.S.; authorizing an autonomous physician assistant, a physician assistant, and an advanced practice registered nurse to file a certificate of death or fetal death under certain circumstances; authorizing a certified nurse midwife to provide certain information to the funeral director within a specified time period; replacing the term "primary or attending physician" with "primary or attending practitioner"; defining the term "primary or attending practitioner"; amending s. 382.011, F.S.; conforming a provision to changes made by the act; amending s. 383.14, F.S.; authorizing the release of certain newborn tests and screening results to an autonomous physician assistant; revising the definition of the term "health care practitioner" to include an autonomous physician assistant for purposes of screening for certain disorders and risk factors; amending s. 390.0111, F.S.; authorizing a certain action by an autonomous physician assistant before an abortion procedure; amending s. 390.012, F.S.; authorizing certain actions by an autonomous physician assistant during and after an abortion procedure; amending s. 394.463, F.S.; authorizing an autonomous physician assistant, a physician assistant, and an advanced practice registered nurse to initiate an involuntary examination for mental illness under certain circumstances; authorizing a physician assistant to examine a patient; amending s. 395.0191, F.S.; providing an exception to certain onsite medical direction requirements for a specified advanced practice registered nurse; amending 395.602, F.S.; authorizing the Department of Health to use certain funds to increase the number of autonomous physician assistants in rural areas; amending s. 397.501, F.S.; prohibiting the denial of certain services to an individual who takes medication prescribed by an autonomous physician assistant, a physician assistant, or an advanced practice registered nurse; amending ss. 397.679 and 397.6793, F.S.; authorizing an autonomous physician assistant to execute a certificate for emergency admission of a person who is substance abuse impaired; amending s. 400.021, F.S.; revising the definition of the term "geriatric outpatient clinic" to include a site staffed by an autonomous physician assistant; amending s. 400.172, F.S.; authorizing an autonomous physician assistant and an advanced practice registered nurse to provide certain medical information to a prospective respite care resident; amending s. 400.487, F.S.; authorizing an autonomous physician assistant to establish treatment orders for certain patients under certain circumstances; amending s. 400.506, F.S.; requiring an autonomous physician assistant to comply with specified treatment plan requirements; amending ss. 400.9973, 400.9974, 400.9976, and 400.9979, F.S.; authorizing an autonomous physician assistant to prescribe client admission to a transitional living facility and care for such client, order treatment plans, supervise and record client medications, and order physical and chemical restraints, respectively; amending s. 401.445, F.S.; prohibiting recovery of damages in court against a registered autonomous physician assistant under certain circumstances; requiring an

autonomous physician assistant to attempt to obtain a person's consent before providing emergency services; amending ss. 409.906 and 409.908, F.S.; authorizing the agency to reimburse an autonomous physician assistant for providing certain optional Medicaid services; amending s. 409.973, F.S.; requiring managed care plans to cover autonomous physician assistant services; amending s. 429.26, F.S.; prohibiting autonomous physician assistants from having a financial interest in the assisted living facility at which they are employed; authorizing an autonomous physician assistant to examine an assisted living facility resident before admission; amending s. 429.918, F.S.; revising the definition of the term "ADRD participant" to include a participant who has a specified diagnosis from an autonomous physician assistant; authorizing an autonomous physician assistant to provide signed documentation to an ADRD participant; amending s. 440.102, F.S.; authorizing an autonomous physician assistant to collect a specimen for a drug test for specified purposes; amending s. 456.053, F.S.; revising definitions; authorizing an advanced practice registered nurse registered to engage in autonomous practice and an autonomous physician assistant to make referrals under certain circumstances; conforming a cross-reference; amending s. 456.072, F.S.; providing penalties for an autonomous physician assistant who prescribes or dispenses a controlled substance in a certain manner; amending s. 456.44, F.S.; revising the definition of the term "registrant" to include an autonomous physician assistant for purposes of controlled substance prescribing; providing requirements for an autonomous physician assistant who prescribes controlled substances for the treatment of chronic nonmalignant pain; amending ss. 458.3265 and 459.0137, F.S.; requiring an autonomous physician assistant to perform a physical examination of a patient at a pain-management clinic under certain circumstances; amending ss. 458.331 and 459.015, F.S.; providing grounds for denial of a license or disciplinary action against an autonomous physician assistant for certain violations; amending s. 464.003, F.S.; revising the definition of the term "practice of practical nursing" to include an autonomous physician assistant for purposes of authorizing such assistant to supervise a licensed practical nurse; amending s. 464.0205, F.S.; authorizing an autonomous physician assistant to directly supervise a certified retired volunteer nurse; amending s. 480.0475, F.S.; authorizing the operation of a massage establishment during specified hours if the massage therapy is prescribed by an autonomous physician assistant; amending s. 493.6108, F.S.; authorizing an autonomous physician assistant to certify the physical fitness of a certain class of applicants to bear a weapon or firearm; amending s. 626.9707, F.S.; prohibiting an insurer from refusing to issue and deliver certain disability insurance that covers any medical treatment or service furnished by an autonomous physician assistant or an advanced practice registered nurse; amending s. 627.357, F.S.; revising the definition of the term "health care provider" to include an autonomous physician assistant for purposes of medical malpractice self-insurance; amending s. 627.736, F.S.; requiring personal injury protection insurance to cover a certain percentage of medical services and care provided by specified health care providers; providing for specified reimbursement of advanced practice registered nurses registered to engage in autonomous practice or autonomous physician assistants; amending s. 633.412, F.S.; authorizing an autonomous physician assistant to medically examine an applicant for firefighter certification; amending s. 641.495, F.S.; requiring certain health maintenance organization documents to disclose that certain services may be provided by autonomous physician assistants or advanced practice registered nurses; amending s. 744.2006, F.S.; authorizing an autonomous physician assistant to carry out guardianship functions under a contract with a public guardian; conforming terminology; amending s. 744.331, F.S.; authorizing an autonomous physician assistant or a physician assistant to be an eligible member of an examining committee; conforming terminology; amending s. 744.3675, F.S.; authorizing an advanced practice registered nurse, autonomous physician assistant, or physician assistant to provide the medical report of a ward in an annual guardianship plan; amending s. 766.103, F.S.; prohibiting recovery of damages against an autonomous physician assistant under certain conditions; amending s. 766.105, F.S.; revising the definition of the term "health care provider" to include an autonomous physician assistants for purposes of the Florida Patient's Compensation Fund; amending ss. 766.1115 and 766.1116, F.S.; revising the definitions of the terms "health care provider" and "health care practitioner," respectively, to include autonomous physician assistants for purposes of the Access to Health Care Act; amending s. 766.118, F.S.; revising the definition of the term "practitioner" to include an advanced practice registered nurse registered to engage in autonomous practice and an autonomous physician assistant; amending s. 768.135, F.S.; providing immunity from liability for an advanced practice registered nurse registered to engage in autonomous practice or an autonomous physician assistant who provides volunteer services under certain circumstances; amending s. 794.08, F.S.; providing an exception to medical procedures conducted by an autonomous physician assistant under certain circumstances; amending s. 893.02, F.S.; revising the definition of the term "practitioner" to include an autonomous physician assistant; amending s. 943.13, F.S.; authorizing an autonomous physician assistant to conduct a physical examination for a law enforcement or correctional officer to satisfy qualifications for employment or appointment; amending s. 945.603, F.S.; authorizing the Correctional Medical Authority to review and make recommendations relating to the use of autonomous physician assistants as physician extenders; amending s. 948.03, F.S.; authorizing an autonomous physician assistant to prescribe drugs or narcotics to a probationer; amending ss. 984.03 and 985.03, F.S.; revising the definition of the term "licensed health care professional" to include an autonomous physician assistant; amending ss. 1002.20 and 1002.42, F.S.; providing immunity from liability for autonomous physician assistants who administer epinephrine auto-injectors in public and private schools; amending s. 1006.062, F.S.; authorizing an autonomous physician assistant to provide training in the administration of medication to designated school personnel; requiring an autonomous physician assistant to monitor such personnel; authorizing an autonomous physician assistant to determine whether such personnel may perform certain invasive medical services; amending s. 1006.20, F.S.; authorizing an autonomous physician assistant to medically evaluate a student athlete; amending s. 1009.65, F.S.; authorizing an autonomous physician assistant to participate in the Medical Education Reimbursement and Loan Repayment Program; providing appropriations and authorizing positions; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 567

Speaker Oliva in the Chair.

Yeas—94

Alexander	DuBose	Maggard	Sabatini
Aloupis	Duggan	Mariano	Santiago
Andrade	Duran	McClain	Shoaf
Antone	Eagle	McClure	Silvers
Ausley	Eskamani	Mercado	Sirois
Avila	Fernandez-Barquin	Newton	Slosberg
Bell	Fetterhoff	Oliva	Smith, C.
Beltran	Fine	Overdorf	Smith, D.
Brannan	Fischer	Payne	Sprowls
Buchanan	Grant, M.	Perez	Stevenson
Burton	Gregory	Pigman	Stone
Bush	Hage	Plakon	Sullivan
Byrd	Hart	Plasencia	Toledo
Caruso	Hattersley	Ponder	Tomkow
Casello	Hill	Pritchett	Trumbull
Clemons	Hogan Johnson	Raschein	Watson, B.
Cummings	Ingoglia	Renner	Watson, C.
Daniels	Jenne	Roach	Webb
Davis	Killebrew	Robinson	Willhite
Diamond	La Rosa	Rodrigues, R.	Williamson
DiCeglie	LaMarca	Rodriguez, A.	Yarborough
Donalds	Latvala	Rodriguez, A. M.	Zika
Drake	Leek	Rommel	
Driskell	Magar	Roth	

Nays—12

Brown	Geller	Gottlieb	Stark
Cortes, J.	Goff-Marcil	Massullo	Thompson
Fernández	Good	Polsky	Valdés

Votes after roll call:

Yeas—Grieco, Joseph, McGhee, Omphroy, Polo

Nays—Grall, Jacobs
Nays to Yeas—Brown

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

THE SPEAKER PRO TEMPORE IN THE CHAIR

Consideration of **CS/CS/HB 7037** was temporarily postponed.

CS/HB 1373—A bill to be entitled An act relating to long-term care; amending s. 409.979, F.S.; requiring aging resource centers to annually rescreen certain individuals with high priority scores for purposes of the statewide wait list for enrollment for home and community-based services; authorizing such centers to administer rescreening for certain individuals with low priority scores; requiring the Department of Elderly Affairs to maintain contact information for individuals with low priority scores for rescreening purposes; requiring aging resource centers to inform such individuals of community resources; amending s. 430.205, F.S.; authorizing community-care-for-the-elderly services providers to dispute certain referrals; providing that a referral decision by adult protective service prevails; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 568

Representative Magar in the Chair.

Yeas—111

Alexander	Duggan	Latvala	Rommel
Aloupis	Duran	Leek	Roth
Andrade	Eagle	Magar	Sabatini
Antone	Eskamani	Maggard	Santiago
Ausley	Fernández	Mariano	Shoaf
Avila	Fernandez-Barquin	Massullo	Silvers
Bell	Fetterhoff	McClain	Sirois
Beltran	Fine	McClure	Slosberg
Brannan	Fischer	McGhee	Smith, C.
Brown	Geller	Mercado	Smith, D.
Buchanan	Goff-Marcil	Newton	Sprowls
Burton	Good	Oliva	Stark
Bush	Gottlieb	Overdorf	Stevenson
Byrd	Grall	Payne	Stone
Caruso	Grant, M.	Perez	Sullivan
Casello	Gregory	Pigman	Thompson
Clemons	Hage	Plakon	Toledo
Cortes, J.	Hart	Plasencia	Tomkow
Cummings	Hattersley	Polsky	Trumbull
Daley	Hill	Ponder	Valdés
Daniels	Hogan Johnson	Pritchett	Watson, B.
Davis	Ingoglia	Raschein	Watson, C.
Diamond	Jacquet	Renner	Webb
DiCeglie	Jenne	Roach	Willhite
Donalds	Jones	Robinson	Williamson
Drake	Killebrew	Rodrigues, R.	Yarborough
Driskell	La Rosa	Rodriguez, A.	Zika
DuBose	LaMarca	Rodriguez, A. M.	

Nays—None

Votes after roll call:
Yeas—Altman, Grieco, Jacobs, Joseph, Omphroy, Polo

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

CS/CS/HB 945—A bill to be entitled An act relating to children's mental health; amending s. 394.493, F.S.; requiring the Department of Children and Families and the Agency for Health Care Administration to identify certain children and adolescents who use crisis stabilization services during specified fiscal years; requiring the department and agency to collaboratively meet the behavioral health needs of such children and adolescents and submit a quarterly report to the Legislature; amending s. 394.495, F.S.; including crisis response services provided through mobile response teams in the array of services available to children and adolescents; requiring the department to contract with managing entities for mobile response teams to provide certain services to certain children, adolescents, and young adults; providing requirements for such mobile response teams; providing requirements for managing entities when procuring mobile response teams; creating s. 394.4955, F.S.; requiring managing entities to lead the development of a plan promoting the development of a coordinated system of care for certain services; providing requirements for the planning process; requiring state agencies to provide reasonable staff support for such planning process if requested by the managing entity; requiring each managing entity to submit such plan by a specified date; requiring the entities involved in the planning process to implement such plan by a specified date; requiring that such plan be reviewed and updated periodically; amending s. 394.9082, F.S.; revising the duties of the department relating to priority populations that will benefit from care coordination; requiring that a managing entity's behavioral health care needs assessment include certain information regarding gaps in certain services; requiring a managing entity to promote the use of available crisis intervention services; amending s. 409.175, F.S.; revising requirements relating to preservice training for foster parents; amending s. 409.967, F.S.; requiring the Agency for Health Care Administration to conduct, or contract for, the testing of provider network databases maintained by Medicaid managed care plans for specified purposes; amending s. 409.988, F.S.; revising the duties of a lead agency relating to individuals providing care for dependent children; amending s. 985.601, F.S.; requiring the Department of Juvenile Justice to participate in the planning process for promoting a coordinated system of care for children and adolescents; amending s. 1003.02, F.S.; requiring each district school board to participate in the planning process for promoting a coordinated system of care; amending s. 1004.44, F.S.; requiring the Louis de la Parte Florida Mental Health Institute to develop, in consultation with other entities, a model response protocol for schools; amending s. 1006.04, F.S.; requiring the educational multiagency network to participate in the planning process for promoting a coordinated system of care; amending ss. 1002.20 and 1002.33, F.S.; requiring verification that certain strategies have been utilized and certain outreach has been initiated before law enforcement is contacted by a school principal or his or her designee under specified circumstances; providing an exception; requiring the Department of Children and Families and Agency for Health Care Administration to assess the quality of care provided in crisis stabilization units to certain children and adolescents; requiring the department and agency to review current standards of care for certain settings and make recommendations; requiring the department and agency to jointly submit a report to the Governor and Legislature by a specified date; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 569

Representative Magar in the Chair.

Yeas—110

Alexander	Daniels	Gottlieb	Mariano
Aloupis	Davis	Grall	Massullo
Andrade	Diamond	Grant, M.	McClain
Antone	DiCeglie	Gregory	McClure
Ausley	Donalds	Hage	McGhee
Avila	Drake	Hart	Mercado
Bell	Driskell	Hattersley	Newton
Beltran	DuBose	Hill	Overdorf
Brannan	Duggan	Hogan Johnson	Payne
Brown	Duran	Ingoglia	Perez
Buchanan	Eagle	Jacquet	Pigman
Burton	Eskamani	Jenne	Plakon
Bush	Fernández	Jones	Plasencia
Byrd	Fernandez-Barquin	Killebrew	Polsky
Caruso	Fetterhoff	La Rosa	Ponder
Casello	Fine	LaMarca	Pritchett
Clemons	Fischer	Latvala	Raschein
Cortes, J.	Geller	Leek	Renner
Cummings	Goff-Marcil	Magar	Roach
Daley	Good	Maggard	Robinson

Rodrigues, R.	Silvers	Stone	Watson, C.
Rodriguez, A.	Sirois	Sullivan	Webb
Rodriguez, A. M.	Slosberg	Thompson	Willhite
Rommel	Smith, C.	Toledo	Williamson
Roth	Smith, D.	Tomkow	Yarborough
Sabatini	Sprowls	Trumbull	Zika
Santiago	Stark	Valdés	
Shoaf	Stevenson	Watson, B.	

Nays—None

Votes after roll call:
Yeas—Altman, Grieco, Jacobs, Joseph, Omphroy, Polo

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

CS/HB 919—A bill to be entitled An act relating to property tax exemptions used by hospitals; amending s. 196.197, F.S.; providing criteria to be used in determining the value of tax exemptions for charitable use of certain hospitals; providing definitions; providing application requirements for tax exemptions on certain properties; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 570

Representative Magar in the Chair.

Yeas—93

Aloupis	Eagle	Massullo	Sabatini
Andrade	Eskamani	McClain	Santiago
Antone	Fernández	McClure	Shoaf
Avila	Fernandez-Barquin	McGhee	Silvers
Bell	Fetterhoff	Mercado	Sirois
Beltran	Fine	Newton	Slosberg
Brannan	Fischer	Oliva	Smith, D.
Buchanan	Geller	Overdorf	Sprowls
Burton	Grall	Payne	Stark
Bush	Grant, M.	Perez	Stevenson
Byrd	Gregory	Pigman	Stone
Caruso	Hage	Plakon	Sullivan
Casello	Hattersley	Plasencia	Toledo
Clemons	Hill	Polsky	Tomkow
Cortes, J.	Ingoglia	Ponder	Trumbull
Cummings	Jacquet	Raschein	Watson, B.
Daley	Killebrew	Renner	Watson, C.
Daniels	La Rosa	Roach	Willhite
DiCeglie	LaMarca	Robinson	Williamson
Donalds	Latvala	Rodrigues, R.	Yarborough
Drake	Leek	Rodriguez, A.	Zika
DuBose	Magar	Rodriguez, A. M.	
Duggan	Maggard	Rommel	
Duran	Mariano	Roth	

Nays—15

Alexander	Goff-Marcil	Hogan Johnson	Thompson
Ausley	Good	Jenne	Valdés
Brown	Gottlieb	Pritchett	Webb
Diamond	Hart	Smith, C.	

Votes after roll call:
Yeas—Altman, Grieco, Joseph
Nays—Driskell, Polo

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

Consideration of **CS/CS/HB 23** was temporarily postponed.

CS/CS/CS/HB 713—A bill to be entitled An act relating to the Department of Health; amending s. 39.303, F.S.; specifying direct reporting requirements for certain positions within the Children's Medical Services Program; amending s. 381.0042, F.S.; revising the purpose of patient care networks from serving patients with acquired immune deficiency syndrome to serving those with human immunodeficiency virus; conforming provisions to changes made by the act; deleting obsolete language; amending s. 381.4018, F.S.; requiring the Department of Health to develop strategies to maximize federal-state partnerships that provide incentives for physicians to practice in medically underserved or rural areas; authorizing the department to adopt certain rules; amending s. 381.915, F.S.; revising provisions relating to time limitations on a cancer center's participation in the Tier 3 designation under the Florida Consortium of National Cancer Institute Centers Program; s. 381.986; providing a definition; revising a provision requiring certain information to be entered into the medical marijuana use registry; revising a provision relating to the informed consent form to include the negative health effects of marijuana use on certain persons; providing daily dose amount limits for edibles and marijuana in a form for smoking; prohibiting physicians from certifying a certain potency of tetrahydrocannabinol in marijuana for certain patients; providing an exception; authorizing the Department of Health to possess and test marijuana samples from medical marijuana treatment centers; authorizing medical marijuana treatment centers to contract with certain medical marijuana testing laboratories; prohibiting the department from renewing a medical marijuana treatment center's license under certain circumstances; providing limits on the potency of tetrahydrocannabinol in marijuana and edibles dispensed by a medical marijuana treatment center; prohibiting a medical marijuana treatment center from dispensing a medical marijuana product containing tetrahydrocannabiphorol; providing applicability; authorizing the department and certain employees to acquire, possess, test, transport, and dispose of marijuana; amending s. 381.988, F.S.; prohibiting a certified medical marijuana testing laboratory from having an economic interest in or financial relationship with a medical marijuana treatment center; providing construction; amending s. 401.35, F.S.; revising provisions relating to the applicability of rules to certain licensees; deleting a requirement that the department base rules governing medical supplies and equipment required in ambulances and emergency medical services vehicles on a certain association's standards; deleting a requirement that the department base rules governing ambulance or vehicle design and construction on a certain agency's standards and instead requiring the department to base such rules on national standards recognized by the department; amending s. 404.031, F.S.; defining the term "useful beam"; amending s. 404.22, F.S.; providing requirements for the maintenance, operation, and modification of certain radiation machines; providing conditions for the authorized exposure of human beings to the radiation emitted from a radiation machine; amending s. 456.013, F.S.; revising health care practitioner licensure application requirements; authorizing the board or department to issue a temporary license to certain applicants which expires after 60 days; amending s. 456.0635, F.S.; providing an exception to a prohibition on the examination or licensure of certain applicants who are listed on a specified federal list; amending s. 456.072, F.S.; conforming provisions to changes made by the act; repealing s. 456.0721, F.S., relating to health care practitioners in default on student loan or scholarship obligations; amending s. 456.074, F.S.; conforming provisions to changes made by the act; amending s. 458.3145, F.S.; revising the list of individuals who may be issued a medical faculty certificate without examination; amending s. 458.3312, F.S.; removing a prohibition against physicians representing themselves as board-certified specialists in dermatology unless the recognizing agency is reviewed and reauthorized on a specified basis by the Board of Medicine; amending s. 459.0055, F.S.; revising licensure requirements for a person seeking licensure or certification as an osteopathic physician; repealing s. 460.4166, F.S., relating to registered chiropractic assistants; amending s. 464.019, F.S.; authorizing the Board of Nursing to adopt specified rules; extending through 2025 the Florida Center for Nursing's responsibility to study and issue an annual report on the implementation of nursing education programs; authorizing certain nursing education programs to apply for an extension for accreditation within a specified timeframe; providing limitations on and eligibility criteria for the extension; amending s. 464.202, F.S.; requiring the Board of Nursing to adopt rules that include disciplinary procedures and standards of practice for certified nursing assistants; amending s. 464.203, F.S.; revising certification requirements for nursing assistants; amending s. 464.204, F.S.; revising grounds for board-imposed disciplinary sanctions; amending s. 466.006, F.S.; revising certain examination requirements for applicants seeking dental licensure; reviving, reenacting, and amending s. 466.0067, F.S., relating to

the application for a health access dental license; reviving, reenacting, and amending s. 466.00671, F.S., relating to the renewal of such a license; reviving and reenacting s. 466.00672, F.S., relating to the revocation of such a license; providing for retroactive application; amending s. 466.007, F.S.; revising requirements for examinations of dental hygienists; amending s. 466.017, F.S.; requiring dentists and certified registered dental hygienists to report in writing certain adverse incidents to the department within a specified timeframe; providing for disciplinary action by the Board of Dentistry for violations; defining the term "adverse incident"; authorizing the board to adopt rules; amending s. 466.031, F.S.; making technical changes; authorizing an employee or an independent contractor of a dental laboratory, acting as an agent of that dental laboratory, to engage in onsite consultation with a licensed dentist during a dental procedure; amending s. 466.036, F.S.; revising the frequency of dental laboratory inspections during a specified period; amending s. 468.701, F.S.; revising the definition of the term "athletic trainer"; deleting a requirement that is relocated to another section; amending s. 468.707, F.S.; revising athletic trainer licensure requirements; amending s. 468.711, F.S.; requiring certain licensees to maintain certification in good standing without lapse as a condition of renewal of their athletic trainer licenses; amending s. 468.713, F.S.; requiring that an athletic trainer work within a specified scope of practice; relocating an existing requirement that was stricken from another section; amending s. 468.723, F.S.; requiring the direct supervision of an athletic training student to be in accordance with rules adopted by the Board of Athletic Training; amending s. 468.803, F.S.; revising orthotic, prosthetic, and pedorthic licensure, registration, and examination requirements; amending s. 480.033, F.S.; revising the definition of the term "apprentice"; amending s. 480.041, F.S.; revising qualifications for licensure as a massage therapist; specifying that massage apprentices licensed before a specified date may continue to perform massage therapy as authorized under their licenses; authorizing massage apprentices to apply for full licensure upon completion of their apprenticeships, under certain conditions; repealing s. 480.042, F.S., relating to examinations for licensure as a massage therapist; amending s. 490.003, F.S.; revising the definition of the terms "doctoral-level psychological education" and "doctoral degree in psychology"; amending s. 490.005, F.S.; revising requirements for licensure by examination of psychologists and school psychologists; amending s. 490.006, F.S.; revising requirements for licensure by endorsement of psychologists and school psychologists; amending s. 491.0045, F.S.; exempting clinical social worker interns, marriage and family therapist interns, and mental health counselor interns from registration requirements, under certain circumstances; amending s. 491.005, F.S.; revising requirements for the licensure by examination of marriage and family therapists; revising requirements for the licensure by examination of mental health counselors; amending s. 491.006, F.S.; revising requirements for licensure by endorsement or certification for specified professions; amending s. 491.007, F.S.; removing a biennial intern registration fee; amending s. 491.009, F.S.; authorizing the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling or, under certain circumstances, the department to enter an order denying licensure or imposing penalties against an applicant for licensure under certain circumstances; amending s. 514.0115, F.S.; providing that certain surf pools are exempt from supervision for certain provisions under certain circumstances; providing construction; defining the term "surf pool"; amending s. 553.77, F.S.; conforming a cross-reference; amending ss. 491.0046 and 945.42, F.S.; conforming cross-references; providing effective dates.

—was read the third time by title.

Representative Latvala offered the following:

(Amendment Bar Code: 284801)

Amendment 7 (with title amendment)—Between lines 2557 and 2558, insert:

Section 50. Paragraphs (g) through (v) of subsection (4) of section 408.809, Florida Statutes, are redesignated as paragraphs (h) through (w), respectively, and a new paragraph (g) is added to that subsection, to read:

408.809 Background screening; prohibited offenses.—

(4) In addition to the offenses listed in s. 435.04, all persons required to undergo background screening pursuant to this part or authorizing statutes must not have an arrest awaiting final disposition for, must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, and must not have been adjudicated delinquent and the record not have been sealed or expunged for any of the following offenses or any similar offense of another jurisdiction:

(g) Section 784.03, relating to battery, if the victim is a vulnerable adult as defined in s. 415.102 or a patient or resident of a facility licensed under chapter 395, chapter 400, or chapter 429.

If, upon rescreening, a person who is currently employed or contracted with a licensee as of June 30, 2014, and was screened and qualified under ss. 435.03 and 435.04, has a disqualifying offense that was not a disqualifying offense at the time of the last screening, but is a current disqualifying offense and was committed before the last screening, he or she may apply for an exemption from the appropriate licensing agency and, if agreed to by the employer, may continue to perform his or her duties until the licensing agency renders a decision on the application for exemption if the person is eligible to apply for an exemption and the exemption request is received by the agency no later than 30 days after receipt of the rescreening results by the person.

Section 51. Subsection (5) is added to section 456.0135, Florida Statutes, to read:

456.0135 General background screening provisions.—

(5) In addition to the offenses listed in s. 435.04, all persons required to undergo background screening under this section, other than those licensed under s. 465.022, must not have an arrest awaiting final disposition for, must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, and must not have been adjudicated delinquent and the record not have been sealed or expunged for an offense or any similar offense of another jurisdiction under s. 784.03, relating to battery, if the victim is a vulnerable adult as defined in s. 415.102 or a patient or resident of a facility licensed under chapter 395, chapter 400, or chapter 429.

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

Remove line 186 and insert:

term "surf pool"; amending s. 408.809, F.S.; providing that battery on a specified victim is a disqualifying offense for employment in certain health care facilities; amending s. 456.0135, F.S.; providing that battery on a specified victim is a disqualifying offense for licensure as a health care practitioner; amending s. 553.77, F.S.; conforming

Rep. Latvala moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of **CS/CS/CS/HB 713**. The vote was:

Session Vote Sequence: 571

Representative Magar in the Chair.

Yeas—79

Aloupis	Caruso	Fetterhoff	Killebrew
Andrade	Clemons	Fine	La Rosa
Ausley	Cummings	Fischer	LaMarca
Avila	Daniels	Geller	Latvala
Bell	DiCeglie	Grall	Leek
Beltran	Donalds	Grant, M.	Magar
Brannan	Drake	Gregory	Maggard
Buchanan	DuBose	Hage	Mariano
Burton	Duggan	Hill	Massullo
Bush	Eagle	Ingoglia	McClain
Byrd	Fernandez-Barquin	Jones	McClure

McGhee	Ponder	Roth	Sullivan
Newton	Raschein	Sabatini	Thompson
Oliva	Renner	Santiago	Tomkow
Overdorf	Roach	Shoaf	Trumbull
Payne	Robinson	Sirois	Webb
Perez	Rodrigues, R.	Smith, D.	Williamson
Pigman	Rodriguez, A.	Sprowls	Yarborough
Plakon	Rodriguez, A. M.	Stevenson	Zika
Plasencia	Rommel	Stone	

Nays—31

Alexander	Duran	Hogan Johnson	Slosberg
Antone	Eskamani	Jacquet	Smith, C.
Brown	Fernández	Jenne	Stark
Casello	Goff-Marcil	Mercado	Valdés
Cortes, J.	Good	Omphroy	Watson, B.
Daley	Gottlieb	Polsky	Watson, C.
Davis	Hart	Pritchett	Willhite
Diamond	Hattersley	Silvers	

Votes after roll call:
Yeas—Altman, Toledo
Nays—Driskell, Grieco, Polo
Yeas to Nays—Geller

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

CS/CS/HB 915—A bill to be entitled An act relating to commercial service airports; amending s. 11.45, F.S.; directing the Auditor General to conduct specified audits of certain airports; defining the term "large-hub commercial service airport"; amending s. 112.3144, F.S.; requiring members of the governing body of a large-hub commercial service airport to comply with certain financial disclosure requirements; providing that a separate filing is not required under specified circumstances; defining the term "large-hub commercial service airport"; creating s. 332.0075, F.S.; providing definitions; requiring the governing body of a municipality, county, or special district that operates a commercial service airport to establish and maintain a website; requiring the governing body to post or provide links to certain information on the website; providing for the redaction of confidential or exempt information regarding certain contracts; requiring commercial service airports to comply with certain contracting requirements; providing exceptions; requiring the governing body to approve, award, or ratify certain contracts; requiring governing body members and employees of a commercial service airport to comply with certain ethics requirements; requiring governing body members to complete annual ethics training; requiring governing bodies of commercial service airports to submit certain information annually to the Department of Transportation; requiring the department to review such information and submit an annual report to the Governor and Legislature; prohibiting the expenditure of certain funds unless specified conditions are met; providing an effective date.

—was read the third time by title.

Representative Avila offered the following:

(Amendment Bar Code: 784645)

Amendment 2 (with title amendment)—Remove lines 64-70 and insert:
(c) Each member of the governing body of a large-hub commercial service airport, except for members required to comply with the financial disclosure requirements of s. 8, Art. II of the State Constitution, shall comply with the financial disclosure requirements of s. 112.3145(3). For purposes of this paragraph, the term "large-

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

Remove line 7 and insert:
certain members of the governing body of a large-hub

Rep. Avila moved the adoption of the amendment, which was adopted by the required two-thirds vote.

The question recurred on the passage of **CS/CS/HB 915**. The vote was:

Session Vote Sequence: 572

Representative Magar in the Chair.

Yeas—112

Alexander	Duggan	LaMarca	Rodriguez, A.
Aloupis	Duran	Latvala	Rodriguez, A. M.
Andrade	Eagle	Leek	Rommel
Antone	Eskamani	Magar	Roth
Ausley	Fernández	Maggard	Sabatini
Avila	Fernandez-Barquin	Mariano	Santiago
Bell	Fetterhoff	Massullo	Shoaf
Beltran	Fine	McClain	Silvers
Brannan	Fischer	McClure	Sirois
Brown	Geller	McGhee	Slosberg
Buchanan	Goff-Marcil	Mercado	Smith, C.
Burton	Good	Newton	Smith, D.
Bush	Gottlieb	Oliva	Sprowls
Byrd	Grall	Omphroy	Stark
Caruso	Grant, J.	Overdorf	Stevenson
Casello	Grant, M.	Payne	Stone
Clemons	Gregory	Perez	Sullivan
Cortes, J.	Hage	Pigman	Thompson
Cummings	Hart	Plakon	Toledo
Daley	Hattersley	Plasencia	Tomkow
Daniels	Hill	Polsky	Valdés
Davis	Hogan Johnson	Ponder	Watson, B.
Diamond	Ingoglia	Pritchett	Watson, C.
DiCeglie	Jacquet	Raschein	Webb
Donalds	Jenne	Renner	Willhite
Drake	Jones	Roach	Williamson
Driskell	Killebrew	Robinson	Yarborough
DuBose	La Rosa	Rodrigues, R.	Zika

Nays—None

Votes after roll call:
Yeas—Altman, Grieco, Jacobs, Joseph, Polo

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

HB 7095—A bill to be entitled An act relating to the adoption of the Internal Revenue Code for purposes of the corporate income tax; amending s. 220.03, F.S.; adopting the Internal Revenue Code in effect on January 1, 2020; providing for retroactive effect; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 573

Representative Magar in the Chair.

Yeas—113

Alexander	Davis	Grant, J.	McClain
Aloupis	Diamond	Grant, M.	McClure
Andrade	DiCeglie	Gregory	McGhee
Antone	Donalds	Hage	Mercado
Ausley	Drake	Hart	Newton
Avila	Driskell	Hattersley	Oliva
Bell	DuBose	Hill	Omphroy
Beltran	Duggan	Hogan Johnson	Overdorf
Brannan	Duran	Ingoglia	Payne
Brown	Eagle	Jacquet	Perez
Buchanan	Eskamani	Jenne	Pigman
Burton	Fernández	Jones	Plakon
Bush	Fernandez-Barquin	Killebrew	Plasencia
Byrd	Fetterhoff	La Rosa	Polsky
Caruso	Fine	LaMarca	Ponder
Casello	Fischer	Latvala	Pritchett
Clemons	Geller	Leek	Raschein
Cortes, J.	Goff-Marcil	Magar	Renner
Cummings	Good	Maggard	Roach
Daley	Gottlieb	Mariano	Robinson
Daniels	Grall	Massullo	Rodrigues, R.

Rodriguez, A.	Sirois	Sullivan	Webb
Rodriguez, A. M.	Slosberg	Thompson	Willhite
Rommel	Smith, C.	Toledo	Williamson
Roth	Smith, D.	Tomkow	Yarborough
Sabatini	Sprowls	Trumbull	Zika
Santiago	Stark	Valdés	
Shoaf	Stevenson	Watson, B.	
Silvers	Stone	Watson, C.	

Nays—None

Votes after roll call:
Yeas—Altman, Grieco, Jacobs, Joseph, Polo

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

CS/HB 7097—A bill to be entitled An act relating to taxation; amending s. 125.0104, F.S.; authorizing the use of tourist development taxes for certain water quality improvement projects and parks or trails; increasing population thresholds for counties to use tourist development taxes for certain purposes; revising authorized uses of tourist development taxes for specified counties; providing that existing contracts or debt service shall not be impaired; amending s. 192.001, F.S.; revising the definition of the term "inventory" for property tax purposes; revising the definition of the term "tangible personal property" to specify the conditions under which certain construction work constructed or installed by certain electric utilities is deemed substantially completed; providing applicability; providing for retroactive operation; creating s. 193.1557, F.S.; extending the time period within which certain changes to property damaged or destroyed by Hurricane Michael must commence to prevent the assessed value of the property from increasing; amending s. 194.011, F.S.; authorizing certain associations to represent, prosecute, or defend specified association members in front of the value adjustment board proceedings and subsequent proceedings; providing applicability; amending s. 194.035, F.S.; specifying the circumstances under which a special magistrate's appraisal may not be submitted as evidence to a value adjustment board; amending s. 194.181, F.S.; providing and revising the parties considered as the defendants in tax suits; requiring certain notice to be provided to unit owners in a specified way; providing unit owners options for defending a tax suit; imposing certain actions for unit owners who fail to respond to a specified notice; amending s. 195.073, F.S.; revising the property classifications for certain multifamily housing and commercial and industrial properties; amending s. 195.096, F.S.; removing the requirement for the Department of Revenue to review tangible personal property rolls of each county; revising required computations regarding classifications of property; specifying that properties with more than nine units are commercial property for certain assessment roll purposes; amending s. 196.173, F.S.; revising the military operations that qualify certain servicemembers for an additional ad valorem tax exemption; revising the deadlines for applying for additional ad valorem tax exemptions for certain servicemembers for a specified tax year; providing applicability; amending s. 196.197, F.S.; providing criteria to be used in determining the value of tax exemptions for charitable use of certain hospitals; defining terms; providing application requirements for tax exemptions for certain properties; amending s. 196.198, F.S.; exempting land, buildings, and real property improvements used exclusively for educational purposes from ad valorem taxes if certain criteria are met; providing that the educational institution shall receive the full benefit of the exemption; requiring the property owner to make certain disclosures to the educational institution; amending s. 200.065, F.S.; providing alternative methods of notice related to the truth in millage process for counties for which a declared state of emergency exists; extending deadlines for notice during a declared state of emergency; revising publication and hearing requirements; providing for automatic extensions of certain deadlines in the event of a declared state of emergency; amending s. 200.069, F.S.; specifying information which property appraisers may include in the notice of ad valorem taxes and non-ad valorem assessments; amending s. 202.12, F.S.; reducing the tax rates applied to the sale of communications services and the retail sale of direct-to-home satellite services after a certain date; amending ss. 202.12001 and 203.001, F.S.; conforming provisions to changes made by the act; amending ss. 206.05 and 206.90, F.S.; revising the maximum bond amount for licensed terminal suppliers; amending s. 206.8741, F.S.; reducing the penalty imposed for failure to conform to notice requirements related to dyed diesel fuel; amending s. 206.9826, F.S.; increasing the refund available to certain air carriers on the purchase of aviation fuel; amending s. 212.0305, F.S.; revising uses and distribution of the charter county convention development tax for specified counties; providing restrictions on the use of funds; providing that no existing contract or debt service shall be affected; amending s. 212.0306, F.S.; providing a name for the local option food and beverage tax in a certain county; revising approved uses of the proceeds of the tax; prohibiting interlocal agreements and contracts with certain convention and visitors bureaus from being renewed or extended; providing that no existing contract shall be affected; amending s. 212.031, F.S.; reducing the tax levied on rental or license fees charged for the use of real property; amending s. 212.05, F.S.; extending the period in which a dealer and nonresident purchaser must provide the state with documentation that a boat or aircraft purchased without the imposition of Florida sales tax will not be used in the state; amending s. 212.055, F.S.; providing an expiration date for the charter county and regional transportation system surtax for a certain county; requiring a resolution to levy the surtax after a certain date; requiring any new levy of the charter county and regional transportation system surtax to expire after 20 years; requiring the resolution to include a statement containing certain information; requiring the resolution to approve a school capital outlay surtax to include specified information; requiring revenues shared with charter schools to be expended by the charter schools in a certain manner; requiring revenues and expenditures to be accounted for in specified charter school financial reports; providing applicability; amending s. 212.134, F.S.; requiring specified entities that must file a return under section 6050W of the Internal Revenue Code to provide copies to the department; specifying procedures for submitting the information; providing penalties; creating s. 212.181, F.S.; providing procedures for jurisdictions to notify the department regarding changes to their business boundaries for certain purposes; providing guidelines for correction of misallocated funds; providing procedures for correcting misallocated funds; providing deadlines for notifying the department of changes to business boundaries; providing rulemaking authority; amending ss. 212.20, 212.205, 218.64, and 288.0001, F.S.; conforming provisions to changes made by the act; creating s. 213.0537, F.S.; authorizing the department to provide certain official correspondence to taxpayers electronically upon the affirmative request of the taxpayer; providing definitions; amending s. 213.21, F.S.; tolling the period for filing a claim for refund for certain transactions during certain audit periods; amending s. 220.1105, F.S.; revising the definition of the term "final tax liability" for certain purposes; providing for retroactive application; amending s. 220.1845, F.S.; increasing, for a specified fiscal year, the total amount of contaminated site rehabilitation tax credits; creating s. 220.197, F.S.; defining the term "NAICS" for purposes of a certain tax credit; providing a credit against the corporate income tax in a specified amount and taxable year for certain taxpayers in car rental or leasing industries; providing for retroactive operation; repealing s. 288.11625, F.S., relating to the Sports Development Program; amending s. 376.30781, F.S.; increasing, for a specified fiscal year, the total amount of tax credits for the rehabilitation of drycleaning-solvent-contaminated sites and brownfield sites in designated brownfield areas; amending s. 413.4021, F.S.; increasing the percent of revenues collected from the tax collection enforcement diversion program for specified purposes; amending s. 443.163, F.S.; providing that corrections to electronically filed reemployment tax reports must also be filed electronically; revising penalties; removing the requirement for certain parties to file electronically; removing the requirement that requests for waivers from statutory requirements be in writing;
amending s. 626.932, F.S.; revising downward the surplus lines tax rate; revising the operation of the surplus lines tax for policies covering risks outside the state; amending s. 718.111, F.S.; providing that a condominium association may take certain actions relating to a challenge to ad valorem taxes in its own name or on behalf of unit owners; providing applicability; providing sales tax exemptions for certain clothing, school supplies, personal computers, and personal computer-related accessories during a certain timeframe; defining terms; specifying locations where the exemptions do not

apply; authorizing certain dealers to opt out of participating in the exemptions, subject to certain conditions; authorizing the department to adopt emergency rules; providing an appropriation; providing sales tax exemptions for certain disaster preparedness supplies during a certain timeframe; specifying locations where the exemptions do not apply; authorizing the department to adopt emergency rules; creating ss. 211.0252, 212.1833, 561.1212, and 624.51056, F.S.; authorizing a tax credit for certain contributions made to an eligible charitable organization with certain restrictions; amending s. 220.02, F.S.; revising legislative intent; amending ss. 220.13 and 220.186, F.S.; conforming cross-references to changes made by the act; creating s. 220.1876, F.S.; authorizing a tax credit for certain contributions made to an eligible charitable organization with certain restrictions; providing requirements for applying a credit when the taxpayer requests an extension; creating s. 402.62, F.S.; creating the Children's Promise Tax Credit; providing definitions; providing requirements for designation as an eligible charitable organization; specifying certain organizations that may not be designated as an eligible charitable organization; providing responsibilities of eligible charitable organizations that receive contributions under the tax credit; providing responsibilities of the department related to the tax credit; providing guidelines for the application of, limitations to, and transfers of the tax credit; providing for the preservation of the tax credit under certain circumstances; authorizing the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, and the Department of Children and Families to develop a cooperative agreement to administer the tax credit; authorizing the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, and the Department of Children and Families to adopt rules; authorizing the Department of Revenue and the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to share certain information as needed to administer the tax credit; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation; requiring the Florida Institute for Child Welfare to analyze the use of funding provided by the tax credit and submit a report to the Governor and Legislature by a specified date; amending s. 212.07, F.S.; authorizing dealers, subject to certain conditions, to advertise or hold out to the public that they will pay sales tax on behalf of the purchaser; amending s. 212.15, F.S.; conforming a provision to changes made by the act; providing appropriations; providing a directive to the Division of Law Revision; authorizing the Department of Revenue to adopt emergency rules for certain purposes; providing effective dates.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 574

Representative Magar in the Chair.

Yeas—97

Alexander	DiCeglie	Jacquet	Ponder
Aloupis	Donalds	Jones	Raschein
Altman	Drake	Killebrew	Renner
Andrade	Driskell	La Rosa	Roach
Antone	DuBose	LaMarca	Robinson
Ausley	Duggan	Latvala	Rodrigues, R.
Avila	Duran	Leek	Rodriguez, A.
Bell	Eagle	Magar	Rodriguez, A. M.
Beltran	Fernández	Maggard	Rommel
Brannan	Fernandez-Barquin	Mariano	Roth
Buchanan	Fetterhoff	Massullo	Sabatini
Burton	Fine	McClain	Santiago
Bush	Fischer	McClure	Shoaf
Byrd	Good	McGhee	Silvers
Caruso	Grall	Oliva	Sirois
Casello	Grant, J.	Omphroy	Smith, D.
Clemons	Grant, M.	Overdorf	Sprowls
Cummings	Gregory	Payne	Stark
Daley	Hage	Perez	Stevenson
Daniels	Hart	Pigman	Stone
Davis	Hill	Plakon	Sullivan
Diamond	Ingoglia	Plasencia	Toledo
Trumbull	Watson, C.	Williamson	
Valdés	Webb	Yarborough	
Watson, B.	Willhite	Zika	

Nays—16

Brown	Goff-Marcil	Jenne	Pritchett
Cortes, J.	Gottlieb	Mercado	Slosberg
Eskamani	Hattersley	Newton	Smith, C.
Geller	Hogan Johnson	Polsky	Thompson

Votes after roll call:
Yeas—Grieco, Tomkow
Nays—Jacobs, Polo
Yeas to Nays—Watson, C.

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

Special Orders

Consideration of **CS/HB 393** was temporarily postponed.

CS/HB 1049—A bill to be entitled An act relating to the Office of the Judges of Compensation Claims; amending s. 440.45, F.S.; specifying the salaries of full-time judges of compensation claims and the Deputy Chief Judge of Compensation Claims; providing appropriations; providing an effective date.

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

CS/HB 7077—A bill to be entitled An act relating to postsentencing forensic analysis; amending s. 925.11, F.S.; providing definitions; authorizing specified persons to petition a court for postsentencing forensic analysis that may result in evidence of the identity of a perpetrator or accomplice to a crime; providing requirements for such a petition; requiring a court to make specified findings before entering an order for forensic analysis; requiring the forensic analysis to be performed by the Department of Law Enforcement; providing an exception; requiring the department to submit a DNA profile meeting submission standards to certain DNA databases; requiring the results of the DNA database search to be provided to specified parties; authorizing a court to order specified persons to conduct a search for physical evidence reported to be missing or destroyed in violation of law; requiring a report of the results of such a search; amending s. 925.12, F.S.; authorizing specified persons to petition for forensic analysis after entering a plea of guilty or nolo contendere; requiring a court to inquire of a defendant about specified information relating to physical evidence before accepting a plea; amending s. 943.325, F.S.; authorizing certain samples obtained from postsentencing forensic analysis to be entered into the statewide DNA database; authorizing DNA analysis and results to be released to specified entities; amending s. 943.3251, F.S.; requiring the department to perform forensic analysis and searches of the statewide DNA database; providing an exception; requiring the results of forensic analysis and a DNA database search to be provided to specified entities; providing an effective date.

—was read the second time by title.

Representative Grant, J. offered the following:

(Amendment Bar Code: 150231)

Amendment 1—Remove lines 54-55 and insert:
(a)~~1.~~ A person who has been

Rep. J. Grant moved the adoption of the amendment, which was adopted.

Representative Grant, J. offered the following:

(Amendment Bar Code: 027751)

Amendment 2—Remove lines 254-313 and insert:
of guilty or nolo contendere to a felony and has been sentenced by a court established by the laws of the state ~~on or after July 1, 2006, a defendant~~ may petition that court for postsentencing forensic analysis ~~DNA testing~~ under s. 925.11 under the following circumstances:

(a) If the person entered a plea before July 1, 2006, the person may petition for forensic analysis under s. 925.11.

(b) If the person entered a plea on or after July 1, 2006, but before July 1, 2020, the person may petition for:

1. Forensic analysis, other than DNA testing, under s. 925.11.

2. DNA testing, when either of the following applies:

a. The facts on which the petition is predicated were unknown to the petitioner or the petitioner's attorney at the time the plea was entered and could not have been ascertained by the exercise of due diligence; or

b.~~(b)~~ The physical evidence for which DNA testing is sought was not disclosed to the defense by the state before ~~prior to~~ the entry of the plea by the petitioner.

(c) If the person entered a plea on or after July 1, 2020, the person may petition for forensic analysis when either of the following applies:

1. The facts on which the petition is predicated were unknown to the petitioner or the petitioner's attorney at the time the plea was entered and could not have been ascertained by the exercise of due diligence; or

2. The physical evidence for which forensic analysis is sought was not disclosed to the defense by the state before the entry of the plea by the petitioner.

(3)~~(2)~~ For defendants seeking to enter a plea of guilty or nolo contendere to a felony on or after July 1, 2020 ~~July 1, 2006~~, the court shall inquire of the defendant and of counsel for the defendant and the state as to physical evidence ~~containing DNA~~ known to exist that, if subjected to forensic analysis, could produce evidence that is material to the identification of the perpetrator of, or accomplice to, the crime before ~~could exonerate the defendant prior to~~ accepting a plea of guilty or nolo contendere. If no such physical evidence ~~containing DNA that could exonerate the defendant~~ is known to exist, the court may proceed with consideration of accepting the plea. If such physical evidence ~~containing DNA that could exonerate the defendant~~ is known to exist, the court may postpone the proceeding on the defendant's behalf and order forensic analysis ~~DNA testing~~ upon motion of counsel specifying the physical evidence to be tested.

(4)~~(3)~~ It is the intent of the Legislature that the Supreme Court adopt rules of procedure consistent with this section for a court, before ~~prior to~~ the acceptance of a plea, to make an inquiry into the following matters:

(a) Whether counsel for the defense has reviewed the discovery disclosed by the state and whether such discovery included a listing or description of physical items of evidence.

(b) Whether the nature of the evidence against the defendant disclosed through discovery has been reviewed with the defendant.

(c) Whether the defendant or counsel for the defendant is aware of any physical evidence disclosed by the state for which forensic analysis could produce a result material to the identification of the perpetrator of, or accomplice to, the crime ~~DNA testing may exonerate the defendant~~.

(d) Whether the state is aware of any physical evidence for which forensic analysis could produce a result material to the identification of the perpetrator of, or accomplice to, the crime ~~DNA testing may exonerate the defendant~~.

(5)~~(4)~~ It is the intent of the Legislature that the postponement of the proceedings by the court on the defendant's behalf under subsection (3) ~~(2)~~ constitute an extension

Rep. J. Grant moved the adoption of the amendment, which was adopted.

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

CS/CS/CS/HB 1391—A bill to be entitled An act relating to technology innovation; amending s. 20.22, F.S.; deleting the Division of State Technology from, and adding the Florida Digital Service and the Division of Telecommunications to, the Department of Management Services; amending s. 110.205, F.S.; providing additional positions that are exempt from certain requirements in the career service system; requiring the department to set the salary and benefits of such positions; amending s. 282.0041, F.S.; providing definitions; amending s. 282.0051, F.S.; establishing and housing the Florida Digital Service within the department; providing purpose; transferring and revising specified powers, duties, and functions of the Division of State Technology to the Florida Digital Service; requiring the Florida Digital Service to develop an enterprise architecture; providing requirements for such enterprise architecture; requiring the department to act through the Florida Digital Service for certain duties and powers; requiring designations and duties of specified officers; providing experience requirements for such officers; providing powers and duties of the Florida Digital Service; prohibiting the department from retrieving or disclosing data under circumstances; authorizing the department to adopt rules through the Florida Digital Service; amending s. 282.00515, F.S.; revising certain standards that the Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services must adopt; requiring the departments to notify the Governor and the Legislature if the departments adopt alternative standards in lieu of enterprise architecture standards; providing requirements for the notification; providing construction; prohibiting the Florida Digital Service from retrieving or disclosing data under certain circumstances; amending ss. 282.318, 287.0591, 365.171, 365.172, 365.173, and 943.0415, F.S.; conforming provisions to changes made by the act; providing a directive to the Division of Law Revision; creating s. 559.952, F.S.; providing a short title; creating the Financial Technology Sandbox within the Office of Financial Regulation; providing definitions; providing certain exceptions to general law and certain waivers of rule requirements to specified persons under certain circumstances; providing circumstances under which the office may approve a Financial Technology Sandbox application; authorizing licensees to conduct business through electronic means; requiring certain persons to seek a declaratory statement before filing an application for the program; requiring an application for the program for business entities to make innovative financial products or services available to consumers; providing application requirements; providing standards for application approval or refusal; providing limitations on the number of consumers of innovative financial products or services; providing a licensee's continuing obligation; providing operation of the sandbox; requiring a licensee to provide written statements to consumers under certain circumstances; authorizing the office to enter into an agreement with certain regulatory agencies for specified purposes; authorizing the office to examine specified records; providing extension and conclusion of the sandbox period; requiring written notification to consumers within a timeframe before the end of an extension or the conclusion of the sandbox period; providing acts that licensees may and may not engage in at the end of an extension or the conclusion of the sandbox period; requiring licensees to submit a report; providing report requirements; providing construction; providing that licensees are not immune from civil damages and are subject to criminal and consumer protection laws and certain general laws; providing penalties; providing service of process; requiring the Financial Services Commission to adopt rules; authorizing the office to issue certain orders and to enforce them in accordance with ch. 120, F.S., or in court; providing that such orders include orders for payment of restitution; providing an appropriation; providing that specified provisions of the act are contingent upon passage of other provisions addressing public records; providing effective dates.

—was read the second time by title.

Representative Grant, J. offered the following:

(Amendment Bar Code: 860305)

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

Section 1. Subsection (2) of section 20.22, Florida Statutes, is amended to read:

20.22 Department of Management Services.—There is created a Department of Management Services.

(2) The following divisions, ~~and~~ programs, and services within the Department of Management Services are established:

(a) Facilities Program.

(b) The Florida Digital Service ~~Division of State Technology, the director of which is appointed by the secretary of the department and shall serve as the state chief information officer~~. ~~The state chief information officer must be a proven, effective administrator who must have at least 10 years of executive-level experience in the public or private sector, preferably with experience in the development of information technology strategic planning and the development and implementation of fiscal and substantive information technology policy and standards.~~

(c) Workforce Program.

(d)1. Support Program.

2. Federal Property Assistance Program.

(e) Administration Program.

(f) Division of Administrative Hearings.

(g) Division of Retirement.

(h) Division of State Group Insurance.

(i) Division of Telecommunications.

Section 2. Paragraph (e) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(e) The state chief information officer, the state chief data officer, and the state chief information security officer. ~~Unless otherwise fixed by law,~~ The Department of Management Services shall set the salary and benefits of these positions ~~this position~~ in accordance with the rules of the Senior Management Service.

Section 3. Section 282.0041, Florida Statutes, is amended to read:

282.0041 Definitions.—As used in this chapter, the term:

(1) "Agency assessment" means the amount each customer entity must pay annually for services from the Department of Management Services and includes administrative and data center services costs.

(2) "Agency data center" means agency space containing 10 or more physical or logical servers.

(3) "Breach" has the same meaning as provided in s. 501.171.

(4) "Business continuity plan" means a collection of procedures and information designed to keep an agency's critical operations running during a period of displacement or interruption of normal operations.

(5) "Cloud computing" has the same meaning as provided in Special Publication 800-145 issued by the National Institute of Standards and Technology.

(6) "Computing facility" or "agency computing facility" means agency space containing fewer than a total of 10 physical or logical servers, but excluding single, logical-server installations that exclusively perform a utility function such as file and print servers.

(7) "Customer entity" means an entity that obtains services from the Department of Management Services.

(8) "Data" means a subset of structured information in a format that allows such information to be electronically retrieved and transmitted.

(9) "Data governance" means the practice of organizing, classifying, securing, and implementing policies, procedures, and standards for the effective use of an organization's data.

(10) "Department" means the Department of Management Services.

(11)~~(10)~~ "Disaster recovery" means the process, policies, procedures, and infrastructure related to preparing for and implementing recovery or continuation of an agency's vital technology infrastructure after a natural or human-induced disaster.

(12) "Electronic" means technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(13) "Electronic credential" means an electronic representation of the identity of a person, an organization, an application, or a device.

(14) "Enterprise" means state agencies and the Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services.

(15) "Enterprise architecture" means a comprehensive operational framework that contemplates the needs and assets of the enterprise to support interoperability.

(16)~~(11)~~ "Enterprise information technology service" means an information technology service that is used in all agencies or a subset of agencies and is established in law to be designed, delivered, and managed at the enterprise level.

(17)~~(12)~~ "Event" means an observable occurrence in a system or network.

(18)~~(13)~~ "Incident" means a violation or imminent threat of violation, whether such violation is accidental or deliberate, of information technology resources, security, policies, or practices. An imminent threat of violation refers to a situation in which the state agency has a factual basis for believing that a specific incident is about to occur.

(19)~~(14)~~ "Information technology" means equipment, hardware, software, firmware, programs, systems, networks, infrastructure, media, and related material used to automatically, electronically, and wirelessly collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, interface, switch, or disseminate information of any kind or form.

(20)~~(15)~~ "Information technology policy" means a definite course or method of action selected from among one or more alternatives that guide and determine present and future decisions.

(21)~~(16)~~ "Information technology resources" has the same meaning as provided in s. 119.011.

(22)~~(17)~~ "Information technology security" means the protection afforded to an automated information system in order to attain the applicable objectives of preserving the integrity, availability, and confidentiality of data, information, and information technology resources.

(23) "Interoperability" means the technical ability to share and use data across and throughout the enterprise.

(24)~~(18)~~ "Open data" means data collected or created by a state agency, the Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services, and structured in a way that enables the data to be fully discoverable and usable by the public. The term does not include data that are restricted from public disclosure ~~distribution~~ based on federal or state ~~privacy, confidentiality, and security~~ laws and regulations, including, but not limited to, those related to privacy, confidentiality, security, personal health, business or trade secret information, and exemptions from state public records laws; or data for which a state agency, the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services is statutorily authorized to assess a fee for its distribution.

(25)~~(19)~~ "Performance metrics" means the measures of an organization's activities and performance.

(26)~~(20)~~ "Project" means an endeavor that has a defined start and end point; is undertaken to create or modify a unique product, service, or result; and has specific objectives that, when attained, signify completion.

(27)~~(21)~~ "Project oversight" means an independent review and analysis of an information technology project that provides information on the project's scope, completion timeframes, and budget and that identifies and quantifies issues or risks affecting the successful and timely completion of the project.

(28)~~(22)~~ "Risk assessment" means the process of identifying security risks, determining their magnitude, and identifying areas needing safeguards.

(29)~~(23)~~ "Service level" means the key performance indicators (KPI) of an organization or service which must be regularly performed, monitored, and achieved.

(30)~~(24)~~ "Service-level agreement" means a written contract between the Department of Management Services and a customer entity which specifies the scope of services provided, service level, the duration of the agreement, the responsible parties, and service costs. A service-level agreement is not a rule pursuant to chapter 120.

(31)~~(25)~~ "Stakeholder" means a person, group, organization, or state agency involved in or affected by a course of action.

(32)~~(26)~~ "Standards" means required practices, controls, components, or configurations established by an authority.

(33)~~(27)~~ "State agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government; the Justice Administrative Commission; and the Public Service Commission. The term does not include university boards of trustees or state universities. As used in part I of this chapter, except as otherwise specifically provided, the term does not include the Department of Legal Affairs, the Department of Agriculture and Consumer Services, or the Department of Financial Services.

(34)~~(28)~~ "SUNCOM Network" means the state enterprise telecommunications system that provides all methods of electronic or optical telecommunications beyond a single building or contiguous building complex and used by entities authorized as network users under this part.

(35)~~(29)~~ "Telecommunications" means the science and technology of communication at a distance, including electronic systems used in the transmission or reception of information.

(36)~~(30)~~ "Threat" means any circumstance or event that has the potential to adversely impact a state agency's operations or assets through an information system via unauthorized access, destruction, disclosure, or modification of information or denial of service.

(37)~~(31)~~ "Variance" means a calculated value that illustrates how far positive or negative a projection has deviated when measured against documented estimates within a project plan.

Section 4. Section 282.0051, Florida Statutes, is amended to read:

282.0051 Department of Management Services; Florida Digital Service; powers, duties, and functions.—

(1) The Florida Digital Service has been created within the department to propose innovative solutions that securely modernize state government, including technology and information services, to achieve value through digital transformation and interoperability, and to fully support the cloud-first policy as specified in s. 282.206. The department, through the Florida Digital Service, shall have the following powers, duties, and functions:

(a)~~(1)~~ Develop and publish information technology policy for the management of the state's information technology resources.

(b)~~(2)~~ Develop an enterprise architecture that:

1. Acknowledges the unique needs of the entities within the enterprise in the development and publication of standards and terminologies to facilitate digital interoperability;

2. Supports the cloud-first policy as specified in s. 282.206; and

3. Addresses how information technology infrastructure may be modernized to achieve cloud-first objectives ~~Establish and publish information technology architecture standards to provide for the most efficient use of the state's information technology resources and to ensure compatibility and alignment with the needs of state agencies. The department shall assist state agencies in complying with the standards.~~

(c)~~(3)~~ Establish project management and oversight standards with which state agencies must comply when implementing information technology projects. The department, acting through the Florida Digital Service, shall provide training opportunities to state agencies to assist in the adoption of the project management and oversight standards. To support data-driven decisionmaking, the standards must include, but are not limited to:

1.~~(a)~~ Performance measurements and metrics that objectively reflect the status of an information technology project based on a defined and documented project scope, cost, and schedule.

2.~~(b)~~ Methodologies for calculating acceptable variances in the projected versus actual scope, schedule, or cost of an information technology project.

3.~~(c)~~ Reporting requirements, including requirements designed to alert all defined stakeholders that an information technology project has exceeded acceptable variances defined and documented in a project plan.

4.~~(d)~~ Content, format, and frequency of project updates.

(d)~~(4)~~ Perform project oversight on all state agency information technology projects that have total project costs of $10 million or more and that are funded in the General Appropriations Act or any other law. The department, acting through the Florida Digital Service, shall report at least quarterly to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives on any information technology project that the department identifies as high-risk due to the project exceeding acceptable variance ranges defined and documented in a project plan. The report must include a risk assessment, including fiscal risks, associated with proceeding to the next stage of the project, and a recommendation for corrective actions required, including suspension or termination of the project.

(e)~~(5)~~ Identify opportunities for standardization and consolidation of information technology services that support interoperability and the cloud-first policy, as specified in s. 282.206, and business functions and operations, including administrative functions such as purchasing, accounting and reporting, cash management, and personnel, and that are common across state agencies. The department, acting through the Florida Digital Service, shall biennially on January 1 of each even-numbered year ~~April 1~~ provide recommendations for standardization and consolidation to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(f)~~(6)~~ Establish best practices for the procurement of information technology products and cloud-computing services in order to reduce costs, increase the quality of data center services, or improve government services.

(g)~~(7)~~ Develop standards for information technology reports and updates, including, but not limited to, operational work plans, project spend plans, and project status reports, for use by state agencies.

(h)~~(8)~~ Upon request, assist state agencies in the development of information technology-related legislative budget requests.

(i)~~(9)~~ Conduct annual assessments of state agencies to determine compliance with all information technology standards and guidelines developed and published by the department and provide results of the assessments to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(j)~~(10)~~ Provide operational management and oversight of the state data center established pursuant to s. 282.201, which includes:

1.~~(a)~~ Implementing industry standards and best practices for the state data center's facilities, operations, maintenance, planning, and management processes.

2.~~(b)~~ Developing and implementing cost-recovery mechanisms that recover the full direct and indirect cost of services through charges to applicable customer entities. Such cost-recovery mechanisms must comply with applicable state and federal regulations concerning distribution and use of funds and must ensure that, for any fiscal year, no service or customer entity subsidizes another service or customer entity. The Florida Digital Service may recommend other payment mechanisms to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives. Such mechanism may be implemented only if specifically authorized by the Legislature.

3.~~(c)~~ Developing and implementing appropriate operating guidelines and procedures necessary for the state data center to perform its duties pursuant to s. 282.201. The guidelines and procedures must comply with applicable state and federal laws, regulations, and policies and conform to generally accepted governmental accounting and auditing standards. The guidelines and procedures must include, but need not be limited to:

a.~~1.~~ Implementing a consolidated administrative support structure responsible for providing financial management, procurement, transactions involving real or personal property, human resources, and operational support.

b.~~2.~~ Implementing an annual reconciliation process to ensure that each customer entity is paying for the full direct and indirect cost of each service as determined by the customer entity's use of each service.

c.~~3.~~ Providing rebates that may be credited against future billings to customer entities when revenues exceed costs.

d.~~4.~~ Requiring customer entities to validate that sufficient funds exist in the appropriate data processing appropriation category or will be transferred into the appropriate data processing appropriation category before implementation of a customer entity's request for a change in the type or level of service provided, if such change results in a net increase to the customer entity's cost for that fiscal year.

e.~~5.~~ By November 15 of each year, providing to the Office of Policy and Budget in the Executive Office of the Governor and to the chairs of the legislative appropriations committees the projected costs of providing data center services for the following fiscal year.

f.~~6.~~ Providing a plan for consideration by the Legislative Budget Commission if the cost of a service is increased for a reason other than a customer entity's request made pursuant to sub-subparagraph d. ~~subparagraph 4.~~ Such a plan is required only if the service cost increase results in a net increase to a customer entity for that fiscal year.

g.~~7.~~ Standardizing and consolidating procurement and contracting practices.

4.~~(d)~~ In collaboration with the Department of Law Enforcement, developing and implementing a process for detecting, reporting, and responding to information technology security incidents, breaches, and threats.

5.~~(e)~~ Adopting rules relating to the operation of the state data center, including, but not limited to, budgeting and accounting procedures, cost-recovery methodologies, and operating procedures.

(k) Conduct a market analysis not less frequently than every 3 years beginning in 2021 to determine whether the information technology resources within the enterprise are utilized in the most cost-effective and cost-efficient manner, while recognizing that the replacement of certain legacy information technology systems within the enterprise may be cost prohibitive or cost inefficient due to the remaining useful life of those resources; whether the enterprise is complying with the cloud-first policy specified in s. 282.206; and whether the enterprise is utilizing best practices with respect to information technology, information services, and the acquisition of emerging technologies and information services. Each market analysis shall be used to prepare a strategic plan for continued and future information technology and information services for the enterprise, including, but not limited to, proposed acquisition of new services or technologies and approaches to the implementation of any new services or technologies. Copies of each market analysis and accompanying strategic plan must be submitted to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives not later than December 31 of each year that a market analysis is conducted.

~~(f) Conducting an annual market analysis to determine whether the state's approach to the provision of data center services is the most effective and cost-efficient manner by which its customer entities can acquire such services, based on federal, state, and local government trends; best practices in service provision; and the acquisition of new and emerging technologies. The results of the market analysis shall assist the state data center in making adjustments to its data center service offerings.~~

(l)~~(11)~~ Recommend other information technology services that should be designed, delivered, and managed as enterprise information technology services. Recommendations must include the identification of existing information technology resources associated with the services, if existing services must be transferred as a result of being delivered and managed as enterprise information technology services.

(m)~~(12)~~ In consultation with state agencies, propose a methodology and approach for identifying and collecting both current and planned information technology expenditure data at the state agency level.

(n)1.~~(13)(a)~~ Notwithstanding any other law, provide project oversight on any information technology project of the Department of Financial Services, the Department of Legal Affairs, and the Department of Agriculture and Consumer Services which has a total project cost of $25 million or more and which impacts one or more other agencies. Such information technology projects must also comply with the applicable information technology architecture, project management and oversight, and reporting standards established by the department, acting through the Florida Digital Service.

2.~~(b)~~ When performing the project oversight function specified in subparagraph 1. ~~paragraph (a)~~, report at least quarterly to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives on any information technology project that the department, acting through the Florida Digital Service, identifies as high-risk due to the project exceeding acceptable variance ranges defined and documented in the project plan. The report shall include a risk assessment, including fiscal risks, associated with proceeding to the next stage of the project and a recommendation for corrective actions required, including suspension or termination of the project.

(o)~~(14)~~ If an information technology project implemented by a state agency must be connected to or otherwise accommodated by an information technology system administered by the Department of Financial Services, the Department of Legal Affairs, or the Department of Agriculture and Consumer Services, consult with these departments regarding the risks and other effects of such projects on their information technology systems and work cooperatively with these departments regarding the connections, interfaces, timing, or accommodations required to implement such projects.

(p)~~(15)~~ If adherence to standards or policies adopted by or established pursuant to this section causes conflict with federal regulations or requirements imposed on an entity within the enterprise ~~a state agency~~ and results in adverse action against an entity ~~the state agency~~ or federal funding, work with the entity ~~state agency~~ to provide alternative standards, policies, or requirements that do not conflict with the federal regulation or requirement. The department, acting through the Florida Digital Service, shall annually report such alternative standards to the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(q)1.~~(16)(a)~~ Establish an information technology policy for all information technology-related state contracts, including state term contracts for information technology commodities, consultant services, and staff augmentation services. The information technology policy must include:

a.~~1.~~ Identification of the information technology product and service categories to be included in state term contracts.

b.~~2.~~ Requirements to be included in solicitations for state term contracts.

c.~~3.~~ Evaluation criteria for the award of information technology-related state term contracts.

d.~~4.~~ The term of each information technology-related state term contract.

e.~~5.~~ The maximum number of vendors authorized on each state term contract.

2.~~(b)~~ Evaluate vendor responses for information technology-related state term contract solicitations and invitations to negotiate.

3.~~(c)~~ Answer vendor questions on information technology-related state term contract solicitations.

4.~~(d)~~ Ensure that the information technology policy established pursuant to subparagraph 1. ~~paragraph (a)~~ is included in all solicitations and contracts that are administratively executed by the department.

(r)~~(17)~~ Recommend potential methods for standardizing data across state agencies which will promote interoperability and reduce the collection of duplicative data.

(s)~~(18)~~ Recommend open data technical standards and terminologies for use by the enterprise ~~state agencies~~.

(t) Ensure that enterprise information technology solutions are capable of utilizing an electronic credential and comply with the enterprise architecture standards.

(2)(a) The Secretary of Management Services shall designate a state chief information officer, who shall administer the Florida Digital Service. The state chief information officer, prior to appointment, must have at least 5 years of experience in the development of information system strategic planning and development or information technology policy, and, preferably, have leadership-level experience in the design, development, and deployment of interoperable software and data solutions.

(b) The state chief information officer, in consultation with the Secretary of Management Services, shall designate a state chief data officer. The chief data officer must be a proven and effective administrator who must have significant and substantive experience in data management, data governance, interoperability, and security.

(3) The department, acting through the Florida Digital Service and from funds appropriated to the Florida Digital Service, shall:

(a) Create, not later than October 1, 2021, and maintain a comprehensive indexed data catalog in collaboration with the enterprise that lists the data elements housed within the enterprise and the legacy system or application in which these data elements are located. The data catalog must, at a minimum, specifically identify all data that is restricted from public disclosure based on federal or state laws and regulations and require that all such information be protected in accordance with s. 282.318.

(b) Develop and publish, not later than October 1, 2021, in collaboration with the enterprise, a data dictionary for each agency that reflects the nomenclature in the comprehensive indexed data catalog.

(c) Adopt, by rule, standards that support the creation and deployment of an application programming interface to facilitate integration throughout the enterprise.

(d) Adopt, by rule, standards necessary to facilitate a secure ecosystem of data interoperability that is compliant with the enterprise architecture.

(e) Adopt, by rule, standards that facilitate the deployment of applications or solutions to the existing enterprise system in a controlled and phased approach.

(f) After submission of documented use cases developed in conjunction with the affected agencies, assist the affected agencies with the deployment, contingent upon a specific appropriation therefor, of new interoperable applications and solutions:

1. For the Department of Health, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Education, the Department of Elderly Affairs, and the Department of Children and Families.

2. To support military members, veterans, and their families.

(4) Upon the adoption of the enterprise architecture standards in rule, the department, acting through the Florida Digital Service, may develop a process to:

(a) Receive written notice from the entities within the enterprise of any planned procurement of an information technology project that is subject to enterprise architecture standards.

(b) Participate in the development of specifications and recommend modifications to any planned procurement by state agencies so that the procurement complies with the enterprise architecture.

(5) The department, acting through the Florida Digital Service, may not retrieve or disclose any data without a shared-data agreement in place between the department and the enterprise entity that has primary custodial responsibility of, or data-sharing responsibility for, that data.

(6) The department, acting through the Florida Digital Service, shall adopt rules to administer this section.

~~(19) Adopt rules to administer this section.~~

Section 5. Section 282.00515, Florida Statutes, is amended to read:

282.00515 Duties of Cabinet agencies.—

(1) The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services shall adopt the standards established in s. 282.0051(1)(b), (c), and (s) and (3)(e) ~~s. 282.0051(2), (3), and (7)~~ or adopt alternative standards based on best practices and industry standards that allow for open data interoperability.

(2) If the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services adopts alternative standards in lieu of the enterprise architecture standards adopted pursuant to s. 282.0051, such department must notify the Governor, the President of the Senate, and the Speaker of the House of Representatives in writing of the adoption of the alternative standards and provide a justification for adoption of the alternative standards and explain how the agency will achieve open data interoperability.

(3) The Department of Legal Affairs, the Department of Financial Services, and the Department of Agriculture and Consumer Services~~, and~~ may contract with the department to provide or perform any of the services and functions described in s. 282.0051 ~~for the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services~~.

(4)(a) Nothing in this section or in s. 282.0051 requires the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services to integrate with information technology outside its own department or with the Florida Digital Service.

(b) The department, acting through the Florida Digital Service, may not retrieve or disclose any data without a shared-data agreement in place between the department and the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services.

Section 6. Paragraph (a) of subsection (3), paragraphs (d), (e), (g), and (j) of subsection (4), and subsection (5) of section 282.318, Florida Statutes, are amended to read:

282.318 Security of data and information technology.—

(3) The department is responsible for establishing standards and processes consistent with generally accepted best practices for information technology security, to include cybersecurity, and adopting rules that safeguard an agency's data, information, and information technology resources to ensure availability, confidentiality, and integrity and to mitigate risks. The department shall also:

(a) Designate an employee of the Florida Digital Service as the ~~a~~ state chief information security officer. The state chief information security officer ~~who~~ must have experience and expertise in security and risk management for communications and information technology resources.

(4) Each state agency head shall, at a minimum:

(d) Conduct, and update every 3 years, a comprehensive risk assessment, which may be completed by a private sector vendor, to determine the security threats to the data, information, and information technology resources, including mobile devices and print environments, of the agency. The risk assessment must comply with the risk assessment methodology developed by the department and is confidential and exempt from s. 119.07(1), except that such information shall be available to the Auditor General, the Florida Digital Service ~~Division of State Technology~~ within the department, the Cybercrime Office of the Department of Law Enforcement, and, for state agencies under the jurisdiction of the Governor, the Chief Inspector General.

(e) Develop, and periodically update, written internal policies and procedures, which include procedures for reporting information technology security incidents and breaches to the Cybercrime Office of the Department of Law Enforcement and the Florida Digital Service ~~Division of State Technology~~ within the department. Such policies and procedures must be consistent with the rules, guidelines, and processes established by the department to ensure the security of the data, information, and information technology resources of the agency. The internal policies and procedures that, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from s. 119.07(1), except that such information shall be available to the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the Florida Digital Service ~~Division of State Technology~~ within the department, and, for state agencies under the jurisdiction of the Governor, the Chief Inspector General.

(g) Ensure that periodic internal audits and evaluations of the agency's information technology security program for the data, information, and information technology resources of the agency are conducted. The results of such audits and evaluations are confidential information and exempt from s. 119.07(1), except that such information shall be available to the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the Florida Digital Service ~~Division of State Technology~~ within the department, and, for agencies under the jurisdiction of the Governor, the Chief Inspector General.

(j) Develop a process for detecting, reporting, and responding to threats, breaches, or information technology security incidents which is consistent with the security rules, guidelines, and processes established by the department ~~Agency for State Technology~~.

1. All information technology security incidents and breaches must be reported to the Florida Digital Service ~~Division of State Technology~~ within the department and the Cybercrime Office of the Department of Law Enforcement and must comply with the notification procedures and reporting timeframes established pursuant to paragraph (3)(c).

2. For information technology security breaches, state agencies shall provide notice in accordance with s. 501.171.

3. Records held by a state agency which identify detection, investigation, or response practices for suspected or confirmed information technology security incidents, including suspected or confirmed breaches, are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, if the disclosure of such records would facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

a. Data or information, whether physical or virtual; or

b. Information technology resources, which includes:

(I) Information relating to the security of the agency's technologies, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or

(II) Security information, whether physical or virtual, which relates to the agency's existing or proposed information technology systems.

Such records shall be available to the Auditor General, the Florida Digital Service ~~Division of State Technology~~ within the department, the Cybercrime Office of the Department of Law Enforcement, and, for state agencies under the jurisdiction of the Governor, the Chief Inspector General. Such records may be made available to a local government, another state agency, or a federal agency for information technology security purposes or in furtherance of the state agency's official duties. This exemption applies to such records held by a state agency before, on, or after the effective date of this exemption. This subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

(5) The portions of risk assessments, evaluations, external audits, and other reports of a state agency's information technology security program for the data, information, and information technology resources of the state agency which are held by a state agency are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution if the disclosure of such portions of records would facilitate unauthorized access to or the unauthorized modification, disclosure, or destruction of:

(a) Data or information, whether physical or virtual; or

(b) Information technology resources, which include:

1. Information relating to the security of the agency's technologies, processes, and practices designed to protect networks, computers, data processing software, and data from attack, damage, or unauthorized access; or

2. Security information, whether physical or virtual, which relates to the agency's existing or proposed information technology systems.

Such portions of records shall be available to the Auditor General, the Cybercrime Office of the Department of Law Enforcement, the Florida Digital Service ~~Division of State Technology~~ within the department, and, for agencies under the jurisdiction of the Governor, the Chief Inspector General. Such portions of records may be made available to a local government, another state agency, or a federal agency for information technology security purposes or in furtherance of the state agency's official duties. For purposes of this subsection, "external audit" means an audit that is conducted by an entity other than the state agency that is the subject of the audit. This exemption applies to such records held by a state agency before, on, or after the effective date of this exemption. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 7. Subsection (4) of section 287.0591, Florida Statutes, is amended to read:

287.0591 Information technology.—

(4) If the department issues a competitive solicitation for information technology commodities, consultant services, or staff augmentation contractual services, the Florida Digital Service ~~Division of State Technology~~ within the department shall participate in such solicitations.

Section 8. Paragraph (a) of subsection (3) of section 365.171, Florida Statutes, is amended to read:

365.171 Emergency communications number E911 state plan.—

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

(a) "Office" means the Division of Telecommunications ~~State Technology~~ within the Department of Management Services, as designated by the secretary of the department.

Section 9. Paragraph (s) of subsection (3) of section 365.172, Florida Statutes, is amended to read:

365.172 Emergency communications number "E911."—

(3) DEFINITIONS.—Only as used in this section and ss. 365.171, 365.173, 365.174, and 365.177, the term:

(s) "Office" means the Division of Telecommunications ~~State Technology~~ within the Department of Management Services, as designated by the secretary of the department.

Section 10. Paragraph (a) of subsection (1) of section 365.173, Florida Statutes, is amended to read:

365.173 Communications Number E911 System Fund.—

(1) REVENUES.—

(a) Revenues derived from the fee levied on subscribers under s. 365.172(8) must be paid by the board into the State Treasury on or before the 15th day of each month. Such moneys must be accounted for in a special fund to be designated as the Emergency Communications Number E911 System Fund, a fund created in the Division of Telecommunications ~~State Technology~~, or other office as designated by the Secretary of Management Services.

Section 11. Subsection (5) of section 943.0415, Florida Statutes, is amended to read:

943.0415 Cybercrime Office.—There is created within the Department of Law Enforcement the Cybercrime Office. The office may:

(5) Consult with the Florida Digital Service ~~Division of State Technology~~ within the Department of Management Services in the adoption of rules relating to the information technology security provisions in s. 282.318.

Section 12. Effective January 1, 2021, section 559.952, Florida Statutes, is created to read:

559.952 Financial Technology Sandbox.—

(1) SHORT TITLE.—This section may be cited as the "Financial Technology Sandbox."

(2) CREATION OF THE FINANCIAL TECHNOLOGY SANDBOX.—There is created the Financial Technology Sandbox within the Office of Financial Regulation to allow financial technology innovators to test new products and services in a supervised, flexible regulatory sandbox using exceptions to specified general law and waivers of the corresponding rule requirements under defined conditions. The creation of a supervised, flexible regulatory sandbox provides a welcoming business environment for technology innovators and may lead to significant business growth.

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

(a) "Business entity" means a domestic corporation or other organized domestic entity with a physical presence, other than that of a registered office or agent or virtual mailbox, in this state.

(b) "Commission" means the Financial Services Commission.

(c) "Consumer" means a person in this state, whether a natural person or a business organization, who purchases, uses, receives, or enters into an agreement to purchase, use, or receive an innovative financial product or service made available through the Financial Technology Sandbox.

(d) "Control person" means an individual, a partnership, a corporation, a trust, or other organization that possesses the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or through other means. A person is presumed to control a company if, with respect to a particular company, that person:

1. Is a director, a general partner, or an officer exercising executive responsibility or having similar status or functions;

2. Directly or indirectly may vote 10 percent or more of a class of a voting security or sell or direct the sale of 10 percent or more of a class of voting securities; or

3. In the case of a partnership, may receive upon dissolution or has contributed 10 percent or more of the capital.

(e) "Corresponding rule requirements" means the commission rules, or portions thereof, which implement the general laws enumerated in paragraph (4)(a).

(f) "Financial product or service" means a product or service related to a consumer finance loan, as defined in s. 516.01, or a money transmitter or payment instrument seller, as those terms are defined in s. 560.103, including mediums of exchange that are in electronic or digital form, which is subject to the general laws enumerated in paragraph (4)(a) and corresponding rule requirements and which is under the jurisdiction of the office.

(g) "Financial Technology Sandbox" means the program created by this section which allows a licensee to make an innovative financial product or

service available to consumers during a sandbox period through exceptions to general laws and waivers of corresponding rule requirements.

(h) "Innovative" means new or emerging technology, or new uses of existing technology, which provide a product, service, business model, or delivery mechanism to the public and which are not known to have a comparable offering in this state outside the Financial Technology Sandbox.

(i) "Licensee" means a business entity that has been approved by the office to participate in the Financial Technology Sandbox.

(j) "Office" means, unless the context clearly indicates otherwise, the Office of Financial Regulation.

(k) "Sandbox period" means the initial 24-month period in which the office has authorized a licensee to make an innovative financial product or service available to consumers, and any extension granted pursuant to subsection (7).

(4) EXCEPTIONS TO GENERAL LAW AND WAIVERS OF RULE REQUIREMENTS.—

(a) Notwithstanding any other law, upon approval of a Financial Technology Sandbox application, the following provisions and corresponding rule requirements are not applicable to the licensee during the sandbox period:

1. Section 516.03(1), except for the application fee, the investigation fee, the requirement to provide the social security numbers of control persons, evidence of liquid assets of at least $25,000, and the office's authority to investigate the applicant's background. The office may prorate the license renewal fee for an extension granted under subsection (7).

2. Section 516.05(1) and (2), except that the office shall investigate the applicant's background.

3. Section 560.109, only to the extent that the section requires the office to examine a licensee at least once every 5 years.

4. Section 560.118(2).

5. Section 560.125(1), only to the extent that subsection would prohibit a licensee from engaging in the business of a money transmitter or payment instrument seller during the sandbox period.

6. Section 560.125(2), only to the extent that subsection would prohibit a licensee from appointing an authorized vendor during the sandbox period. Any authorized vendor of such a licensee during the sandbox period remains liable to the holder or remitter.

7. Section 560.128.

8. Section 560.141, except for s. 560.141(1)(a)1., 3., 7.-10. and (b), (c), and (d).

9. Section 560.142(1) and (2), except that the office may prorate, but may not entirely eliminate, the license renewal fees in s. 560.143 for an extension granted under subsection (7).

10. Section 560.143(2), only to the extent necessary for proration of the renewal fee under subparagraph 9.

11. Section 560.204(1), only to the extent that subsection would prohibit a licensee from engaging in, or advertising that it engages in, the selling or issuing of payment instruments or in the activity of a money transmitter during the sandbox period.

12. Section 560.205(2).

13. Section 560.208(2).

14. Section 560.209, only to the extent that the office may modify, but may not entirely eliminate, the net worth, corporate surety bond, and collateral deposit amounts required under that section. The modified amounts must be in such lower amounts that the office determines to be commensurate with the factors under paragraph (5)(c) and the maximum number of consumers authorized to receive the financial product or service under this section.

(b) The office may approve a Financial Technology Sandbox application if one or more of the general laws enumerated in paragraph (a) currently prevent the innovative financial product or service from being made available to consumers and if all other requirements of this section are met.

(c) A licensee may conduct business through electronic means, including through the Internet or a software application.

(5) FINANCIAL TECHNOLOGY SANDBOX APPLICATION; STANDARDS FOR APPROVAL.—

(a) Before filing an application for licensure under this section, a substantially affected person may seek a declaratory statement pursuant to s. 120.565 regarding the applicability of a statute, a rule, or an agency order to the petitioner's particular set of circumstances or a variance or waiver of a rule pursuant to s. 120.542.

(b) Before making an innovative financial product or service available to consumers in the Financial Technology Sandbox, a business entity must file with the office an application for licensure under the Financial Technology Sandbox. The commission shall, by rule, prescribe the form and manner of the application and how the office will evaluate and apply each of the factors specified in paragraph (c).

1. The application must specify each general law enumerated in paragraph (4)(a) which currently prevents the innovative financial product or service from being made available to consumers and the reasons why those provisions of general law prevent the innovative financial product or service from being made available to consumers.

2. The application must contain sufficient information for the office to evaluate the factors specified in paragraph (c).

3. An application submitted on behalf of a business entity must include evidence that the business entity has authorized the person to submit the application on behalf of the business entity intending to make an innovative financial product or service available to consumers.

4. The application must specify the maximum number of consumers, which may not exceed the number of consumers specified in paragraph (f), to whom the applicant proposes to provide the innovative financial product or service.

5. The application must include a proposed draft of the statement or statements meeting the requirements of paragraph (6)(b) which the applicant proposes to provide to consumers.

(c) The office shall approve or deny in writing a Financial Technology Sandbox application within 60 days after receiving the completed application. The office and the applicant may jointly agree to extend the time beyond 60 days. Consistent with this section, the office may impose conditions on any approval. In deciding whether to approve or deny an application for licensure, the office must consider each of the following:

1. The nature of the innovative financial product or service proposed to be made available to consumers in the Financial Technology Sandbox, including all relevant technical details.

2. The potential risk to consumers and the methods that will be used to protect consumers and resolve complaints during the sandbox period.

3. The business plan proposed by the applicant, including company information, market analysis, and financial projections or pro forma financial statements, and evidence of the financial viability of the applicant.

4. Whether the applicant has the necessary personnel, adequate financial and technical expertise, and a sufficient plan to test, monitor, and assess the innovative financial product or service.

5. Whether any control person of the applicant, regardless of adjudication, has pled no contest to, has been convicted or found guilty of, or is currently under investigation for fraud, a state or federal securities violation, a property-based offense, or a crime involving moral turpitude or dishonest dealing, in which case the application to the Financial Technology Sandbox must be denied.

6. A copy of the disclosures that will be provided to consumers under paragraph (6)(b).

7. The financial responsibility of the applicant and any control person, including whether the applicant or any control person has a history of unpaid liens, unpaid judgments, or other general history of nonpayment of legal debts, including, but not limited to, having been the subject of a petition for bankruptcy under the United States Bankruptcy Code within the past 7 calendar years.

8. Any other factor that the office determines to be relevant.

(d) The office may not approve an application if:

1. The applicant had a prior Financial Technology Sandbox application that was approved and that related to a substantially similar financial product or service;

2. Any control person of the applicant was substantially involved in the development, operation, or management with another Financial Technology Sandbox applicant whose application was approved and whose application related to a substantially similar financial product or service; or

3. The applicant or any control person has failed to affirmatively demonstrate financial responsibility.

(e) Upon approval of an application, the office shall notify the licensee that the licensee is exempt from the provisions of general law enumerated in paragraph (4)(a) and the corresponding rule requirements during the sandbox period. The office shall post on its website notice of the approval of the application, a summary of the innovative financial product or service, and the contact information of the licensee.

(f) The office, on a case-by-case basis, shall specify the maximum number of consumers authorized to receive an innovative financial product or service, after consultation with the Financial Technology Sandbox applicant. The office may not authorize more than 15,000 consumers to receive the financial product or service until the licensee has filed the first report required under subsection (8). After the filing of that report, if the licensee demonstrates adequate financial capitalization, risk management processes, and management oversight, the office may authorize up to 25,000 consumers to receive the financial product or service.

(g) A licensee has a continuing obligation to promptly inform the office of any material change to the information provided under paragraph (b).

(6) OPERATION OF THE FINANCIAL TECHNOLOGY SANDBOX.—

(a) A licensee may make an innovative financial product or service available to consumers during the sandbox period.

(b)1. Before a consumer purchases, uses, receives, or enters into an agreement to purchase, use, or receive an innovative financial product or service through the Financial Technology Sandbox, the licensee must provide a written statement of all of the following to the consumer:

a. The name and contact information of the licensee.

b. That the financial product or service has been authorized to be made available to consumers for a temporary period by the office, under the laws of this state.

c. That the state does not endorse the financial product or service.

d. That the financial product or service is undergoing testing, may not function as intended, and may entail financial risk.

e. That the licensee is not immune from civil liability for any losses or damages caused by the financial product or service.

f. The expected end date of the sandbox period.

g. The contact information for the office and notification that suspected legal violations, complaints, or other comments related to the financial product or service may be submitted to the office.

h. Any other statements or disclosures required by rule of the commission which are necessary to further the purposes of this section.

2. The written statement under subparagraph 1. must contain an acknowledgment from the consumer, which must be retained for the duration of the sandbox period by the licensee.

(c) The office may enter into an agreement with a state, federal, or foreign regulatory agency to allow licensees under the Financial Technology Sandbox to make their products or services available in other jurisdictions. The commission shall adopt rules to implement this paragraph.

(d) The office may examine the records of a licensee at any time, with or without prior notice.

(7) EXTENSION AND CONCLUSION OF SANDBOX PERIOD.—

(a) A licensee may apply for one extension of the initial 24-month sandbox period for 12 additional months for a purpose specified in subparagraph (b)1. or subparagraph (b)2. A complete application for an extension must be filed with the office at least 90 days before the conclusion of the initial sandbox period. The office shall approve or deny the application for extension in writing at least 35 days before the conclusion of the initial sandbox period. In determining whether to approve or deny an application for extension of the sandbox period, the office must, at a minimum, consider the current status of the factors previously considered under paragraph (5)(c).

(b) An application for an extension under paragraph (a) must cite one of the following reasons as the basis for the application and must provide all relevant supporting information:

1. Amendments to general law or rules are necessary to offer the innovative financial product or service in this state permanently.

2. An application for a license that is required in order to offer the innovative financial product or service in this state permanently has been filed with the office and approval is pending.

(c) At least 30 days before the conclusion of the initial 24-month sandbox period or the extension, whichever is later, a licensee shall provide written notification to consumers regarding the conclusion of the initial sandbox period or the extension and may not make the financial product or service available to any new consumers after the conclusion of the initial sandbox period or the extension, whichever is later, until legal authority outside of the Financial Technology Sandbox exists for the licensee to make the financial product or service available to consumers. After the conclusion of the sandbox period or the extension, whichever is later, the business entity formerly licensed under the Financial Technology Sandbox may:

1. Collect and receive money owed to the business entity or pay money owed by the business entity, based on agreements with consumers made before the conclusion of the sandbox period or the extension.

2. Take necessary legal action.

3. Take other actions authorized by commission rule which are not inconsistent with this section.

(8) REPORT.—A licensee shall submit a report to the office twice a year as prescribed by commission rule. The report must, at a minimum, include financial reports and the number of consumers who have received the financial product or service.

(9) CONSTRUCTION.—A business entity whose Financial Technology Sandbox application is approved under this section:

(a) Is licensed under chapter 516, chapter 560, or both chapters 516 and 560, as applicable to the business entity's activities.

(b) Is subject to any provision of chapter 516 or chapter 560 not specifically excepted under paragraph (4)(a), as applicable to the business entity's activities, and must comply with such provisions.

(c) May not engage in activities authorized under part III of chapter 560, notwithstanding s. 560.204(2).

(10) VIOLATIONS AND PENALTIES.—

(a) A licensee who makes an innovative financial product or service available to consumers in the Financial Technology Sandbox remains subject to:

1. Civil damages for acts and omissions arising from or related to any innovative financial product or services provided or made available by the licensee or relating to this section.

2. All criminal and consumer protection laws and any other statute not specifically excepted under paragraph (4)(a).

(b)1. The office may, by order, revoke or suspend a licensee's approval to participate in the Financial Technology Sandbox if:

a. The licensee has violated or refused to comply with this section, any statute not specifically excepted under paragraph (4)(a), a rule of the commission that has not been waived, an order of the office, or a condition placed by the office on the approval of the licensee's Financial Technology Sandbox application;

b. A fact or condition exists that, if it had existed or become known at the time that the Financial Technology Sandbox application was pending, would have warranted denial of the application or the imposition of material conditions;

c. A material error, false statement, misrepresentation, or material omission was made in the Financial Technology Sandbox application; or

d. After consultation with the licensee, the office determines that continued testing of the innovative financial product or service would:

(I) Be likely to harm consumers; or

(II) No longer serve the purposes of this section because of the financial or operational failure of the financial product or service.

2. Written notice of a revocation or suspension order made under subparagraph 1. must be served using any means authorized by law. If the notice relates to a suspension, the notice must include any condition or remedial action that the licensee must complete before the office lifts the suspension.

(c) The office may refer any suspected violation of law to an appropriate state or federal agency for investigation, prosecution, civil penalties, and other appropriate enforcement action.

(d) If service of process on a licensee is not feasible, service on the office is deemed service on the licensee.

(11) RULES AND ORDERS.—

(a) The commission shall adopt rules to administer this section before approving any application under this section.

(b) The office may issue all necessary orders to enforce this section and may enforce these orders in accordance with chapter 120 or in any court of competent jurisdiction. These orders include, but are not limited to, orders for payment of restitution for harm suffered by consumers as a result of an innovative financial product or service.

Section 13. For the 2020-2021 fiscal year, the sum of $50,000 in nonrecurring funds is appropriated from the Administrative Trust Fund to the Office of Financial Regulation to implement s. 559.952, Florida Statutes, as created by this act.

Section 14. The creation of s. 559.952, Florida Statutes, and the appropriation to implement s. 559.952, Florida Statutes, by this act shall take effect only if CS/CS/HB 1393 or similar legislation takes effect and if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

Section 15. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.

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 technology innovation; amending s. 20.22, F.S.; establishing the Florida Digital Service and the Division of Telecommunications within the Department of Management Services; abolishing the Division of State Technology within the department; amending s. 110.205, F.S.; exempting the state chief data officer and the state chief information security officer within the Florida Digital Service from the Career Service System; providing for the salary and benefits of such positions to be set by the department; amending s. 282.0041, F.S.; defining terms; revising the definition of the term "open data"; amending s. 282.0051, F.S.; revising information technology-related powers, duties, and functions of the department acting through the Florida Digital Service; specifying the designation of the state chief information officer and the state chief data officer; specifying qualifications for such positions; specifying requirements, contingent upon legislative appropriation, for the department; authorizing the department to develop a certain process; prohibiting the department from retrieving or disclosing any data without a certain shared-data agreement in place; specifying rulemaking authority for the department; amending s. 282.00515, F.S.; requiring the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services to notify the Governor and the Legislature and provide a certain justification and explanation if such agency adopts alternative standards to certain enterprise architecture standards; providing construction; prohibiting the department from retrieving or disclosing any data without a certain shared-data agreement in place; conforming a cross-reference; amending ss. 282.318, 287.0591, 365.171, 365.172, 365.173, and 943.0415, F.S.; conforming provisions to changes made by the act; creating s. 559.952, F.S.; providing a short title; creating the Financial Technology Sandbox within the Office of Financial Regulation; defining terms; requiring the office, if certain conditions are met, to grant a license to a Financial Technology Sandbox applicant, grant exceptions to specified provisions of general law relating to consumer finance loans and money services businesses, and grant waivers of certain rules; authorizing a substantially affected person to seek a declaratory statement before applying to the Financial Technology Sandbox; specifying application requirements and procedures; specifying requirements and procedures for the office in reviewing and approving or denying applications; providing requirements for the office in specifying the number of the consumers authorized to receive an innovative financial product or service; specifying authorized actions of, limitations on, and requirements for licensees operating in the Financial Technology Sandbox; requiring licensees to make a specified disclosure to consumers; authorizing the office to enter into certain agreements with other regulatory agencies; authorizing the office to examine licensee records; authorizing a licensee to apply for one extension of an initial sandbox period for a certain timeframe; specifying requirements and procedures for applying for an extension; specifying requirements and procedures for, and authorized actions of, licensees when concluding a sandbox period or extension; requiring licensees to submit certain reports to the office at specified intervals; providing construction; specifying the liability of a licensee; authorizing the office to take certain disciplinary actions against a licensee under certain circumstances; providing construction relating to service of process; specifying the rulemaking authority of the Financial Services Commission; providing the office authority to issue orders and enforce the orders; providing an appropriation; providing that specified provisions of the act are contingent upon passage of other provisions addressing public records; providing effective dates.

Rep. J. Grant moved the adoption of the amendment, which was adopted.

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

CS/CS/HB 1393—A bill to be entitled An act relating to public records; amending s. 559.952, F.S.; providing exemptions from public records requirements for certain information made available to the Office of Financial Regulation in Financial Technology Sandbox applications by specified providers of innovative financial products or services and for certain information on such providers; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Representative Grant, J. offered the following:

(Amendment Bar Code: 525031)

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

Section 1. Paragraph (h) is added to subsection (5) of section 559.952, Florida Statutes, as created by CS/CS/CS/HB 1391, 2020 Regular Session, to read:

559.952 Financial Technology Sandbox.-

(5) FINANCIAL TECHNOLOGY SANDBOX APPLICATION; STANDARDS FOR APPROVAL.—

(h)1. The following information provided to and held by the office in a Financial Technology Sandbox application under this subsection is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

a. The reasons why a general law enumerated in paragraph (4)(a) prevents the innovative financial product or service from being made available to consumers.

b. The information provided for evaluation of the factors specified in subparagraphs (c)1. and 3.

c. The information provided for evaluation of whether the applicant has a sufficient plan to test, monitor, and assess the innovative financial product or service, under subparagraph (c)4.

However, the confidential and exempt information may be released to appropriate state and federal agencies for the purposes of investigation. Nothing in this paragraph shall be construed to prevent the office from disclosing a summary of the innovative financial product or service.

2. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2025, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that certain information provided to and held by the Office of Financial Regulation to evaluate a Financial Technology Sandbox application be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. The disclosure of such information could adversely affect

the business interests of the Financial Technology Sandbox applicant and could injure the applicant in the marketplace if the information is made available to competitors. Divulgence of this information would destroy its value to the business entity potentially causing a financial loss. Without this protection of application information, financial technology innovators might elect to establish their business in another state with a more secure business environment. Therefore, it is necessary that sensitive business information provided to and held by the Office of Financial Regulation to evaluate a Financial Technology Sandbox application be made confidential and exempt from public record requirements.

Section 3. This act shall take effect on the same date that CS/CS/CS/HB 1391 or similar legislation takes effect, if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to public records; amending s. 559.952, F.S.; providing exemptions from public records requirements for certain information made available to the Office of Financial Regulation in Financial Technology Sandbox applications by specified providers of innovative financial products or services and for certain information on such providers; providing for future legislative review and repeal of the exemptions; providing a statement of public necessity; providing a contingent effective date.

Rep. J. Grant moved the adoption of the amendment, which was adopted.

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

CS/HB 519—A bill to be entitled An act relating to private property rights protection; amending s. 70.001, F.S.; revising legislative intent; revising notice of claim requirements for property owners; revising procedures for determination of compensation; creating a presumption that certain settlements of claims apply to all similarly situated residential properties within a political subdivision under certain circumstances; authorizing property owners to bring claims against governmental entities in certain circumstances; providing that property owners are not required to submit formal development applications or proceed through formal application processes to bring claims in specified circumstances; amending s. 70.45, F.S.; providing a definition; authorizing property owners to bring actions to declare prohibited exactions invalid; amending s. 70.51, F.S.; providing and revising definitions; providing for resolution of disputes concerning comprehensive plan amendments under the Florida Land Use and Environmental Dispute Resolution Act; revising requirements for initiating a proceeding under the act; providing for an award of attorney fees and costs to property owners who successfully bring actions to compel a governmental entity to participate in certain proceedings; revising provisions concerning tolling of certain administrative proceedings; revising the time periods for a governmental entity to respond to a request for relief; requiring mediations to be conducted according to specified provisions; requiring the governmental entity's conduct in dispute resolution to be considered in determining whether regulatory efforts were unreasonable or unfairly burdened use of the property; revising the deadline for a magistrate to prepare and file a written recommendation; revising provisions concerning settlement agreements; specifying that a governmental entity has authority to rehear and reconsider certain actions pursuant to a special magistrate's recommendation; providing requirements for such rehearing and reconsideration; revising provisions concerning other remedies that may be pursued by a property owner; providing requirements for guidelines adopted by governmental entities for dispute resolution proceedings; specifying that certain settlement discussions are confidential; requiring that actions on proposed settlements be taken at open meetings; deleting obsolete language; amending s. 163.3181, F.S.; conforming provisions to changes made by the act; amending s. 337.25, F.S.; requiring the Department of Transportation to afford a right of first refusal to the previous property owner before disposing of property in certain circumstances; providing an effective date.

—was read the second time by title.

Representative Grant, J. offered the following:

(Amendment Bar Code: 041923)

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

Section 1. Subsections (4), (5), and (6) and paragraph (a) of subsection (11) of section 70.001, Florida Statutes, are amended to read:

70.001 Private property rights protection.—

(4)(a) Not less than 90 ~~150~~ days before ~~prior to~~ filing an action under this section against a governmental entity, a property owner who seeks compensation under this section must present the claim in writing to the head of the governmental entity~~, except that if the property is classified as agricultural pursuant to s. 193.461, the notice period is 90 days~~. The property owner must submit, along with the claim, a bona fide, valid appraisal that supports the claim and demonstrates the loss in fair market value to the real property. If the action of government is the culmination of a process that involves more than one governmental entity, or if a complete resolution of all relevant issues, in the view of the property owner or in the view of a governmental entity to whom a claim is presented, requires the active participation of more than one governmental entity, the property owner shall present the claim as provided in this section to each of the governmental entities.

(b) The governmental entity shall provide written notice of the claim to all parties to any administrative action that gave rise to the claim, and to owners of real property contiguous to the owner's property at the addresses listed on the most recent county tax rolls. Within 15 days after the claim is presented, the governmental entity shall report the claim in writing to the Department of Legal Affairs, and shall provide the department with the name, address, and telephone number of the employee of the governmental entity from whom additional information may be obtained about the claim during the pendency of the claim and any subsequent judicial action.

(c) During the 90-day-notice period ~~or the 150-day notice period~~, unless extended by agreement of the parties, the governmental entity shall make a written settlement offer to effectuate:

1. An adjustment of land development or permit standards or other provisions controlling the development or use of land.
2. Increases or modifications in the density, intensity, or use of areas of development.
3. The transfer of developmental rights.
4. Land swaps or exchanges.
5. Mitigation, including payments in lieu of onsite mitigation.
6. Location on the least sensitive portion of the property.
7. Conditioning the amount of development or use permitted.
8. A requirement that issues be addressed on a more comprehensive basis than a single proposed use or development.
9. Issuance of the development order, a variance, a special exception, or any other extraordinary relief.
10. Purchase of the real property, or an interest therein, by an appropriate governmental entity or payment of compensation.
11. No changes to the action of the governmental entity.

If the property owner accepts a settlement offer, ~~either~~ before or after filing an action, the governmental entity may implement the settlement offer by appropriate development agreement; by issuing a variance, a special exception, or any other extraordinary relief; or by any other appropriate method, subject to paragraph (d).

(d)1. When a governmental entity enters into a settlement agreement under this section which would have the effect of a modification, variance, or ~~a~~ special exception to the application of a rule, regulation, or ordinance as it would otherwise apply to the subject real property, the relief granted shall protect the public interest served by the regulations at issue and be the appropriate relief necessary to prevent the governmental regulatory effort

from inordinately burdening the real property. Settlement offers made pursuant to paragraph (c) shall be presumed to protect the public interest.

2. When a governmental entity enters into a settlement agreement under this section which would have the effect of contravening the application of a statute as it would otherwise apply to the subject real property, the governmental entity and the property owner shall jointly file an action in the circuit court where the real property is located for approval of the settlement agreement by the court to ensure that the relief granted protects the public interest served by the statute at issue and is the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property.

This paragraph applies to any settlement reached between a property owner and a governmental entity regardless of when the settlement agreement was entered so long as the agreement fully resolves all claims asserted under this section.

(5)(a) During the 90-day-notice period ~~or the 150-day-notice period~~, unless a settlement offer is accepted by the property owner, each of the governmental entities provided notice pursuant to subsection (4) ~~paragraph (4)(a)~~ shall issue a written statement of allowable uses identifying the allowable uses to which the subject property may be put. The failure of the governmental entity to issue a statement of allowable uses during the ~~applicable~~ 90-day-notice period ~~or 150-day-notice period~~ shall be deemed a denial for purposes of allowing a property owner to file an action in the circuit court under this section. If a written statement of allowable uses is issued, it constitutes the last prerequisite to judicial review for the purposes of the judicial proceeding created by this section, notwithstanding the availability of other administrative remedies.

(b) If the property owner rejects the settlement offer and the statement of allowable uses of the governmental entity or entities, the property owner may file a claim for compensation in the circuit court, a copy of which shall be served contemporaneously on the head of each of the governmental entities that made a settlement offer and a statement of allowable uses that was rejected by the property owner. Actions under this section shall be brought only in the county where the real property is located.

(6)(a) The circuit court shall determine whether an existing use of the real property or a vested right to a specific use of the real property existed and, if so, whether, considering the settlement offer and statement of allowable uses, the governmental entity or entities have inordinately burdened the real property. If the actions of more than one governmental entity, considering any settlement offers and statement of allowable uses, are responsible for the action that imposed the inordinate burden on the real property of the property owner, the court shall determine the percentage of responsibility each such governmental entity bears with respect to the inordinate burden. A governmental entity may take an interlocutory appeal of the court's determination that the action of the governmental entity has resulted in an inordinate burden. An interlocutory appeal does not automatically stay the proceedings; however, the court may stay the proceedings during the pendency of the interlocutory appeal. If the governmental entity does not prevail in the interlocutory appeal, the court shall award to the prevailing property owner the costs and a reasonable attorney fee incurred by the property owner in the interlocutory appeal.

(b) Following its determination of the percentage of responsibility of each governmental entity, and following the resolution of any interlocutory appeal, the court shall impanel a jury to determine the total amount of compensation to the property owner for the loss in value due to the inordinate burden to the real property. The property owner retains the option to forego a jury and elect to have the court determine the award of compensation. The award of compensation shall be determined by calculating the difference in the fair market value of the real property, as it existed at the time of the governmental action at issue, as though the owner had the ability to attain the reasonable investment-backed expectation or was not left with uses that are unreasonable, whichever the case may be, and the fair market value of the real property, as it existed at the time of the governmental action at issue, as inordinately burdened, considering the settlement offer together with the statement of allowable uses, of the governmental entity or entities. In determining the award of compensation, consideration may not be given to business damages relative to any development, activity, or use that the action of the governmental entity or entities, considering the settlement offer together with the statement of allowable uses has restricted, limited, or prohibited. The award of compensation shall include a reasonable award of prejudgment interest from the date the claim was presented to the governmental entity or entities as provided in subsection (4).

(c)1. In any action filed pursuant to this section, the property owner is entitled to recover reasonable costs and attorney fees incurred by the property owner, from the governmental entity or entities, according to their proportionate share as determined by the court, from the date of the presentation of the claim to the head of the governmental entity pursuant to paragraph (4)(a) ~~the filing of the circuit court action~~, if the property owner prevails in the action ~~and the court determines that the settlement offer, including the statement of allowable uses, of the governmental entity or entities did not constitute a bona fide offer to the property owner which reasonably would have resolved the claim, based upon the knowledge available to the governmental entity or entities and the property owner during the 90-day-notice period or the 150-day-notice period~~.

2. In any action filed pursuant to this section, the governmental entity or entities are entitled to recover reasonable costs and attorney fees incurred by the governmental entity or entities from the date of the filing of the circuit court action, if the governmental entity or entities prevail in the action and the court determines that the property owner did not accept a bona fide settlement offer, including the statement of allowable uses, which reasonably would have resolved the claim fairly to the property owner if the settlement offer had been accepted by the property owner, based upon the knowledge available to the governmental entity or entities and the property owner during the 90-day-notice period ~~or the 150-day-notice period~~.

3. The determination of total reasonable costs and attorney fees pursuant to this paragraph shall be made by the court and not by the jury. Any proposed settlement offer or any proposed decision, except for the final written settlement offer or the final written statement of allowable uses, and any negotiations or rejections in regard to the formulation either of the settlement offer or the statement of allowable uses, are inadmissible in the subsequent proceeding established by this section except for the purposes of the determination pursuant to this paragraph.

(d) Within 15 days after the execution of any settlement pursuant to this section, or the issuance of any judgment pursuant to this section, the governmental entity shall provide a copy of the settlement or judgment to the Department of Legal Affairs.

(11) A cause of action may not be commenced under this section if the claim is presented more than 1 year after a law or regulation is first applied by the governmental entity to the property at issue.

(a) For purposes of determining when this 1-year claim period accrues:

1.a. A law or regulation is first applied upon enactment and notice as provided for in this sub-subparagraph ~~subparagraph~~ if the impact of the law or regulation on the real property is clear and unequivocal in its terms and notice is provided by mail to the affected property owner or registered agent at the address referenced in the jurisdiction's most current ad valorem tax records. The fact that the law or regulation could be modified, varied, or altered under any other process or procedure does not preclude the impact of the law or regulation on a property from being clear or unequivocal pursuant to this sub-subparagraph ~~subparagraph~~. Any notice under this sub-subparagraph ~~subparagraph~~ shall be provided after the enactment of the law or regulation and shall inform the property owner or registered agent that the law or regulation may impact the property owner's existing property rights and that the property owner may have only 1 year from receipt of the notice to pursue any rights established under this section.

b. If the notice required in sub-subparagraph a. is not provided to the property owner, the property owner may at any time after enactment notify the head of the governmental entity in writing via certified mail and, if available, e-mail that the property owner deems the impact of the law or regulation on the property owner's real property to be clear and unequivocal in its terms and, as such, restrictive of uses allowed on the property before the enactment. Within 45 days after receipt of a notice under this sub-subparagraph, the governmental entity in receipt of the notice must respond in writing via certified mail and, if available, e-mail to describe the

limitations imposed on the property by the law or regulation. The property owner is not required to formally pursue an application for a development order, development permit, or building permit, as such will be deemed a waste of resources and shall not be a prerequisite to bringing a claim pursuant to paragraph (4)(a). However, any such claim must be filed within 1 year after the date of the property owner's receipt of the notice from the governmental entity of the limitations on use imposed on the real property.

2. Otherwise, the law or regulation is first applied to the property when there is a formal denial of a written request for development or variance.

Section 2. Paragraphs (c) through (e) of subsection (1) of section 70.45, Florida Statutes, are redesignated as paragraphs (d) through (f), respectively, a new paragraph (c) is added to that subsection, and present paragraph (c) of that subsection and subsections (2), (4), and (5) of that section are amended, to read:

70.45 Governmental exactions.—

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

(c) "Imposed" or "imposition" as it relates to a prohibited exaction or condition of approval refers to the time at which the property owner must comply with the prohibited exaction or condition of approval.

(d)~~(c)~~ "Prohibited exaction" means any condition imposed by a governmental entity on a property owner's proposed use of real property that lacks an essential nexus to a legitimate public purpose and is not roughly proportionate to the impacts of the proposed use that the governmental entity seeks to avoid, minimize, or mitigate.

(2) In addition to other remedies available in law or equity, a property owner may bring an action in a court of competent jurisdiction under this section to declare a prohibited exaction invalid and recover damages caused by a prohibited exaction. Such action may ~~not~~ be brought by a property owner at the property owner's discretion, either when ~~until~~ a prohibited exaction is actually imposed or when it is required in writing as a final condition of approval for the requested use of real property. The right to bring an action under this section may not be waived. This section does not apply to impact fees adopted under s. 163.31801 or non-ad valorem assessments as defined in s. 197.3632.

(4) For each claim filed under this section, the governmental entity has the burden of proving that the challenged exaction has an essential nexus to a legitimate public purpose and is roughly proportionate to the impacts of the proposed use that the governmental entity is seeking to avoid, minimize, or mitigate. The property owner has the burden of proving damages that result from a prohibited exaction.

(5) The court may award attorney fees and costs to the prevailing party; however, if the court determines that the challenged exaction which is the subject of the claim lacks an essential nexus to a legitimate public purpose, the court shall award attorney fees and costs to the property owner.

Section 3. The amendments made by this act to ss. 70.001 and 70.45, Florida Statutes, apply to claims made in response to actions taken by governmental entities on or after July 1, 2020.

Section 4. Subsection (4) of section 337.25, Florida Statutes, is amended to read:

337.25 Acquisition, lease, and disposal of real and personal property.—

(4) The department may convey, in the name of the state, any land, building, or other property, real or personal, which was acquired under subsection (1) and which the department has determined is not needed for the construction, operation, and maintenance of a transportation facility. When such a determination has been made, property may be disposed of through negotiations, sealed competitive bids, auctions, or any other means the department deems to be in its best interest, with due advertisement for property valued by the department at greater than $10,000. A sale may not occur at a price less than the department's current estimate of value, except as provided in paragraphs (a)-(d). The department may afford a right of first refusal to the local government or other political subdivision in the jurisdiction in which the parcel is situated, except in a conveyance transacted under paragraph (a), paragraph (c), or paragraph (e). Notwithstanding any provision of this section to the contrary, before any conveyance under this subsection may be made, except a conveyance under paragraph (a) or paragraph (c), the department shall first afford a right of first refusal to the previous property owner for the department's current estimate of value of the property. The right of first refusal shall be made in writing and sent to the previous owner via certified mail or hand delivery, effective upon receipt. The right of first refusal shall provide the previous owner with a minimum of 15 days to exercise the right in writing and be sent to the originator of the offer via certified mail or hand delivery, effective upon dispatch. The previous owner shall have a minimum of 60 days after exercising its right of first refusal to close. If the previous owner does not exercise its right of first refusal, the department may not deviate in any material respect from the offer made to the previous owner unless it first provides the previous owner with the right of first refusal under the new terms. The same procedure shall apply to any subsequent iterations of the sale terms.

(a) If the property has been donated to the state for transportation purposes and a transportation facility has not been constructed for at least 5 years, plans have not been prepared for the construction of such facility, and the property is not located in a transportation corridor, the governmental entity may authorize reconveyance of the donated property for no consideration to the original donor or the donor's heirs, successors, assigns, or representatives.

(b) If the property is to be used for a public purpose, the property may be conveyed without consideration to a governmental entity.

(c) If the property was originally acquired specifically to provide replacement housing for persons displaced by transportation projects, the department may negotiate for the sale of such property as replacement housing. As compensation, the state shall receive at least its investment in such property or the department's current estimate of value, whichever is lower. It is expressly intended that this benefit be extended only to persons actually displaced by the project. Dispositions to any other person must be for at least the department's current estimate of value.

(d) If the department determines that the property requires significant costs to be incurred or that continued ownership of the property exposes the department to significant liability risks, the department may use the projected maintenance costs over the next 10 years to offset the property's value in establishing a value for disposal of the property, even if that value is zero.

(e) If, at the discretion of the department, a sale to a person other than an abutting property owner would be inequitable, the property may be sold to the abutting owner for the department's current estimate of value.

Section 5. This act shall take effect July 1, 2020.

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 growth management; amending s. 70.001, F.S.; revising notice of claim requirements for property owners; creating a presumption that certain settlement offers protect the public interest; specifying that property owners retain the option to have a court determine awards of compensation; authorizing property owners to bring claims against governmental entities in certain circumstances; providing that property owners are not required to submit formal development applications or proceed through formal application processes to bring claims in specified circumstances; amending s. 70.45, F.S.; providing and revising definitions; authorizing property owners to bring actions to declare prohibited exactions invalid; providing applicability; amending s. 337.25, F.S.; requiring the Department of Transportation to afford a right of first refusal to the previous property owner before disposing of property in certain circumstances; providing requirements relating to such rights of first refusal; providing an effective date.

Rep. J. Grant moved the adoption of the amendment, which was adopted.

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

CS/HB 7067—A bill to be entitled An act relating to education; amending s. 11.45, F.S.; revising the frequency of specified audits conducted by the Auditor General; amending s. 1002.385, F.S.; authorizing certain students who turn 3 years of age after a certain date to receive a Gardiner Scholarship under certain circumstances; revising student ineligibility criteria for participation in the program; revising the conditions necessary for program

funds to revert to the state; authorizing certain students to continue using scholarship funds from prior years; requiring certain student's accounts to be closed if his or her parent fails to procure specified services; providing that certain students are ineligible for a scholarship; deleting a provision allowing certain students to become eligible for a scholarship; amending s. 1002.394, F.S.; revising student priority criteria for an award under the Family Empowerment Scholarship Program; requiring requests for such scholarship to be provided directly to an eligible nonprofit scholarship-funding organization; deleting a notification requirement; requiring the maximum household income level to be increased under certain circumstances; revising student ineligibility criteria and school district obligations for such scholarship; requiring the Department of Education to maintain a specified list and notify such organizations of a specified deadline; requiring participating private schools to annually report certain scores to a state university; revising such organization's obligations; requiring, rather than authorizing, an annual specified increase in the maximum number of students participating in such program; amending s. 1002.395, F.S.; revising student eligibility criteria for initial and renewal awards under the Florida Tax Credit Scholarship Program; requiring that certain students be given priority for such program; authorizing eligible nonprofit scholarship-funding organizations to use certain income for specified purposes; amending s. 1002.40, F.S.; revising the criteria for a public school to have a specified entity evaluate its bullying prevention education program, climate, and code of student conduct under the Hope Scholarship Program; amending s. 1003.4282, F.S.; deleting obsolete language; requiring certain students to take a specified assessment relating to civic literacy; providing that such assessment meets certain postsecondary requirements under specified circumstances; amending s. 1006.33, F.S.; authorizing the department to establish timeframes for specified purposes relating to instructional materials for a certain adoption cycle; amending s. 1008.212, F.S.; conforming cross-references to changes made by the act; amending s. 1008.22, F.S.; deleting obsolete language; discontinuing a specified English Language Arts assessment at a certain time; requiring certain statewide, standardized assessments to be administered in a paper-based format; requiring school districts to provide the SAT or ACT to certain grade 11 students beginning in a specified school year; deleting specified reporting requirements; authorizing the commissioner to discontinue the Geometry end-of-course assessment under certain circumstances; amending ss. 1008.34 and 1008.3415, F.S.; conforming cross-references to changes made by the act; requiring the Commissioner of Education to submit to certain entities by a specified date a report with recommendations relating to the implementation of the Pathways in Technology Early College High School program or a similar program; providing requirements for such program and report; providing for expiration; providing effective dates.

—was read the second time by title.

Representative Sullivan offered the following:

(Amendment Bar Code: 090379)

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

Section 1. Present paragraphs (b), (c), and (d) of subsection (10) of section 1002.394, Florida Statutes, are redesignated as paragraphs (c), (d), and (e), respectively, paragraph (i) of subsection (9) and a new paragraph (b) of subsection (10) are added to that section, and subsections (3) and (7), paragraph (c) of subsection (8), and paragraph (a) of subsection (11) of that section are amended, to read:

1002.394 The Family Empowerment Scholarship Program.—

(3) INITIAL SCHOLARSHIP ELIGIBILITY.—A student is eligible for a Family Empowerment Scholarship under this section if the student meets the following criteria:

(a)1. The student is on the direct certification list pursuant to s. 1002.395(2)(c) or the student's household income level does not exceed 185 ~~300~~ percent of the federal poverty level; ~~or~~

2. The student is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care as defined in s. 39.01; or

3. The student's household income level does not exceed 300 percent of the federal poverty level or an adjusted maximum percent of the federal poverty level as established pursuant to paragraph (e).

~~Priority shall be given to students whose household income levels do not exceed 185 percent of the federal poverty level or who are in foster care or out of home care.~~ A student who initially receives a scholarship based on eligibility under subparagraph 2. remains eligible to participate until the student graduates from high school or attains the age of 21 years, whichever occurs first, regardless of the student's household income level. A sibling of a student who is participating in the scholarship program under this subsection is eligible for a scholarship if the student resides in the same household as the sibling.

(b)1. The student is eligible to enroll in kindergarten;

2. The student ~~or~~ has spent the prior school year in attendance at a Florida public school; or

3. Beginning with the 2020-2021 school year, the student received a scholarship pursuant to s. 1002.395 during the previous school year but did not receive a renewal scholarship based solely on the eligible nonprofit scholarship-funding organization's lack of available funds after the organization fully exhausts its efforts to use funds available for awards under ss. 1002.395 and 1002.40(11)(i). Eligible nonprofit scholarship-funding organizations with students who meet the eligibility criterion of this subparagraph must annually notify the department in a format and by a date established by the department.

For purposes of this paragraph, the term "prior school year in attendance" means that the student was enrolled full time and reported by a school district for funding during the preceding October and February Florida Education Finance Program 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. However, a dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country due to a parent's permanent change of station orders or a foster child is exempt from the prior public school attendance requirement under this paragraph, but must meet the other eligibility requirements specified under this section to participate in the program.

(c) The parent has obtained acceptance for admission of the student to a private school that is eligible for the program under subsection (8), and the parent has requested a scholarship from the Department of Education by a date established by the department pursuant to paragraph (7)(e), but no later than at least 60 days before the date of the first scholarship payment. The request must be communicated directly to the department in a manner that creates a written or electronic record of the request and the date of receipt of the request. The department must notify the school district of the parent's intent upon receipt of the parent's request.

(d) The student is awarded a scholarship in accordance with the following priority order:

1. An eligible student who received a Family Empowerment Scholarship during the previous school year and requested a renewal scholarship award.

2. An eligible student who meets the criteria for an initial award under both paragraph (a) and subparagraph (b)3.

3. An eligible student who meets the criteria for an initial award under subparagraph (b)2. and either subparagraph (a)1. or subparagraph (a)2.

4. An eligible student who meets the criteria for an initial award under subparagraph (b)1. and either subparagraph (a)1. or subparagraph (a)2.

5. An eligible student who meets the criteria for an initial award under subparagraph (a)3. and, in priority order, either subparagraph (b)2. or subparagraph (b)1.

(e) The student's household income level does not exceed an adjusted maximum percent of the federal poverty level that is increased by 25 percent in the fiscal year following any fiscal year in which more than 5 percent of the available scholarships authorized under subsection (11) have not been awarded.

(7) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(a) 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.

(b) Cross-check the list of participating scholarship students with the public school enrollment lists before each scholarship payment to avoid duplication.

(c) Maintain and publish a list of nationally norm-referenced tests identified for purposes of satisfying the testing requirement in subparagraph (8)(c)1. The tests must meet industry standards of quality in accordance with state board rule.

(d) Notify eligible nonprofit scholarship-funding organizations of the deadlines for submitting the verified list of students determined to be eligible for an initial or renewal scholarship.

(e) Establish deadlines for the receipt of initial applications and renewal notifications in order to implement the priority order for scholarship awards pursuant to paragraph (3)(d).

(8) 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:

(c)1. Annually administer or make provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests that are identified by the department pursuant to paragraph (7)(c) or to take 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 shall report a student's scores to his or her parent. By August 15 of each year, a participating private school must report the scores of all participating students to a state university as described in s. 1002.395(9)(f).

2. Administer the statewide assessments pursuant to s. 1008.22 if the 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 private school in grades 3 through 10 and must submit a request in writing to the department by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

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.

(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for a Family Empowerment Scholarship is exercising his or her parental option to place his or her child in a private school.

(i) The parent must annually renew participation in the program by the date established by the department pursuant to paragraph (7)(e).

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

(b) Shall award initial and renewal scholarships in priority order pursuant to paragraph (3)(d). The eligible nonprofit scholarship-funding organization shall implement the deadlines established by the department pursuant to paragraphs (7)(d) and (e).

(11) SCHOLARSHIP FUNDING AND PAYMENT.—

(a) The scholarship is established for up to 18,000 students annually ~~on a first-come, first-served basis~~ beginning in ~~with~~ the 2019-2020 school year. Beginning in the 2020-2021 school year, the maximum number of students participating in the scholarship program under this section shall ~~may~~ annually increase by 1.0 ~~0.25~~ percent of the state's total public school student enrollment.

Section 2. Subsection (3) and paragraphs (e) and (f) of subsection (6) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(3) PROGRAM; INITIAL SCHOLARSHIP ELIGIBILITY.—

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

(b) A student is eligible for a Florida tax credit scholarship under this section if the student meets one or more of the following criteria:

1. The student is on the direct certification list or the student's household income level does not exceed 260 ~~185~~ percent of the federal poverty level; or

2. The student is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care as defined in s. 39.01.

~~3. The student's household income level is greater than 185 percent of the federal poverty level but does not exceed 260 percent of the federal poverty level.~~

Priority must be given to 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. A student who initially receives a scholarship based on eligibility under this paragraph ~~subparagraph (b)2.~~ remains eligible to participate until he or she ~~the student~~ graduates from high school or attains the age of 21 years, whichever occurs first, regardless of the student's household income level. ~~A student who initially received a scholarship based on income eligibility before the 2019-2020 school year remains eligible to participate until he or she graduates from high school, attains the age of 21 years, or the student's household income level exceeds 260 percent of the federal poverty level, whichever occurs first.~~ A sibling of a student who is participating in the scholarship program under this subsection is eligible for a scholarship if the student resides in the same household as the sibling.

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

(e) 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. ~~Beginning in the 2016-2017 school year, an eligible nonprofit scholarship-funding organization shall give priority to new applicants whose household income levels do not exceed 185 percent of the federal poverty level or who are in foster care or out-of-home care.~~

(f) Must provide a renewal or initial scholarship to an eligible student on a first-come, first-served basis unless the student qualifies for priority pursuant to paragraph (e). 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.

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.

Section 3. Paragraph (i) of subsection (11) of section 1002.40, Florida Statutes, is amended to read:

1002.40 The Hope Scholarship Program.—

(11) FUNDING AND PAYMENT.—

(i) Notwithstanding s. 1002.395(6)(j)2., no more than 5 percent of net eligible contributions may be carried forward to the following state fiscal year by an eligible scholarship-funding organization. For audit purposes, all amounts carried forward must be specifically identified for individual students by student name and by the name of the school to which the student is admitted, subject to the requirements of ss. 1002.21 and 1002.22 and 20 U.S.C. s. 1232g, and the applicable rules and regulations issued pursuant to such requirements. Any amounts carried forward shall be expended for annual scholarships or partial-year scholarships in the following state fiscal year. Net eligible contributions remaining on June 30 of each year which are in excess of the 5 percent that may be carried forward shall be transferred to other eligible nonprofit scholarship-funding organizations participating in the Hope Scholarship Program to provide scholarships for eligible students. All transferred funds must be deposited by each eligible nonprofit scholarship-funding organization receiving such funds into the scholarship account of

eligible students. All transferred amounts received by an eligible nonprofit scholarship-funding organization must be separately disclosed in the annual financial audit requirement under s. 1002.395(6)(m). If no other eligible nonprofit scholarship-funding organization participates in the Hope Scholarship Program, net eligible contributions in excess of the 5 percent may be used to fund scholarships for students eligible under s. 1002.395 only after fully exhausting all contributions made in support of scholarships under that section in accordance with the priority established in s. 1002.395(6)(e) prior to awarding any initial scholarships ~~s. 1002.395(3)~~.

Section 4. Paragraph (i) of subsection (1) of section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(i) *Calculation of full-time equivalent membership with respect to dual enrollment instruction.*—

1. Full-time equivalent students.—Students enrolled in dual enrollment instruction pursuant to s. 1007.271 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Instructional time for dual enrollment may vary from 900 hours; however, the full-time equivalent student membership value shall be subject to the provisions in s. 1011.61(4). Dual enrollment full-time equivalent student membership shall be calculated in an amount equal to the hours of instruction that would be necessary to earn the full-time equivalent student membership for an equivalent course if it were taught in the school district. Students in dual enrollment courses may also be calculated as the proportional shares of full-time equivalent enrollments they generate for a Florida College System institution or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, shall not apply to students who select the option of enrolling in an eligible independent institution. An independent college or university, which is not for profit, is accredited by a regional or national accrediting agency recognized by the United States Department of Education, and confers degrees as defined in s. 1005.02 shall be eligible for inclusion in the dual enrollment or early admission program. Students enrolled in dual enrollment instruction shall be exempt from the payment of tuition and fees, including laboratory fees. No student enrolled in college credit mathematics or English dual enrollment instruction shall be funded as a dual enrollment unless the student has successfully completed the relevant section of the entry-level examination required pursuant to s. 1008.30.

2. Additional full-time equivalent student membership.—For students enrolled in an early college program pursuant to s. 1007.273, a value of 0.16 full-time equivalent student membership shall be calculated for each student who completes a general education core course through the dual enrollment program with a grade of "A" or better. For students who are not enrolled in an early college program, a value of 0.08 full-time equivalent student membership shall be calculated for each student who completes a general education core course through the dual enrollment program with a grade of "A." In addition, a value of 0.3 full-time equivalent student membership shall be calculated for any student who receives an associate degree through the dual enrollment program with a 3.0 grade point average or better. This value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. This section shall be effective for credit earned by dually enrolled students for courses taken in the 2020-2021 school year and each school year thereafter. If the associate degree described in this paragraph is earned in 2020-2021 following completion of courses taken in the 2020-2021 school year, then courses taken toward the degree as part of the dual enrollment program before 2020-2021 may not preclude eligibility for the 0.3 additional full-time equivalent student membership bonus. Each school district shall allocate at least 50 percent of the funds received from the dual enrollment bonus FTE funding, in accordance with this paragraph, to the schools that generated the funds to support student academic guidance and postsecondary readiness.

3. Qualifying courses.—For the purposes of this paragraph, general education core courses are those that are identified in rule by the State Board of Education and in regulation by the Board of Governors pursuant to s. 1007.25(3).

Section 5. This act shall take effect July 1, 2020.

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 K-12 scholarship programs; amending s. 1002.394, F.S.; revising initial scholarship eligibility criteria for the Family Empowerment Scholarship Program; establishing a priority order for award of a scholarship that includes an adjusted maximum eligible household income level that is increased in specified circumstances; requiring the Department of Education to maintain and publish a list of nationally norm-referenced tests and to establish deadlines for lists of eligible students, applications, and notifications; requiring a private school to report scores to a state university by a specified date; requiring parents to annually renew participation in the program; requiring an eligible nonprofit scholarship-funding organization to award scholarships in priority order and implement deadlines; requiring, rather than authorizing, an annual specified increase in the maximum number of students participating in the scholarship program; amending s. 1002.395, F.S.; revising eligibility criteria for the Florida Tax Credit Scholarship Program and applying the criteria only to initial eligibility; requiring that priority be given to students whose household income levels do not exceed a specified amount or who are in foster care or out-of-home care; requiring scholarship-funding organizations to prioritize renewal scholarships over initial scholarships; requiring a scholarship-funding organization to refer students who did not receive a scholarship because of lack of funds to another scholarship-funding organization; amending s. 1002.40, F.S.; requiring scholarship-funding organizations to use excess contributions to fund scholarships for specified students under certain conditions; amending s. 1011.62, F.S.; revising funding calculations for certain student memberships; providing an effective date.

Rep. Sullivan moved the adoption of the amendment.

Representative Good offered the following:

(Amendment Bar Code: 841565)

Amendment 1 to Amendment 1 (090379) (with title amendment)—Remove lines 95-172 of the amendment and insert:

(7) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(a) 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.

(b) Cross-check the list of participating scholarship students with the public school enrollment lists before each scholarship payment to avoid duplication.

(c) Maintain and publish a list of nationally norm-referenced tests identified for purposes of satisfying the testing requirement in subparagraph (8)(c)1. The tests must meet industry standards of quality in accordance with state board rule.

(d) Notify eligible nonprofit scholarship-funding organizations of the deadlines for submitting the verified list of students determined to be eligible for an initial or renewal scholarship.

(e) Establish deadlines for the receipt of initial applications and renewal notifications in order to implement the priority order for scholarship awards pursuant to paragraph (3)(d).

(8) 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:

(c)1. Annually administer or make provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests that are identified by the department pursuant to paragraph (7)(c) or to take 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 shall report a student's scores to his or her parent. By August 15 of each year, a participating private school must report the scores of all participating students to a state university as described in s. 1002.395(9)(f).

2. Administer the statewide assessments pursuant to s. 1008.22 if the 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 private school in grades 3 through 10 and must submit a request in writing to the department by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

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.

(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for a Family Empowerment Scholarship is exercising his or her parental option to place his or her child in a private school.

(i) The parent must annually renew participation in the program by the date established by the department pursuant to paragraph (7)(e).

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

(b) Shall award initial and renewal scholarships in priority order pursuant to paragraph (3)(d). The eligible nonprofit scholarship-funding organization shall implement the deadlines established by the department pursuant to paragraphs (7)(d) and (e).

(11) SCHOLARSHIP FUNDING AND PAYMENT.—

(a) The scholarship is established for up to 18,000 students annually ~~on a first-come, first-served basis~~ beginning in ~~with~~ the 2019-2020 school year. ~~Beginning in the 2020-2021 school year, the number of students participating in the scholarship program under this section may annually increase by 0.25 percent of the state's total public school student enrollment.~~

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

Remove lines 367-379 of the amendment and insert:
award of a scholarship; requiring the Department of Education to maintain and publish a list of nationally norm-referenced tests and to establish deadlines for lists of eligible students, applications, and notifications; requiring a private school to report scores to a state university by a specified date; requiring parents to annually renew participation in the program; requiring an eligible nonprofit scholarship-funding organization to award scholarships in priority order and implement deadlines; deleting an authorization for an

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

Representative Smith, C. offered the following:

(Amendment Bar Code: 130329)

Amendment 2 to Amendment 1 (090379) (with title amendment)—Between lines 272 and 273 of the amendment, insert:

Section 4. Paragraph (j) of subsection (1) of section 1002.421, Florida Statutes, is amended, and paragraphs (r) and (s) are added to that subsection, to read:

1002.421 State school choice scholarship program accountability and oversight.—

(1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private school participating in an educational scholarship program established pursuant to this chapter must be a private school as defined in s. 1002.01(2) in this state, be registered, and be in compliance with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools, and must:

(j) Publish on the school's website and~~, or~~ provide in a written format~~,~~ information for parents regarding the school, including, but not limited to, programs, services, ~~and~~ the qualifications of classroom teachers, the code of student conduct, the code of student admissions policy, the ethical conduct policies required by paragraph (n), and the bullying and harassment policies required by paragraph (r).

(r) Notwithstanding the school's status as a private school, adopt policies that comply with the bullying and harassment definitions, responsibilities, and protections required pursuant to s. 1006.147. The school shall comply with the incident reporting requirements of s. 1006.147(4)(k) according to procedures specified by the department. Such reporting must be made annually by the department in both the report required pursuant to s. 1006.147(8) and the annual private school accountability report required under subsection (2).

(s) Require the school principal or the principal's designee to meet with any student and his or her parent or guardian before the student's enrollment to review information about the school, including, but not limited to, the school's academic programs and services, customized educational programs, code of student conduct, code of student admissions policy, attendance policies, bullying and harassment policies, and ethical conduct policies.

The department shall suspend the payment of funds to a private school that knowingly fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies. If a private school fails to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (q), the commissioner may determine that the private school is ineligible to participate in a scholarship program.

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

Between lines 396 and 397 of the amendment, insert:
s. 1002.421, F.S.; expanding the information that private schools participating in an educational scholarship program are required to publish and provide to parents; requiring such private schools to adopt bullying and harassment policies; requiring such schools to report bullying and harassment incidents to the Department of Education; requiring the department to include reported incidents in annual accountability reports; requiring private school principals of such private schools or their designees to meet and share specified information with students and parents before student enrollment in the school; amending

Rep. C. Smith moved the adoption of the amendment to the amendment, which failed of adoption.

Representative Smith, C. offered the following:

(Amendment Bar Code: 837673)

Amendment 3 to Amendment 1 (090379) (with title amendment)—Between lines 356 and 357 of the amendment, insert:

Section 5. The Office of Program Policy Analysis and Government Accountability shall research and analyze the issue of discrimination in student enrollment and conduct at private schools participating in a state scholarship program under chapter 1002, Florida Statutes, and shall identify policies at such schools that deny enrollment or expel or punish students based on a student's or his or her parent's or legal guardian's sexual orientation, gender identity, or protected hairstyle, including, but not limited to, braids, locks, and twists. The office shall provide a report of its findings and

recommendations to the President of the Senate and the Speaker of the House of Representatives by July 1, 2021.

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

Remove line 398 of the amendment and insert:
certain student memberships; requiring the Office of Program Policy Analysis and Government Accountability to research certain discrimination in specified private schools; requiring the office to submit a report to the Legislature by a specified date; providing an effective

Rep. C. Smith moved the adoption of the amendment to the amendment, which failed of adoption.

Representative Smith, C. offered the following:

(Amendment Bar Code: 856839)

Amendment 4 to Amendment 1 (090379) (with title amendment)—Between lines 356 and 357 of the amendment, insert:

Section 5. Paragraph (r) is added to subsection (1) of section 1002.421, Florida Statutes, to read:

1002.421 State school choice scholarship program accountability and oversight.—

(1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private school participating in an educational scholarship program established pursuant to this chapter must be a private school as defined in s. 1002.01(2) in this state, be registered, and be in compliance with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools, and must:

(r) Establish a written nondiscrimination policy for student enrollment and admissions that prohibits discrimination based on a student's or his or her parent's sexual orientation, gender identity, gender, race, ethnicity, national origin, religion, or protective hairstyle. For purposes of this paragraph, the term:

1. "Protective hairstyle" includes, but is not limited to, hairstyles such as braids, locks, or twists.

2. "Race" is inclusive of traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles.

This paragraph does not limit the free exercise of religion guaranteed by the United States Constitution and the State Constitution.

The department shall suspend the payment of funds to a private school that knowingly fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies. If a private school fails to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (q), the commissioner may determine that the private school is ineligible to participate in a scholarship program.

Section 6. Paragraph (j) is added to subsection (10) of section 1002.33, Florida Statutes, to read:

1002.33 Charter schools.—

(10) ELIGIBLE STUDENTS.—

(j) A charter school must establish a written nondiscrimination policy for student enrollment and admissions that prohibits discrimination based on a student's or his or her parent's sexual orientation, gender identity, gender, race, ethnicity, national origin, religion, or protective hairstyle. For purposes of this paragraph, the term:

1. "Protective hairstyle" includes, but is not limited to, hairstyles such as braids, locks, or twists.

2. "Race" is inclusive of traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles.

This paragraph does not limit the free exercise of religion guaranteed by the United States Constitution and the State Constitution.

Section 7. Paragraph (k) is added to subsection (1) of section 1003.02, Florida Statutes, to read:

1003.02 District school board operation and control of public K-12 education within the school district.—As provided in part II of chapter 1001, district school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school district. The district school boards must establish, organize, and operate their public K-12 schools and educational programs, employees, and facilities. Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career education programs. Additionally, district school boards must:

(1) Provide for the proper accounting for all students of school age, 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 in the following areas:

(k) Nondiscrimination policy.—Establish a written nondiscrimination policy for student enrollment and admissions that prohibits discrimination based on a student's or his or her parent's sexual orientation, gender identity, gender, race, ethnicity, national origin, religion, or protective hairstyle. For purposes of this paragraph, the term:

1. "Protective hairstyle" includes, but is not limited to, hairstyles such as braids, locks, or twists.

2. "Race" is inclusive of traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles.

This paragraph does not limit the free exercise of religion guaranteed by the United States Constitution and the State Constitution.

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

Remove line 398 of the amendment and insert:
certain student memberships; amending 1002.421, F.S.; requiring certain private schools to establish a specified nondiscrimination policy; providing definitions; providing applicability; amending s. 1002.33, F.S.; requiring charter schools to establish a specified nondiscrimination policy; providing definitions; providing applicability; amending s. 1003.02, F.S.; requiring district school boards to establish a specified nondiscrimination policy; providing definitions; providing applicability; providing an effective

Rep. C. Smith moved the adoption of the amendment to the amendment, which failed of adoption.

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

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

Consideration of **HB 7103** was temporarily postponed.

Consideration of **CS/CS/HB 613** was temporarily postponed.

CS/HB 1193—A bill to be entitled An act relating to the deregulation of professions and occupations; providing a short title; amending s. 287.055, F.S.; conforming provisions to changes made by the act; amending s. 322.57, F.S.; defining the term "servicemember"; requiring the Department of Highway Safety and Motor Vehicles to waive certain commercial driver license requirements for servicemembers and veterans under certain circumstances; requiring rulemaking; amending s. 326.004, F.S.; deleting the requirement for a yacht broker to maintain a separate license for each branch office; deleting the requirement for the division to establish a fee; amending s. 447.02, F.S.; conforming provisions to changes made by the act; repealing ss. 447.04, 447.041, 447.045, and 447.046, F.S., relating to licensure and permit requirements for business agents, hearings for persons or labor organizations denied licensure as a business agent, confidential information obtained during the application process, and required registration of labor organizations, respectively; amending s. 447.09, F.S.; deleting certain prohibited actions relating to the right of franchise of a member of a labor organization;

repealing ss. 447.12 and 447.16, F.S., relating to registration fees and applicability; amending s. 447.305, F.S.; deleting a provision that requires notification of registrations and renewals to the department; amending s. 455.213, F.S.; requiring the Department of Business and Professional Regulation or a board to seek reciprocal licensing agreements with other states under certain circumstances; providing requirements; creating s. 455.2278, F.S.; providing definitions; prohibiting the department or a board from suspending or revoking a person's license solely on the basis of a delinquency or default in the payment of his or her student loan; prohibiting the department or a board from suspending or revoking a person's license solely on the basis of a default in satisfying the requirements of his or her work-conditional scholarship; amending s. 456.072, F.S.; providing that failing to repay a student loan issued or guaranteed by the state or the Federal Government in accordance with the terms of the loan is not considered a failure to perform a statutory or legal obligation; repealing s. 456.0721, F.S., relating to practitioners in default on student loan or scholarship obligations; amending s. 456.074; removing the requirements for immediate suspension of a health care practitioner for default on a specified student loan; amending s. 468.401, F.S.; revising definitions; repealing ss. 468.402, 468.403, 468.404, and 468.405, F.S., relating to duties and authority of the Department of Business and Professional Regulation with regard to licensure of talent agencies, licensure requirements, license fees and renewals, and qualification for a talent agency license, respectively; amending s. 468.406, F.S.; requiring an owner or operator of a talent agency to post an itemized schedule of fees, charges, and commissions in a specified place; repealing s. 468.407, F.S., relating to the form and posting requirements for a license; amending s. 468.408, F.S.; conforming provisions to changes made by the act; prohibiting certain bonds from being issued or renewed by a bonding agency to an owner or operator of a talent agency unless the bonding agency verifies that each owner or operator has not been convicted of specified crimes; amending s. 468.409, F.S.; deleting a requirement for record inspection; amending s. 468.410, F.S.; deleting a requirement to include specified information in a contract between a talent agency and applicant; amending s. 468.412, F.S.; deleting recordkeeping and posting requirements; amending s. 468.413, F.S.; revising criminal penalties; conforming provisions to changes made by the act; repealing s. 468.414, F.S., relating to the deposit of certain funds in the Professional Regulation Trust Fund; amending s. 468.415, F.S.; prohibiting any agent, owner, or operator who commits sexual misconduct in the operation of a talent agency from acting as an agent, owner, or operator of a Florida talent agency; amending s. 468.505, F.S.; providing that certain unlicensed persons are not prohibited or restricted from his or her practice, services, or activities in dietetics and nutrition under certain circumstances; amending 468.524, F.S.; deleting specified exemptions from the time restriction for an employee leasing company to reapply for licensure; amending s. 468.603, F.S.; revising a definition; amending s. 468.609, F.S.; revising certain experience requirements for a person to take the examination for certification; revising the time period a provisional certificate is valid; amending s. 468.613, F.S.; providing for waiver of specified requirements for certification under certain circumstances; amending s. 468.8314, F.S.; requiring an applicant for a license by endorsement to maintain a specified insurance policy; requiring the department to certify an applicant who holds a specified license issued by another state or territory of the United States under certain circumstances; amending s. 471.015, F.S.; revising licensure requirements for engineers who hold specified licenses in another state; amending s. 473.308, F.S.; deleting continuing education requirements for license by endorsement for certified public accountants; amending s. 474.202, F.S.; revising the definition of the term "limited-service veterinary medical practice" to include certain vaccinations or immunizations; amending s. 474.203, F.S.; providing an exemption for a person whose work is solely confined to microchip implantation in dogs and cats; amending s. 474.207, F.S.; revising education requirements for licensure by examination; amending s. 474.217, F.S.; requiring the Department of Business and Professional Regulation to issue a license by endorsement to certain applicants who successfully complete a specified examination; amending s. 476.114, F.S.; revising training requirements for licensure as a barber; amending s. 476.144, F.S.; requiring the department to license an applicant who is licensed to practice barbering in another state; amending s. 477.013, F.S.; revising the definition of the term "hair braiding"; repealing s. 477.0132, F.S., relating to registration for hair braiding, hair wrapping, and body wrapping; amending s. 477.0135, F.S.; providing additional exemptions from license or registration requirements for specified occupations or practices; amending s. 477.019, F.S.; conforming provisions to changes made by the act; amending s. 477.0201, F.S.; providing requirements for registration as a specialist; amending s. 477.026, F.S.; conforming provisions to changes made by the act; amending s. 477.0263, F.S.; authorizing certain persons to perform specified cosmetology services in a location other than a licensed salon under certain circumstances; amending ss. 477.0265 and 477.029, F.S.; conforming provisions to changes made by the act; amending s. 481.201, F.S.; deleting legislative findings relating to the practice of interior design; amending s. 481.203, F.S.; revising definitions; amending s. 481.205, F.S.; conforming provisions to changes made by the act; amending s. 481.207, F.S.; revising certain fees for interior designers; amending s. 481.209, F.S.; providing requirements for a certificate of registration and a seal for interior designers; conforming provisions to changes made by the act; amending s. 481.213, F.S.; revising requirements for certification of licensure by endorsement for certain licensees to engage in the practice of architecture; providing that registration is not required for specified persons to practice; amending s. 481.2131, F.S.; requiring certain interior designers to include a specified seal when submitting documents for the issuance of a building permit; amending s. 481.215, F.S.; revising the number of hours of specified courses the board must require for the renewal of a license or certificate of registration; authoring licensees to complete certain courses online; amending s. 481.217, F.S.; conforming provisions to changes made by the act; amending s. 481.219, F.S.; deleting provisions permitting the practice of or offer to practice interior design through certain business organizations; deleting provisions requiring certificates of authorization for certain business organizations offering interior design services to the public; requiring a licensee or applicant in the practice of architecture to qualify a business organization; providing requirements; amending 481.221, F.S.; requiring registered architects and certain business organizations to display their license number in specified advertisements; amending s. 481.223, F.S.; providing construction; amending s. 481.2251, F.S.; revising acts that constitute grounds for disciplinary actions relating to interior designers; amending ss. 481.229 and 481.231, F.S.; conforming provisions to changes made by the act; amending s. 481.303, F.S.; deleting the definition of the term "certificate of authorization"; amending s. 481.310, F.S.; providing that an applicant who holds a specified degree is not required to demonstrate 1 year of practical experience for licensure; amending s. 481.311, F.S.; requiring the Board of Landscape Architecture to certify an applicant who holds a specified license issued by another state or territory of the United States under certain circumstances; conforming provisions; amending s. 481.313, F.S.; authorizing a landscape architect to receive hour-for-hour credit for certain approved continuing education courses under certain circumstances; 481.317, F.S.; conforming provisions; amending s. 481.319, F.S.; deleting the requirement for a certificate of authorization; authorizing landscape architects to practice through a corporation or partnership; amending s. 481.321, F.S.; requiring a landscape architect to display their certificate number in specified advertisements; amending s. 481.329, F.S.; conforming a cross-reference; amending s. 489.103, F.S.; revising certain contract prices for exemption; amending s. 489.111, F.S.; providing that an applicant who is exempt from a specified examination is eligible for licensure; amending s. 489.113, F.S.; providing that an applicant holding a specified degree does not have to pass a certain examination; amending s. 489.115, F.S.; requiring the Construction Industry Licensing Board to certify any applicant who holds a specified license to practice contracting issued by another state or territory of the United States under or certain persons licensed by endorsement or reciprocity under certain circumstances; amending s. 489.511, F.S.; requiring the board to certify as qualified for certification by endorsement any applicant who holds a specified license to practice electrical or alarm system contracting issued by another state or territory of the United States under certain circumstances; amending s. 489.517, F.S.; providing a reduction in certain continuing education hours required for certain contractors; amending s. 489.518, F.S.; requiring a person to have completed a specified amount of training within a certain time period to perform the duties of an alarm system agent; amending s.

492.104, F.S.; conforming provisions to changes made by the act; amending 492.108, F.S.; requiring the department to issue a license by endorsement to any applicant who has held a specified license to practice geology in another state, territory, or possession of the United States for a certain period of time; providing that an applicant may take the examination required by the board if they have not met the specified examination requirement; amending s. 492.111, F.S.; deleting the requirements for a certificate of authorization for a professional geologist; amending ss. 492.113 and 492.115, F.S.; conforming provisions; creating s. 509.102, F.S.; providing a definition for the term "mobile food dispensing vehicles"; prohibiting a municipality, county, or other local government entity from requiring a separate license, registration, or permit or fee or from operating within the jurisdiction; providing applicability; amending s. 548.003, F.S.; deleting the requirement that the Florida State Boxing Commission adopt rules relating to a knockdown timekeeper; amending s. 548.017, F.S.; deleting the licensure requirement for a timekeeper or announcer; amending s. 553.5141, F.S.; conforming provisions to changes made by the act; amending s. 553.74, F.S.; revising the membership and qualifications of the Florida Building Commission; amending s. 558.002, F.S.; conforming provisions to changes made by the act; amending s. 823.15, F.S.; authorizing certain persons to implant dogs and cats with specified radio frequency identification devices under certain circumstances; authorizing such persons to contact the owner of record listed on such devices; providing effective dates.

—was read the second time by title.

REPRESENTATIVE RASCHEIN IN THE CHAIR

Representative Ingoglia offered the following:

(Amendment Bar Code: 672911)

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

Section 1. This act may be cited as the "Occupational Freedom and Opportunity Act."

Section 2. Paragraphs (h) and (k) of subsection (2) of section 287.055, Florida Statutes, are amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

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

(h) A "design-build firm" means a partnership, corporation, or other legal entity that:

1. Is certified under s. 489.119 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or

2. Is qualified ~~certified~~ under s. 471.023 to practice or to offer to practice engineering; qualified ~~certified~~ under s. 481.219 to practice or to offer to practice architecture; or qualified ~~certified~~ under s. 481.319 to practice or to offer to practice landscape architecture.

(k) A "design criteria professional" means a firm that is qualified ~~who holds a current certificate of registration~~ under chapter 481 to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under chapter 471 to practice engineering and who is employed by or under contract to the agency for the providing of professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.

Section 3. Subsection (4) of section 322.57, Florida Statutes, is renumbered as subsection (5), and a new subsection (4) is added to that section, to read:

322.57 Tests of knowledge concerning specified vehicles; endorsement; nonresidents; violations.—

(4)(a) As used in this subsection, the term "servicemember" means a member of any branch of the United States military or military reserves, the United States Coast Guard or its reserves, the Florida National Guard, or the Florida Air National Guard.

(b) The department shall waive the requirement to pass the examination for a commercial driver license for servicemembers and veterans if:

1. The applicant is a veteran who has been honorably discharged from military service within 1 year before the application.

2. The applicant is trained as an Army Motor Transport Operator (MOS 88M) or a similar military specialty.

3. The applicant has received training to operate large trucks in compliance with the Federal Motor Carrier Safety Administration.

4. The applicant has at least 2 years of experience in the military driving vehicles that would require a commercial driver license to operate.

(c) An applicant must complete all other requirements for a commercial driver license within 1 year after receiving a waiver under paragraph (b) or the waiver is invalid.

(d) The department shall adopt rules to administer this subsection.

Section 4. Subsection (13) of section 326.004, Florida Statutes, is amended to read:

326.004 Licensing.—

(13) Each broker must maintain a principal place of business in this state and may establish branch offices in the state. ~~A separate license must be maintained for each branch office. The division shall establish by rule a fee not to exceed $100 for each branch office license.~~

Section 5. Subsection (3) of section 447.02, Florida Statutes, is amended to read:

447.02 Definitions.—The following terms, when used in this chapter, shall have the meanings ascribed to them in this section:

~~(3) The term "department" means the Department of Business and Professional Regulation.~~

Section 6. Section 447.04, Florida Statutes, is repealed.

Section 7. Section 447.041, Florida Statutes, is repealed.

Section 8. Section 447.045, Florida Statutes, is repealed.

Section 9. Section 447.06, Florida Statutes, is repealed.

Section 10. Subsections (6) and (8) of section 447.09, Florida Statutes, are amended to read:

447.09 Right of franchise preserved; penalties.—It shall be unlawful for any person:

~~(6) To act as a business agent without having obtained and possessing a valid and subsisting license or permit.~~

~~(8) To make any false statement in an application for a license.~~

Section 11. Section 447.12, Florida Statutes, is repealed.

Section 12. Section 447.16, Florida Statutes, is repealed.

Section 13. Subsection (4) of section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organization.—

~~(4) Notification of registrations and renewals of registration shall be furnished at regular intervals by the commission to the Department of Business and Professional Regulation.~~

Section 14. Subsection (14) is added to section 455.213, Florida Statutes, to read:

455.213 General licensing provisions.—

(14) The department or a board must enter into a reciprocal licensing agreement with other states if the practice act within the purview of this chapter permits such agreement. If a reciprocal licensing agreement exists or if the department or board has determined another state's licensing requirements or examinations to be substantially similar to those under the practice act, the department or board must post on its website which jurisdictions have such reciprocal licensing agreements or substantially similar licenses.

Section 15. Section 455.2278, Florida Statutes, is created to read:

455.2278 Restriction on disciplinary action for student loan default.—

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

(a) "Default" means the failure to repay a student loan according to the terms agreed to in the promissory note.

(b) "Delinquency" means the failure to make a student loan payment when it is due.

(c) "Student loan" means a federal-guaranteed or state-guaranteed loan for the purposes of postsecondary education.

(d) "Work-conditional scholarship" means an award of financial aid for a student to further his or her education which imposes an obligation on the student to complete certain work-related requirements to receive or to continue receiving the scholarship.

(2) STUDENT LOAN DEFAULT; DELINQUENCY.—The department or a board may not suspend or revoke a license that it has issued to any person who is in default on or delinquent in the payment of his or her student loans solely on the basis of such default or delinquency.

(3) WORK-CONDITIONAL SCHOLARSHIP DEFAULT.—The department or a board may not suspend or revoke a license that it has issued to any person who is in default on the satisfaction of the requirements of his or her work-conditional scholarship solely on the basis of such default.

Section 16. Paragraph (k) of subsection (1) of section 456.072, Florida Statutes, is amended to read:

456.072 Grounds for discipline; penalties; enforcement.—

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(k) Failing to perform any statutory or legal obligation placed upon a licensee. For purposes of this section, failing to repay a student loan issued or guaranteed by the state or the Federal Government in accordance with the terms of the loan is not ~~or failing to comply with service scholarship obligations shall be~~ considered a failure to perform a statutory or legal obligation~~, and the minimum disciplinary action imposed shall be a suspension of the license until new payment terms are agreed upon or the scholarship obligation is resumed, followed by probation for the duration of the student loan or remaining scholarship obligation period, and a fine equal to 10 percent of the defaulted loan amount~~. Fines collected shall be deposited into the Medical Quality Assurance Trust Fund.

Section 17. Section 456.0721, Florida Statutes, is repealed.

Section 18. Subsection (4) of section 456.074, Florida Statutes, is amended to read:

456.074 Certain health care practitioners; immediate suspension of license.—

~~(4) Upon receipt of information that a Florida-licensed health care practitioner has defaulted on a student loan issued or guaranteed by the state or the Federal Government, the department shall notify the licensee by certified mail that he or she shall be subject to immediate suspension of license unless, within 45 days after the date of mailing, the licensee provides proof that new payment terms have been agreed upon by all parties to the loan. The department shall issue an emergency order suspending the license of any licensee who, after 45 days following the date of mailing from the department, has failed to provide such proof. Production of such proof shall not prohibit the department from proceeding with disciplinary action against the licensee pursuant to s. 456.073.~~

Section 19. Subsection (8) of section 468.401, Florida Statutes, is amended to read:

468.401 Regulation of talent agencies; definitions.—As used in this part or any rule adopted pursuant hereto:

(8) "Artist" means a person under the age of 18 performing on the professional stage or in the production of television, radio, or motion pictures; a musician or group of musicians; or a model.

Section 20. Paragraph (n) is added to subsection (1) of section 468.505, Florida Statutes, to read:

468.505 Exemptions; exceptions.—

(1) Nothing in this part may be construed as prohibiting or restricting the practice, services, or activities of:

(n) A person who provides information, recommendations, or advice concerning nutrition, or who markets food, food materials, or dietary supplements for remuneration, if that person does not represent himself or herself as a dietitian, licensed dietitian, registered dietitian, licensed nutritionist, nutrition counselor, or licensed nutrition counselor, or use any word, letter, symbol, or insignia indicating or implying that he or she is a dietitian, nutritionist, or nutrition counselor.

Section 21. Subsection (4) of section 468.524, Florida Statutes, is amended to read:

468.524 Application for license.—

(4) A ~~An applicant or~~ licensee is ineligible to reapply for a license for a period of 1 year following final agency action on the ~~denial or~~ revocation of a license ~~applied for or~~ issued under this part. This time restriction does not apply to administrative ~~denials or~~ revocations entered because:

(a) The ~~applicant or~~ licensee has made an inadvertent error or omission on the application;

(b) The experience documented to the board was insufficient at the time of the previous application; or

~~(c) The department is unable to complete the criminal background investigation because of insufficient information from the Florida Department of Law Enforcement, the Federal Bureau of Investigation, or any other applicable law enforcement agency;~~

(c)~~(d)~~ The ~~applicant or~~ licensee has failed to submit required fees.~~; or~~

~~(e) An applicant or licensed employee leasing company has been deemed ineligible for a license because of the lack of good moral character of an individual or individuals when such individual or individuals are no longer employed in a capacity that would require their licensing under this part.~~

Section 22. Paragraph (f) of subsection (5) of section 468.603, Florida Statutes, is amended to read:

468.603 Definitions.—As used in this part:

(5) "Categories of building code inspectors" include the following:

(f) "Residential ~~One and two family dwelling~~ inspector" means a person who is qualified to inspect and determine that one-family, two-family, or three-family residences not exceeding two habitable stories above no more than one uninhabitable story and accessory use structures in connection therewith ~~one and two family dwellings and accessory structures~~ are constructed in accordance with the provisions of the governing building, plumbing, mechanical, accessibility, and electrical codes.

Section 23. Paragraph (c) of subsection (2) and paragraph (a) of subsection (7) of section 468.609, Florida Statutes, are 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 ~~5~~ 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 ~~4~~ 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 ~~4~~ 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 pursuant to chapter 633, with ~~has~~ 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 shall 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 shall 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 shall 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 pursuant to chapter 633 and:

a. Has at least 4 ~~5~~ years' verifiable full-time experience as an inspector or plans examiner in a standard certification category currently held or has a minimum of 4 ~~5~~ years' verifiable full-time experience as a firesafety inspector licensed pursuant to 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 one-family and two-family dwelling 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 while employed full-time by a municipality, county, or other governmental jurisdiction, 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.

(7)(a) The board shall provide for the issuance of provisional certificates valid for 2 years ~~1 year~~, as specified by board rule, to any building code inspector or plans examiner who meets the eligibility requirements described in subsection (2) and any newly employed or promoted building code administrator who meets the eligibility requirements described in subsection (3). The provisional license may be renewed by the board for just cause; however, a provisional license is not valid for longer than 3 years.

Section 24. Section 468.613, Florida Statutes, is amended to read:

468.613 Certification by endorsement.—The board shall examine other certification or training programs, as applicable, upon submission to the board for its consideration of an application for certification by endorsement. The board shall waive its examination, qualification, education, or training requirements, to the extent that such examination, qualification, education, or training requirements of the applicant are determined by the board to be comparable with those established by the board. The board shall waive its examination, qualification, education, or training requirements if an applicant for certification by endorsement is at least 18 years of age; is of good moral character; has held a valid building administrator, inspector, plans examiner, or the equivalent, certification issued by another state or territory of the United States for at least 10 years before the date of application; and has successfully passed an applicable examination administered by the International Codes Council. Such application must be submitted to the board while the applicant holds a valid license in another state or territory or within 2 years after the expiration of such license.

Section 25. Subsection (3) of section 468.8314, Florida Statutes, is amended to read:

468.8314 Licensure.—

(3) The department shall certify as qualified for a license by endorsement an applicant who is of good moral character as determined in s. 468.8313, who maintains an insurance policy as required by s. 468.8322, and who:~~:~~

(a) Holds a valid license to practice home inspection services in another state or territory of the United States, whose educational requirements are substantially equivalent to those required by this part; and has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by this part; or

(b) Has held a valid license to practice home inspection services issued by another state or territory of the United States for at least 10 years before the date of application. Such application must be submitted to the department while the applicant holds a valid license in another state or territory or within 2 years after the expiration of such license.

Section 26. Subsection (5) of section 471.015, Florida Statutes, is amended to read:

471.015 Licensure.—

(5)(a) The board shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination when such applicant has held a valid professional engineer's license in another state for 10 ~~15~~ years ~~and has had 20 years of continuous professional-level engineering experience~~.

(b) The board shall deem that an applicant who seeks licensure by endorsement has passed an examination substantially equivalent to the fundamentals examination and the principles and practices examination when such applicant has held a valid professional engineer's license in another state for 15 ~~25~~ years ~~and has had 30 years of continuous professional-level engineering experience~~.

Section 27. Subsection (7) of section 473.308, Florida Statutes, is amended to read:

473.308 Licensure.—

(7) The board shall certify as qualified for a license by endorsement an applicant who:

(a)~~1.~~ Is not licensed and has not been licensed in another state or territory and who has met the requirements of this section for education, work experience, and good moral character and has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306; or ~~and~~

~~2. Has completed such continuing education courses as the board deems appropriate, within the limits for each applicable 2-year period as set forth in s. 473.312, but at least such courses as are equivalent to the continuing education requirements for a Florida certified public accountant licensed in this state during the 2 years immediately preceding her or his application for licensure by endorsement; or~~

(b)1.~~a.~~ Holds a valid license to practice public accounting issued by another state or territory of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria that existed in this state at the time the license was issued;

2.~~b.~~ Holds a valid license to practice public accounting issued by another state or territory of the United States but the criteria for issuance of such license did not meet the requirements of subparagraph 1. ~~sub-subparagraph a.~~; has met the requirements of this section for education, work experience, and good moral character; and has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306; or

3.~~c.~~ Holds a valid license to practice public accounting issued by another state or territory of the United States for at least 10 years before the date of application; has passed a national, regional, state, or territorial licensing examination that is substantially equivalent to the examination required by s. 473.306; and has met the requirements of this section for good moral character.~~; and~~

~~2. Has completed continuing education courses that are equivalent to the continuing education requirements for a Florida certified public accountant licensed in this state during the 2 years immediately preceding her or his application for licensure by endorsement.~~

Section 28. Subsection (6) of section 474.202, Florida Statutes, is amended to read:

474.202 Definitions.—As used in this chapter:

(6) "Limited-service veterinary medical practice" means offering or providing veterinary services at any location that has a primary purpose other than that of providing veterinary medical service at a permanent or mobile establishment permitted by the board; provides veterinary medical services for privately owned animals that do not reside at that location; operates for a limited time; and provides limited types of veterinary medical services, including vaccinations or immunizations against disease, preventative procedures for parasitic control, and microchip implantation.

Section 29. Subsection (9) is added to section 474.203, Florida Statutes, to read:

474.203 Exemptions.—This chapter does not apply to:

(9) An employee, agent, or contractor of a public or private animal shelter, humane organization, or animal control agency operated by a humane organization or by a county, municipality, or other incorporated political subdivision whose work is confined solely to the implantation of a radio frequency identification device microchip for dogs and cats in accordance with s. 823.15.

For the purposes of chapters 465 and 893, persons exempt pursuant to subsection (1), subsection (2), or subsection (4) are deemed to be duly licensed practitioners authorized by the laws of this state to prescribe drugs or medicinal supplies.

Section 30. Paragraph (b) of subsection (2) of section 474.207, Florida Statutes, is amended to read:

474.207 Licensure by examination.—

(2) The department shall license each applicant who the board certifies has:

(b)1. Graduated from a college of veterinary medicine accredited by the American Veterinary Medical Association Council on Education; or

2. Graduated from a college of veterinary medicine listed in the American Veterinary Medical Association Roster of Veterinary Colleges of the World and obtained a certificate from the Education Commission for Foreign Veterinary Graduates or the Program for the Assessment of Veterinary Education Equivalence.

The department shall not issue a license to any applicant who is under investigation in any state or territory of the United States or in the District of Columbia for an act which would constitute a violation of this chapter until the investigation is complete and disciplinary proceedings have been terminated, at which time the provisions of s. 474.214 shall apply.

Section 31. Subsection (1) of section 474.217, Florida Statutes, is amended to read:

474.217 Licensure by endorsement.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting a fee set by the board, demonstrates to the board that she or he:

(a) Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of veterinary medicine in this state; and

(b)1. ~~Either~~ Holds, and has held for the 3 years immediately preceding the application for licensure, a valid, active license to practice veterinary medicine in another state of the United States, the District of Columbia, or a territory of the United States, provided that the applicant has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the board ~~requirements for licensure in the issuing state, district, or territory are equivalent to or more stringent than the requirements of this chapter~~; or

2. Meets the qualifications of s. 474.207(2)(b) and has successfully completed a state, regional, national, or other examination which is equivalent to or more stringent than the examination given by the department and has passed the board's clinical competency examination or another clinical competency examination specified by rule of the board.

Section 32. Effective January 1, 2021, subsection (2) of section 476.114, Florida Statutes, is amended to read:

476.114 Examination; prerequisites.—

(2) An applicant 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 ~~1,200~~ hours of training in sanitation, safety, and laws and rules, as established by the board, which shall include, but shall not be limited to, the equivalent of completion of services directly related to the practice of barbering at one of the following:

a. A school of barbering licensed pursuant to chapter 1005;

b. A barbering program within the public school system; or

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 ~~1,000~~ actual school hours. If the person passes the examination, she or he shall have satisfied this requirement; but if the person fails the examination, she or he shall not be qualified to take the examination again until the completion of the full requirements provided by this section.

Section 33. Subsection (5) of section 476.144, Florida Statutes, is amended to read:

476.144 Licensure.—

(5) The board shall certify as qualified for licensure by endorsement as a barber in this state an applicant who holds a current active license to practice barbering in another state. The board shall adopt rules specifying procedures for the licensure by endorsement of practitioners desiring to be licensed in this state who hold a current active license in another ~~state or~~ country and who have met qualifications substantially similar to, equivalent to, or greater than the qualifications required of applicants from this state.

Section 34. Subsection (9) of section 477.013, Florida Statutes, is amended to read:

477.013 Definitions.—As used in this chapter:

(9) "Hair braiding" means the weaving or interweaving of natural human hair or commercial hair, including the use of hair extensions or wefts, for compensation without cutting, coloring, permanent waving, relaxing, removing, or chemical treatment ~~and does not include the use of hair extensions or wefts~~.

Section 35. Section 477.0132, Florida Statutes, is repealed.

Section 36. Subsections (7) through (11) are added to section 477.0135, Florida Statutes, to read:

477.0135 Exemptions.—

(7) A license or registration is not required for a person whose occupation or practice is confined solely to hair braiding as defined in s. 477.013(9).

(8) A license or registration is not required for a person whose occupation or practice is confined solely to hair wrapping as defined in s. 477.013(10).

(9) A license or registration is not required for a person whose occupation or practice is confined solely to body wrapping as defined in s. 477.013(12).

(10) A license or registration is not required for a person whose occupation or practice is confined solely to applying polish to fingernails and toenails.

(11) A license or registration is not required for a person whose occupation or practice is confined solely to makeup application, which includes, but is not limited to, application of makeup primer, face paint, lipstick, eyeliner, eye shadow, foundation, rouge or cheek color, mascara, strip lashes, individual lashes, face powder, corrective stick, and makeup remover; but does not include manual or chemical exfoliation, semi-permanent lash application, lash or brow tinting, or hair removal.

Section 37. Subsections (6) and (7) of section 477.019, Florida Statutes, are amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.—

(6) The board shall certify as qualified for licensure by endorsement as a cosmetologist in this state an applicant who holds a current active license to practice cosmetology in another state. ~~The board may not require proof of educational hours if the license was issued in a state that requires 1,200 or more hours of prelicensure education and passage of a written examination. This subsection does not apply to applicants who received their license in another state through an apprenticeship program.~~

(7)(a) The board shall prescribe by rule continuing education requirements intended to ensure protection of the public through updated training of licensees and registered specialists, not to exceed 10 ~~16~~ hours biennially, as a condition for renewal of a license or registration as a specialist under this chapter. Continuing education courses shall include, but not be limited to, the following subjects as they relate to the practice of cosmetology: human immunodeficiency virus and acquired immune deficiency syndrome; Occupational Safety and Health Administration regulations; workers' compensation issues; state and federal laws and rules as they pertain to cosmetologists, cosmetology, salons, specialists, specialty salons, and booth renters; chemical makeup as it pertains to hair, skin, and nails; and environmental issues. Courses given at cosmetology conferences may be counted toward the number of continuing education hours required if approved by the board.

~~(b) Any person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping is exempt from the continuing education requirements of this subsection.~~

(b)~~(c)~~ The board may, by rule, require any licensee in violation of a continuing education requirement to take a refresher course or refresher course and examination in addition to any other penalty. The number of hours for the refresher course may not exceed 48 hours.

Section 38. Effective January 1, 2021, subsection (1) of section 477.0201, Florida Statutes, is amended to read:

477.0201 Specialty registration; qualifications; registration renewal; endorsement.—

(1) Any person is qualified for registration as a specialist in any ~~one or more of the~~ specialty practice ~~practices~~ within the practice of cosmetology under this chapter who:

(a) Is at least 16 years of age or has received a high school diploma.

(b) Has received a certificate of completion for: ~~in a~~

1. 180 hours of training, as established by the board, which shall focus primarily on sanitation and safety, to practice specialties as defined in s. 477.013(6)(a) and (b); ~~specialty pursuant to s. 477.013(6)~~

2. 220 hours of training, as established by the board, which shall focus primarily on sanitation and safety, to practice the specialty as defined in s. 477.013(6)(c); or

3. 400 hours of training or the number of hours of training required to maintain minimum Pell Grant requirements, as established by the board, which shall focus primarily on sanitation and safety, to practice the specialties as defined in s. 477.013(6).

(c) The certificate of completion specified in paragraph (b) must be from one of the following:

1. A school licensed pursuant to s. 477.023.

2. A school licensed pursuant to chapter 1005 or the equivalent licensing authority of another state.

3. A specialty program within the public school system.

4. A specialty division within the Cosmetology Division of the Florida School for the Deaf and the Blind, provided the training programs comply with minimum curriculum requirements established by the board.

Section 39. Paragraph (f) of subsection (1) of section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

~~(f) For hair braiders, hair wrappers, and body wrappers, fees for registration shall not exceed $25.~~

Section 40. Subsection (4) of section 477.0263, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

477.0263 Cosmetology services to be performed in licensed salon; exceptions.—

(4) Pursuant to rules adopted by the board, any cosmetology or specialty service may be performed in a location other than a licensed salon when the service is performed in connection with a special event and is performed by a person ~~who is employed by a licensed salon and~~ who holds the proper license or specialty registration. ~~An appointment for the performance of any such service in a location other than a licensed salon must be made through a licensed salon.~~

(5) Any person who holds the proper license may perform hair shampooing, hair cutting, hair arranging, nail polish removal, nail filing, nail buffing, and nail cleansing services in a location other than a licensed salon.

Section 41. Paragraph (f) of subsection (1) of section 477.0265, Florida Statutes, is amended to read:

477.0265 Prohibited acts.—

(1) It is unlawful for any person to:

(f) Advertise or imply that skin care services ~~or body wrapping~~, as performed under this chapter, have any relationship to the practice of massage therapy as defined in s. 480.033(3), except those practices or activities defined in s. 477.013.

Section 42. Paragraph (a) of subsection (1) of section 477.029, Florida Statutes, is amended to read:

477.029 Penalty.—

(1) It is unlawful for any person to:

(a) Hold himself or herself out as a cosmetologist or~~,~~ specialist~~, hair wrapper, hair braider, or body wrapper~~ unless duly licensed or registered, or otherwise authorized, as provided in this chapter.

Section 43. Section 481.201, Florida Statutes, is amended to read:

481.201 Purpose.—The primary legislative purpose for enacting this part is to ensure that every architect practicing in this state meets minimum requirements for safe practice. It is the legislative intent that architects who fall below minimum competency or who otherwise present a danger to the public shall be prohibited from practicing in this state. ~~The Legislature further finds that it is in the interest of the public to limit the practice of interior design to interior designers or architects who have the design education and training required by this part or to persons who are exempted from the provisions of this part.~~

Section 44. Section 481.203, Florida Statutes, is amended to read:

481.203 Definitions.—As used in this part, the term:

(1)~~(3)~~ "Architect" or "registered architect" means a natural person who is licensed under this part to engage in the practice of architecture.

(2)~~(6)~~ "Architecture" means the rendering or offering to render services in connection with the design and construction of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures. These services include planning, providing preliminary study designs, drawings and specifications, job-site inspection, and administration of construction contracts.

(3)~~(1)~~ "Board" means the Board of Architecture and Interior Design.

(4) "Business organization" means a partnership, a limited liability company, a corporation, or an individual operating under a fictitious name.

~~(5) "Certificate of authorization" means a certificate issued by the department to a corporation or partnership to practice architecture or interior design.~~

(5)~~(4)~~ "Certificate of registration" means a license issued by the department to a natural person to engage in the practice of architecture or interior design.

(6)~~(13)~~ "Common area" means an area that is held out for use by all tenants or owners in a multiple-unit dwelling, including, but not limited to, a lobby, elevator, hallway, laundry room, clubhouse, or swimming pool.

(7)~~(2)~~ "Department" means the Department of Business and Professional Regulation.

(8)~~(14)~~ "Diversified interior design experience" means experience which substantially encompasses the various elements of interior design services set forth under the definition of "interior design" in subsection (10)~~(8)~~.

(9)~~(15)~~ "Interior decorator services" includes the selection or assistance in selection of surface materials, window treatments, wallcoverings, paint, floor coverings, surface-mounted lighting, surface-mounted fixtures, and loose furnishings not subject to regulation under applicable building codes.

(10)~~(8)~~ "Interior design" means designs, consultations, studies, drawings, specifications, and administration of design construction contracts relating to nonstructural interior elements of a building or structure. "Interior design" includes, but is not limited to, reflected ceiling plans, space planning, furnishings, and the fabrication of nonstructural elements within and surrounding interior spaces of buildings. "Interior design" specifically excludes the design of or the responsibility for architectural and engineering

work, except for specification of fixtures and their location within interior spaces. As used in this subsection, "architectural and engineering interior construction relating to the building systems" includes, but is not limited to, construction of structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical, or vertical transportation systems, or construction which materially affects lifesafety systems pertaining to firesafety protection such as fire-rated separations between interior spaces, fire-rated vertical shafts in multistory structures, fire-rated protection of structural elements, smoke evacuation and compartmentalization, emergency ingress or egress systems, and emergency alarm systems.

(11)~~(10)~~ "Nonstructural element" means an element which does not require structural bracing and which is something other than a load-bearing wall, load-bearing column, or other load-bearing element of a building or structure which is essential to the structural integrity of the building.

(12)~~(11)~~ "Reflected ceiling plan" means a ceiling design plan which is laid out as if it were projected downward and which may include lighting and other elements.

(13)~~(9)~~ "Registered interior designer" ~~or "interior designer"~~ means a natural person who holds a valid certificate of registration to practice interior design ~~is licensed under this part~~.

(14)~~(16)~~ "Responsible supervising control" means the exercise of direct personal supervision and control throughout the preparation of documents, instruments of service, or any other work requiring the seal and signature of a licensee under this part.

(15)~~(12)~~ "Space planning" means the analysis, programming, or design of spatial requirements, including preliminary space layouts and final planning.

(16)~~(7)~~ "Townhouse" is a single-family dwelling unit not exceeding three stories in height which is constructed in a series or group of attached units with property lines separating such units. Each townhouse shall be considered a separate building and shall be separated from adjoining townhouses by the use of separate exterior walls meeting the requirements for zero clearance from property lines as required by the type of construction and fire protection requirements; or shall be separated by a party wall; or may be separated by a single wall meeting the following requirements:

(a) Such wall shall provide not less than 2 hours of fire resistance. Plumbing, piping, ducts, or electrical or other building services shall not be installed within or through the 2-hour wall unless such materials and methods of penetration have been tested in accordance with the Standard Building Code.

(b) Such wall shall extend from the foundation to the underside of the roof sheathing, and the underside of the roof shall have at least 1 hour of fire resistance for a width not less than 4 feet on each side of the wall.

(c) Each dwelling unit sharing such wall shall be designed and constructed to maintain its structural integrity independent of the unit on the opposite side of the wall.

Section 45. Paragraph (a) of subsection (3) of section 481.205, Florida Statutes, is amended to read:

481.205 Board of Architecture and Interior Design.—

(3)(a) Notwithstanding the provisions of ss. 455.225, 455.228, and 455.32, the duties and authority of the department to receive complaints and investigate and discipline persons licensed or registered under this part, including the ability to determine legal sufficiency and probable cause; to initiate proceedings and issue final orders for summary suspension or restriction of a license or certificate of registration pursuant to s. 120.60(6); to issue notices of noncompliance, notices to cease and desist, subpoenas, and citations; to retain legal counsel, investigators, or prosecutorial staff in connection with the licensed practice of architecture or registered ~~and~~ interior design; and to investigate and deter the unlicensed practice of architecture ~~and interior design~~ as provided in s. 455.228 are delegated to the board. All complaints and any information obtained pursuant to an investigation authorized by the board are confidential and exempt from s. 119.07(1) as provided in s. 455.225(2) and (10).

Section 46. Section 481.207, Florida Statutes, is amended to read:

481.207 Fees.—The board, by rule, may establish ~~separate~~ fees for architects and registered interior designers, to be paid for applications, examination, reexamination, licensing and renewal, delinquency, reinstatement, and recordmaking and recordkeeping. The examination fee shall be in an amount that covers the cost of obtaining and administering the examination and shall be refunded if the applicant is found ineligible to sit for the examination. The application fee is nonrefundable. The fee for initial application and examination for architects ~~and interior designers~~ may not exceed $775 plus the actual per applicant cost to the department for purchase of the examination from the National Council of Architectural Registration Boards ~~or the National Council of Interior Design Qualifications, respectively,~~ or similar national organizations. The initial nonrefundable fee for registered interior designers may not exceed $75. The biennial renewal fee for architects may not exceed $200. The biennial renewal fee for registered interior designers may not exceed $75 ~~$500~~. The delinquency fee may not exceed the biennial renewal fee established by the board for an active license. The board shall establish fees that are adequate to ensure the continued operation of the board and to fund the proportionate expenses incurred by the department which are allocated to the regulation of architects and registered interior designers. Fees shall be based on department estimates of the revenue required to implement this part and the provisions of law with respect to the regulation of architects and interior designers.

Section 47. Section 481.209, Florida Statutes, is amended to read:

481.209 Examinations.—

(1) A person desiring to be licensed as a registered architect by initial examination shall apply to the department, complete the application form, and remit a nonrefundable application fee. The department shall license any applicant who the board certifies~~:~~

~~(a)~~ has passed the licensure examination prescribed by board rule~~;~~ and

~~(b)~~ is a graduate of a school or college of architecture with a program accredited by the National Architectural Accreditation Board.

(2) A person seeking to obtain a certificate of registration as a registered interior designer and a seal pursuant to s. 481.221 must provide the department with his or her name and address and written proof that he or she has successfully passed the qualification examination prescribed by the Council for Interior Design Qualification or its successor entity or the California Council for Interior Design Certification or its successor entity, or has successfully passed an equivalent exam as determined by the department. A person who was licensed as an interior designer by the department and who was in good standing as of July 1, 2020, is eligible to obtain a certificate of registration as a registered interior designer. ~~desiring to be licensed as a registered interior designer shall apply to the department for licensure. The department shall administer the licensure examination for interior designers to each applicant who has completed the application form and remitted the application and examination fees specified in s. 481.207 and who the board certifies:~~

~~(a) Is a graduate from an interior design program of 5 years or more and has completed 1 year of diversified interior design experience;~~

~~(b) Is a graduate from an interior design program of 4 years or more and has completed 2 years of diversified interior design experience;~~

~~(c) Has completed at least 3 years in an interior design curriculum and has completed 3 years of diversified interior design experience; or~~

~~(d) Is a graduate from an interior design program of at least 2 years and has completed 4 years of diversified interior design experience.~~

~~Subsequent to October 1, 2000, for the purpose of having the educational qualification required under this subsection accepted by the board, the applicant must complete his or her education at a program, school, or college of interior design whose curriculum has been approved by the board as of the time of completion. Subsequent to October 1, 2003, all of the required amount of educational credits shall have been obtained in a program, school, or college of interior design whose curriculum has been approved by the board, as of the time each educational credit is gained. The board shall adopt rules providing for the review and approval of programs, schools, and colleges of interior design and courses of interior design study based on a review and inspection by the board of the curriculum of programs, schools, and colleges of interior design in the United States, including those programs, schools, and colleges accredited by the Foundation for Interior Design Education Research. The board shall adopt rules providing for the review and approval of diversified interior design experience required by this subsection.~~

Section 48. Subsections (1), (2), and (3) of section 481.213, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

481.213 Licensure and registration.—

(1) The department shall license or register any applicant who the board certifies is qualified for licensure or registration and who has paid the initial licensure or registration fee. Licensure as an architect under this section shall be deemed to include all the rights and privileges of registration ~~licensure~~ as an interior designer under this section.

(2) The board shall certify for licensure or registration by examination any applicant who passes the prescribed licensure or registration examination and satisfies the requirements of ss. 481.209 and 481.211, for architects, or the requirements of s. 481.209, for interior designers.

(3) The board shall certify as qualified for a license by endorsement as an architect or registration as a registered ~~an~~ interior designer an applicant who:

(a) Qualifies to take the prescribed licensure or registration examination, and has passed the prescribed licensure or registration examination or a substantially equivalent examination in another jurisdiction, as set forth in s. 481.209 for architects or registered interior designers, as applicable, and has satisfied the internship requirements set forth in s. 481.211 for architects;

(b) Holds a valid license to practice architecture or a license, registration, or certification to practice interior design issued by another jurisdiction of the United States, if the criteria for issuance of such license were substantially equivalent to the licensure criteria that existed in this state at the time the license was issued; ~~provided, however, that an applicant who has been licensed for use of the title "interior design" rather than licensed to practice interior design shall not qualify hereunder;~~ or

(c) Has passed the prescribed licensure examination and holds a valid certificate issued by the National Council of Architectural Registration Boards, and holds a valid license to practice architecture issued by another state or jurisdiction of the United States.

An architect who is licensed in another state who seeks qualification for license by endorsement under this subsection must complete a board-approved 2 hour course on wind mitigation under the Florida Building Code.

(8) A certificate of registration is not required for a person whose occupation or practice is confined to interior decorator services or for a person whose occupation or practice is confined to interior design as provided in this part.

Section 49. Subsection (1) of section 481.2131, Florida Statutes, is amended to read:

481.2131 Interior design; practice requirements~~;—~~disclosure of compensation for professional services.—

(1) An ~~A registered~~ interior designer may ~~is authorized to~~ perform "interior design" as defined in s. 481.203. Interior design documents prepared by a registered interior designer shall contain a statement that the document is not an architectural or engineering study, drawing, specification, or design and is not to be used for construction of any load-bearing columns, load-bearing framing or walls of structures, or issuance of any building permit, except as otherwise provided by law. Interior design documents that are prepared and sealed by a registered interior designer must ~~may~~, if required by a permitting body, be accepted by the permitting body ~~be submitted~~ for the issuance of a building permit for interior construction excluding design of any structural, mechanical, plumbing, heating, air-conditioning, ventilating, electrical, or vertical transportation systems or that materially affect lifesafety systems pertaining to firesafety protection such as fire-rated separations between interior spaces, fire-rated vertical shafts in multistory structures, fire-rated protection of structural elements, smoke evacuation and compartmentalization, emergency ingress or egress systems, and emergency alarm systems. If a permitting body requires sealed interior design documents for the issuance of a permit, a person performing interior design services who is not a licensed architect must include a seal issued by the department and in conformance with the requirements of s. 481.221.

Section 50. Section 481.215, Florida Statutes, is amended to read:

481.215 Renewal of license or certificate of registration.—

(1) Subject to the requirement of subsection (3), the department shall renew a license or certificate of registration upon receipt of the renewal application and renewal fee.

(2) The department shall adopt rules establishing a procedure for the biennial renewal of licenses or certificates of registration.

(3) A ~~No~~ license or certificate of registration renewal may not ~~shall~~ be issued to an architect or a registered ~~an~~ interior designer by the department until the licensee or registrant submits proof satisfactory to the department that, during the 2 years before ~~prior to~~ application for renewal, the licensee or registrant participated per biennium in not less than 20 hours of at least 50 minutes each per biennium of continuing education approved by the board. The board shall approve only continuing education that builds upon the basic knowledge of architecture ~~or interior design~~. The board may make exception from the requirements of continuing education in emergency or hardship cases.

(4) The board shall by rule establish criteria for the approval of continuing education courses and providers and shall by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

(5) For a license or certificate of registration, the board shall require, by rule adopted pursuant to ss. 120.536(1) and 120.54, 2 ~~a specified number of~~ hours in specialized or advanced courses~~, approved by the Florida Building Commission,~~ on any portion of the Florida Building Code, adopted pursuant to part IV of chapter 553, relating to the licensee's respective area of practice. Such hours count toward the continuing education hours required under subsection (3). A licensee may complete the courses required under this subsection online.

Section 51. Section 481.217, Florida Statutes, is amended to read:

481.217 Inactive status.—

(1) The board may prescribe by rule continuing education requirements as a condition of reactivating a license. The rules may not require more than one renewal cycle of continuing education to reactivate a license or registration for a registered architect or registered interior designer. ~~For interior design, the board may approve only continuing education that builds upon the basic knowledge of interior design.~~

(2) The board shall adopt rules relating to application procedures for inactive status and for the reactivation of inactive licenses or registrations.

Section 52. Section 481.219, Florida Statutes, is amended to read:

481.219 Qualification of business organizations ~~certification of partnerships, limited liability companies, and corporations~~.—

(1) A licensee may ~~The practice of or the offer to~~ practice architecture ~~or interior design by licensees~~ through a qualified business organization that offers ~~corporation, limited liability company, or partnership offering~~ architectural ~~or interior design~~ services to the public~~, or by a corporation, limited liability company, or partnership offering architectural or interior design services to the public through licensees under this part as agents, employees, officers, or partners, is permitted~~, subject to the provisions of this section.

(2) If a licensee or an applicant proposes to engage in the practice of architecture as a business organization, the licensee or applicant shall qualify the business organization upon approval of the board ~~For the purposes of this section, a certificate of authorization shall be required for a corporation, limited liability company, partnership, or person practicing under a fictitious name, offering architectural services to the public jointly or separately. However, when an individual is practicing architecture in her or his own name, she or he shall not be required to be certified under this section. Certification under this subsection to offer architectural services shall include all the rights and privileges of certification under subsection (3) to offer interior design services~~.

(3)(a) A business organization may not engage in the practice of architecture unless its qualifying agent is a registered architect under this part. A qualifying agent who terminates an affiliation with a qualified business organization shall immediately notify the department of such termination. If such qualifying agent is the only qualifying agent for that business organization, the business organization must be qualified by another qualifying agent within 60 days after the termination. Except as provided in paragraph (b), the business organization may not engage in the practice of architecture until it is qualified by another qualifying agent.

(b) In the event a qualifying agent ceases employment with a qualified business organization, the executive director or the chair of the board may authorize another registered architect employed by the business organization to temporarily serve as its qualifying agent for a period of no more than 60

days. The business organization is not authorized to operate beyond such period under this chapter absent replacement of the qualifying agent who has ceased employment.

(c) A qualifying agent shall notify the department in writing before engaging in the practice of architecture in her or his own name or in affiliation with a different business organization, and she or he or such business organization shall supply the same information to the department as required of applicants under this part.

~~(3) For the purposes of this section, a certificate of authorization shall be required for a corporation, limited liability company, partnership, or person operating under a fictitious name, offering interior design services to the public jointly or separately. However, when an individual is practicing interior design in her or his own name, she or he shall not be required to be certified under this section.~~

(4) All final construction documents and instruments of service which include drawings, specifications, plans, reports, or other papers or documents that involve ~~involving~~ the practice of architecture which are prepared or approved for the use of the business organization ~~corporation, limited liability company, or partnership~~ and filed for public record within the state must ~~shall~~ bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.

~~(5) All drawings, specifications, plans, reports, or other papers or documents prepared or approved for the use of the corporation, limited liability company, or partnership by an interior designer in her or his professional capacity and filed for public record within the state shall bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.~~

~~(6) The department shall issue a certificate of authorization to any applicant who the board certifies as qualified for a certificate of authorization and who has paid the fee set in s. 481.207.~~

(5)~~(7)~~ The board shall allow a licensee or ~~certify~~ an applicant to qualify one or more business organizations ~~as qualified for a certificate of authorization~~ to offer architectural ~~or interior design~~ services, or to use a fictitious name to offer such services, if ~~provided that:~~

~~(a)~~ one or more of the principal officers of the corporation or limited liability company, or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as architects, are registered as provided by this part.~~; or~~

~~(b) One or more of the principal officers of the corporation or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as interior designers, are registered as provided by this part~~.

~~(8) The department shall adopt rules establishing a procedure for the biennial renewal of certificates of authorization.~~

~~(9) The department shall renew a certificate of authorization upon receipt of the renewal application and biennial renewal fee.~~

(6)~~(10)~~ Each qualifying agent who qualifies a business organization, partnership, limited liability company, or ~~and~~ corporation certified under this section shall notify the department within 30 days after ~~of~~ any change in the information contained in the application upon which the qualification ~~certification~~ is based. Any registered architect ~~or interior designer~~ who qualifies the business organization shall ensure ~~corporation, limited liability company, or partnership as provided in subsection (7) shall be responsible for ensuring~~ responsible supervising control of projects of the business organization ~~entity~~ and shall notify the department of the ~~upon~~ termination of her or his employment with a business organization qualified ~~partnership, limited liability company, or corporation certified~~ under this section ~~shall notify the department of the termination~~ within 30 days after such termination.

(7)~~(11)~~ A business organization is not ~~No corporation, limited liability company, or partnership shall be~~ relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section. However, except as provided in s. 558.0035, the architect who signs and seals the construction documents and instruments of service is ~~shall be~~ liable for the professional services performed, and the interior designer who signs and seals the interior design drawings, plans, or specifications shall be liable for the professional services performed.

~~(12) Disciplinary action against a corporation, limited liability company, or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered architect or interior designer, respectively.~~

(8)~~(13)~~ ~~Nothing in~~ This section may not ~~shall~~ be construed to mean that a certificate of registration to practice architecture ~~or interior design~~ must ~~shall~~ be held by a business organization ~~corporation, limited liability company, or partnership~~. ~~Nothing in~~ This section does not prohibit a business organization from offering ~~prohibits corporations, limited liability companies, and partnerships from joining together to offer~~ architectural , engineering, interior design, surveying and mapping, and landscape architectural services, or any combination of such services, to the public if the business organization~~, provided that each corporation, limited liability company, or partnership~~ otherwise meets the requirements of law.

~~(14) Corporations, limited liability companies, or partnerships holding a valid certificate of authorization to practice architecture shall be permitted to use in their title the term "interior designer" or "registered interior designer."~~

Section 53. Subsections (5) and (10) of section 481.221, Florida Statutes, are amended to read:

481.221 Seals; display of certificate number.—

(5) A ~~No~~ registered interior designer may not ~~shall~~ affix, or permit to be affixed, her or his seal or signature to any plan, specification, drawing, or other document which depicts work which she or he is not competent or registered ~~licensed~~ to perform.

(10) Each registered architect must ~~or interior designer, and each corporation, limited liability company, or partnership holding a certificate of authorization, shall~~ include her or his license ~~its certificate~~ number in any newspaper, telephone directory, or other advertising medium used by the registered licensee. Each business organization must include the license number of the registered architect who serves as the qualifying agent for that business organization in any newspaper, telephone directory, or other advertising medium used by the business organization ~~architect, interior designer, corporation, limited liability company, or partnership. A corporation, limited liability company, or partnership is not required to display the certificate number of individual registered architects or interior designers employed by or working within the corporation, limited liability company, or partnership~~.

Section 54. Section 481.223, Florida Statutes, is amended to read:

481.223 Prohibitions; penalties; injunctive relief.—

(1) A person may not knowingly:

(a) Practice architecture unless the person is an architect or a registered architect; however, a licensed architect who has been licensed by the board and who chooses to relinquish or not to renew his or her license may use the title "Architect, Retired" but may not otherwise render any architectural services.

~~(b) Practice interior design unless the person is a registered interior designer unless otherwise exempted herein; however, an interior designer who has been licensed by the board and who chooses to relinquish or not to renew his or her license may use the title "Interior Designer, Retired" but may not otherwise render any interior design services.~~

(b)~~(c)~~ Use the name or title "architect," ~~or~~ "registered architect," or "interior designer" ~~or~~ "registered interior designer," ~~or words to that effect,~~ when the person is not then the holder of a valid license or certificate of registration issued pursuant to this part. This paragraph does not restrict the use of the name or title "interior designer" or "interior design firm."

(c)~~(d)~~ Present as his or her own the license of another.

(d)~~(e)~~ Give false or forged evidence to the board or a member thereof.

(e)~~(f)~~ Use or attempt to use an architect ~~or interior designer~~ license or interior design certificate of registration that has been suspended, revoked, or placed on inactive or delinquent status.

(f)~~(g)~~ Employ unlicensed persons to practice architecture ~~or interior design~~.

(g)~~(h)~~ Conceal information relative to violations of this part.

(2) Any person who violates any provision of subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) Notwithstanding chapter 455 or any other law to the contrary, an affected person may maintain an action for injunctive relief to restrain or prevent a person from violating paragraph (1)(a) or~~,~~ paragraph (1)(b)~~, or paragraph (1)(c)~~. The prevailing party is entitled to actual costs and attorney's fees.

(b) For purposes of this subsection, the term "affected person" means a person directly affected by the actions of a person suspected of violating paragraph (1)(a) or~~,~~ paragraph (1)(b)~~, or paragraph (1)(c)~~ and includes, but is not limited to, the department, any person who received services from the alleged violator, or any private association composed primarily of members of the profession the alleged violator is practicing or offering to practice or holding himself or herself out as qualified to practice.

Section 55. Section 481.2251, Florida Statutes, is amended to read:

481.2251 Disciplinary proceedings against registered interior designers.—

(1) The following acts constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) Attempting to register ~~obtain, obtaining,~~ or renewing registration~~,~~ by bribery, by fraudulent misrepresentation, or through an error of the board~~, a license to practice interior design~~;

(b) Having an interior design license, certification, or registration ~~a license to practice interior design~~ revoked, suspended, or otherwise acted against, including the denial of licensure, registration, or certification by the licensing authority of another jurisdiction for any act which would constitute a violation of this part or of chapter 455;

(c) Being convicted or found guilty, ~~regardless of adjudication,~~ of a crime in any jurisdiction which directly relates to the provision of interior design services or to the ability to provide interior design services~~. A plea of nolo contendere shall create a rebuttable presumption of guilt to the underlying criminal charges. However, the board shall allow the person being disciplined to present any evidence relevant to the underlying charges and the circumstances surrounding her or his plea~~;

(d) False, deceptive, or misleading advertising;

~~(e) Failing to report to the board any person who the licensee knows is in violation of this part or the rules of the board;~~

~~(f) Aiding, assisting, procuring, or advising any unlicensed person to use the title "interior designer" contrary to this part or to a rule of the board;~~

~~(g) Failing to perform any statutory or legal obligation placed upon a registered interior designer;~~

(e)~~(h)~~ Making or filing a report which the registrant ~~licensee~~ knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records shall include only those which are signed in the capacity as a registered interior designer;

(f)~~(i)~~ Making deceptive, untrue, or fraudulent representations in the provision of interior design services;

(g)~~(j)~~ Accepting and performing professional responsibilities which the registrant ~~licensee~~ knows or has reason to know that she or he is not competent or licensed to perform;

~~(k) Violating any provision of this part, any rule of the board, or a lawful order of the board previously entered in a disciplinary hearing;~~

~~(l) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate, or preclude another licensee from lawfully advertising her or his services;~~

~~(m) Acceptance of compensation or any consideration by an interior designer from someone other than the client without full disclosure of the compensation or consideration amount or value to the client prior to the engagement for services, in violation of s. 481.2131(2);~~

(h)~~(n)~~ Rendering or offering to render architectural services; or

(i)~~(o)~~ Committing an act of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of interior design~~, including, but not limited to, allowing the preparation of any interior design studies, plans, or other instruments of service in an office that does not have a full-time Florida-registered interior designer assigned to such office or failing to exercise responsible supervisory control over services or projects, as required by board rule~~.

(2) When the board finds any person guilty of any of the grounds set forth in subsection (1), it may enter an order taking the following action or imposing one or more of the following penalties:

(a) Refusal to register the applicant ~~approve an application for licensure~~;

(b) Refusal to renew an existing registration ~~license~~;

(c) Removal from the state registry ~~Revocation or suspension of a license~~; or

(d) Imposition of an administrative fine not to exceed $500 ~~$1,000~~ for each violation or separate offense and a fine of up to $2,500 ~~$5,000~~ for matters pertaining to a material violation of the Florida Building Code as reported by a local jurisdiction~~; or~~

~~(e) Issuance of a reprimand~~.

Section 56. Paragraph (b) of subsection (5) and subsections (6) and (8) of section 481.229, Florida Statutes, are amended to read:

481.229 Exceptions; exemptions from licensure.—

(5)

(b) Notwithstanding any other provision of this part, all persons licensed as architects under this part shall be qualified for interior design registration ~~licensure~~ upon submission of a completed application for such license and a fee not to exceed $30. Such persons shall be exempt from the requirements of s. 481.209(2). For architects licensed as interior designers, satisfaction of the requirements for renewal of licensure as an architect under s. 481.215 shall be deemed to satisfy the requirements for renewal of registration ~~licensure~~ as an interior designer under that section. Complaint processing, investigation, or other discipline-related legal costs related to persons licensed as interior designers under this paragraph shall be assessed against the architects' account of the Regulatory Trust Fund.

(6) This part does ~~shall~~ not apply to:

(a) A person who performs interior design services or interior decorator services for any residential application~~, provided that such person does not advertise as, or represent himself or herself as, an interior designer~~. For purposes of this paragraph, "residential applications" includes all types of residences, including, but not limited to, residence buildings, single-family homes, multifamily homes, townhouses, apartments, condominiums, and domestic outbuildings appurtenant to one-family or two-family residences. ~~However, "residential applications" does not include common areas associated with instances of multiple-unit dwelling applications.~~

(b) An employee of a retail establishment providing "interior decorator services" on the premises of the retail establishment or in the furtherance of a retail sale or prospective retail sale, provided that such employee does not advertise as, or represent himself or herself as, a registered ~~an~~ interior designer.

(8) A manufacturer of commercial food service equipment or the manufacturer's representative, distributor, or dealer or an employee thereof, who prepares designs, specifications, or layouts for the sale or installation of such equipment is exempt from licensure as an architect or registration as an interior designer, if:

(a) The designs, specifications, or layouts are not used for construction or installation that may affect structural, mechanical, plumbing, heating, air conditioning, ventilating, electrical, or vertical transportation systems.

(b) The designs, specifications, or layouts do not materially affect lifesafety systems pertaining to firesafety protection, smoke evacuation and compartmentalization, and emergency ingress or egress systems.

(c) Each design, specification, or layout document prepared by a person or entity exempt under this subsection contains a statement on each page of the document that the designs, specifications, or layouts are not architectural~~, interior design,~~ or engineering designs, specifications, or layouts and not used for construction unless reviewed and approved by a licensed architect or engineer.

Section 57. Subsection (1) of section 481.231, Florida Statutes, is amended to read:

481.231 Effect of part locally.—

(1) ~~Nothing in~~ This part does not ~~shall be construed to~~ repeal, amend, limit, or otherwise affect any specific provision of any local building code or zoning law or ordinance that has been duly adopted, now or hereafter enacted, which is more restrictive, with respect to the services of registered architects or registered interior designers, than ~~the provisions of~~ this part; provided, however, that a licensed architect shall be deemed registered ~~licensed~~ as an

interior designer for purposes of offering or rendering interior design services to a county, municipality, or other local government or political subdivision.

Section 58. Section 481.303, Florida Statutes, is amended to read:

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

(1) "Board" means the Board of Landscape Architecture.

(2)~~(4)~~ "Certificate of registration" means a license issued by the department to a natural person to engage in the practice of landscape architecture.

(3)~~(2)~~ "Department" means the Department of Business and Professional Regulation.

~~(5) "Certificate of authorization" means a license issued by the department to a corporation or partnership to engage in the practice of landscape architecture.~~

(4)~~(6)~~ "Landscape architecture" means professional services, including, but not limited to, the following:

(a) Consultation, investigation, research, planning, design, preparation of drawings, specifications, contract documents and reports, responsible construction supervision, or landscape management in connection with the planning and development of land and incidental water areas, including the use of Florida-friendly landscaping as defined in s. 373.185, where, and to the extent that, the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values;

(b) The determination of settings, grounds, and approaches for and the siting of buildings and structures, outdoor areas, or other improvements;

(c) The setting of grades, shaping and contouring of land and water forms, determination of drainage, and provision for storm drainage and irrigation systems where such systems are necessary to the purposes outlined herein; and

(d) The design of such tangible objects and features as are necessary to the purpose outlined herein.

(5)~~(7)~~ "Landscape design" means consultation for and preparation of planting plans drawn for compensation, including specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials. Such plans may include only recommendations for the conceptual placement of tangible objects for landscape design projects. Construction documents, details, and specifications for tangible objects and irrigation systems shall be designed or approved by licensed professionals as required by law.

(6)~~(3)~~ "Registered landscape architect" means a person who holds a license to practice landscape architecture in this state under the authority of this act.

Section 59. Section 481.310, Florida Statutes, is amended to read:

481.310 Practical experience requirement.—Beginning October 1, 1990, every applicant for licensure as a registered landscape architect shall demonstrate, before ~~prior to~~ licensure, 1 year of practical experience in landscape architectural work. An applicant who holds both a bachelor's degree and a master's degree in landscape architecture is not required to demonstrate 1 year of practical experience in landscape architectural work to obtain licensure. The board shall adopt rules providing standards for the required experience. An applicant who qualifies for examination pursuant to s. 481.309(1)(b)1. may obtain the practical experience after completing the required professional degree. Experience used to qualify for examination pursuant to s. 481.309(1)(b)2. may not be used to satisfy the practical experience requirement under this section.

Section 60. Subsections (5) and (6) of section 481.311, Florida Statutes, are renumbered as subsections (4) and (5), respectively, and subsection (3) and present subsection (4) of that section are amended, to read:

481.311 Licensure.—

(3) The board shall certify as qualified for a license by endorsement an applicant who:

(a) Qualifies to take the examination as set forth in s. 481.309; and has passed a national, regional, state, or territorial licensing examination which is substantially equivalent to the examination required by s. 481.309; ~~or~~

(b) Holds a valid license to practice landscape architecture issued by another state or territory of the United States, if the criteria for issuance of such license were substantially identical to the licensure criteria which existed in this state at the time the license was issued; or~~.~~

(c) Has held a valid license to practice landscape architecture in another state or territory of the United States for at least 10 years before the date of application and has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the board, subject to subsection (5). An applicant who has met the requirements to be qualified for a license by endorsement except for successful completion of an examination that is equivalent to or more stringent than the examination required by the board may take the examination required by the board without completing additional education requirements. Such application must be submitted to the board while the applicant holds a valid license in another state or territory or within 2 years after the expiration of such license.

~~(4) The board shall certify as qualified for a certificate of authorization any applicant corporation or partnership who satisfies the requirements of s. 481.319.~~

Section 61. Subsection (4) of section 481.313, Florida Statutes, is amended to read:

481.313 Renewal of license.—

(4) The board, by rule adopted pursuant to ss. 120.536(1) and 120.54, shall establish criteria for the approval of continuing education courses and providers, and shall by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis. A landscape architect shall receive hour-for-hour credit for attending continuing education courses approved by the Landscape Architecture Continuing Education System or another nationally recognized clearinghouse for continuing education that relate to and increase the basic knowledge of landscape architecture, as determined by the board, if such landscape architect submits proof satisfactory to the board that such course was approved by the Landscape Architecture Continuing Education System or another nationally recognized clearinghouse for continuing education, the syllabus or outline for such course, and attendance of such course.

Section 62. Subsection (2) of section 481.317, Florida Statutes, is amended to read:

481.317 Temporary certificates.—

~~(2) Upon approval by the board and payment of the fee set in s. 481.307, the department shall grant a temporary certificate of authorization for work on one specified project in this state for a period not to exceed 1 year to an out-of-state corporation, partnership, or firm, provided one of the principal officers of the corporation, one of the partners of the partnership, or one of the principals in the fictitiously named firm has obtained a temporary certificate of registration in accordance with subsection (1).~~

Section 63. Section 481.319, Florida Statutes, is amended to read:

481.319 Corporate and partnership practice of landscape architecture~~; certificate of authorization~~.—

(1) The practice of or offer to practice landscape architecture by registered landscape architects registered under this part through a corporation or partnership offering landscape architectural services to the public, or through a corporation or partnership offering landscape architectural services to the public through individual registered landscape architects as agents, employees, officers, or partners, is permitted, subject to the provisions of this section, if:

(a) One or more of the principal officers of the corporation, or partners of the partnership, and all personnel of the corporation or partnership who act in its behalf as landscape architects in this state are registered landscape architects; and

(b) One or more of the officers, one or more of the directors, one or more of the owners of the corporation, or one or more of the partners of the partnership is a registered landscape architect~~; and~~

~~(c) The corporation or partnership has been issued a certificate of authorization by the board as provided herein~~.

(2) All documents involving the practice of landscape architecture which are prepared for the use of the corporation or partnership shall bear the signature and seal of a registered landscape architect.

(3) A landscape architect applying to practice in the name of a ~~An applicant~~ corporation must ~~shall~~ file with the department the names and

addresses of all officers and board members of the corporation, including the principal officer or officers, duly registered to practice landscape architecture in this state and, also, of all individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by the corporation in this state. A landscape architect applying to practice in the name of a ~~An applicant~~ partnership must ~~shall~~ file with the department the names and addresses of all partners of the partnership, including the partner or partners duly registered to practice landscape architecture in this state and, also, of an individual or individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by said partnership in this state.

(4) Each landscape architect qualifying a partnership or ~~and~~ corporation ~~licensed~~ under this part must ~~shall~~ notify the department within 1 month after ~~of~~ any change in the information contained in the application upon which the license is based. Any landscape architect who terminates her or his ~~or her~~ employment with a partnership or corporation licensed under this part shall notify the department of the termination within 1 month after such termination.

~~(5) Disciplinary action against a corporation or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered landscape architect.~~

(5)~~(6)~~ Except as provided in s. 558.0035, the fact that a registered landscape architect practices landscape architecture through a corporation or partnership as provided in this section does not relieve the landscape architect from personal liability for her or his ~~or her~~ professional acts.

Section 64. Subsection (5) of section 481.321, Florida Statutes, is amended to read:

481.321 Seals; display of certificate number.—

(5) Each registered landscape architect must ~~and each corporation or partnership holding a certificate of authorization shall~~ include her or his ~~its~~ certificate number in any newspaper, telephone directory, or other advertising medium used by the registered landscape architect, corporation, or partnership. A corporation or partnership must ~~is not required to~~ display the certificate number ~~numbers~~ of at least one officer, director, owner, or partner who is a ~~individual~~ registered landscape architect ~~architects~~ employed by or practicing with the corporation or partnership.

Section 65. Subsection (5) of section 481.329, Florida Statutes, is amended to read:

481.329 Exceptions; exemptions from licensure.—

(5) This part does not prohibit any person from engaging in the practice of landscape design, as defined in s. 481.303 ~~s. 481.303(7)~~, or from submitting for approval to a governmental agency planting plans that are independent of, or a component of, construction documents that are prepared by a Florida-registered professional. Persons providing landscape design services shall not use the title, term, or designation "landscape architect," "landscape architectural," "landscape architecture," "L.A.," "landscape engineering," or any description tending to convey the impression that she or he is a landscape architect unless she or he is registered as provided in this part.

Section 66. Subsection (9) of section 489.103, Florida Statutes, is amended to read:

489.103 Exemptions.—This part does not apply to:

(9) Any work or operation of a casual, minor, or inconsequential nature in which the aggregate contract price for labor, materials, and all other items is less than $2,500 ~~$1,000~~, but this exemption does not apply:

(a) If the construction, repair, remodeling, or improvement is a part of a larger or major operation, whether undertaken by the same or a different contractor, or in which a division of the operation is made in contracts of amounts less than $2,500 ~~$1,000~~ for the purpose of evading this part or otherwise.

(b) To a person who advertises that he or she is a contractor or otherwise represents that he or she is qualified to engage in contracting.

Section 67. Subsection (2) of section 489.111, Florida Statutes, is amended to read:

489.111 Licensure by examination.—

(2) A person shall be eligible for licensure by examination if the person:

(a) Is 18 years of age;

(b) Is of good moral character; and

(c) Meets eligibility requirements according to one of the following criteria:

1. Has received a baccalaureate degree from an accredited 4-year college in the appropriate field of engineering, architecture, or building construction and has 1 year of proven experience in the category in which the person seeks to qualify. For the purpose of this part, a minimum of 2,000 person-hours shall be used in determining full-time equivalency. An applicant who is exempt from passing an examination or portion thereof as provided in s. 489.113(1) is eligible for a license under this section.

2. Has a total of at least 4 years of active experience as a worker who has learned the trade by serving an apprenticeship as a skilled worker who is able to command the rate of a mechanic in the particular trade or as a foreman who is in charge of a group of workers and usually is responsible to a superintendent or a contractor or his or her equivalent, provided, however, that at least 1 year of active experience shall be as a foreman.

3. Has a combination of not less than 1 year of experience as a foreman and not less than 3 years of credits for any accredited college-level courses; has a combination of not less than 1 year of experience as a skilled worker, 1 year of experience as a foreman, and not less than 2 years of credits for any accredited college-level courses; or has a combination of not less than 2 years of experience as a skilled worker, 1 year of experience as a foreman, and not less than 1 year of credits for any accredited college-level courses. All junior college or community college-level courses shall be considered accredited college-level courses.

4.a. An active certified residential contractor is eligible to receive a certified building contractor license after passing or having previously passed ~~take~~ the building contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified residential contractor is eligible to receive a certified general contractor license after passing or having previously passed ~~take~~ the general contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified building contractor is eligible to receive a certified general contractor license after passing or having previously passed ~~take~~ the general contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

5.a. An active certified air-conditioning Class C contractor is eligible to receive a certified air conditioning Class B contractor license after passing or having previously passed ~~take~~ the air-conditioning Class B contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified air-conditioning Class C contractor is eligible to receive a certified air conditioning Class A contractor license after passing or having previously passed ~~take~~ the air-conditioning Class A contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified air-conditioning Class B contractor is eligible to receive a certified air conditioning Class A contractor license after passing or having previously passed ~~take~~ the air-conditioning Class A contractors' examination if he or she possesses a minimum of 1 year of proven experience in the classification in which he or she is certified.

6.a. An active certified swimming pool servicing contractor is eligible to receive a certified residential swimming pool contractor license after passing or having previously passed ~~take~~ the residential swimming pool contractors' examination if he or she possesses a minimum of 3 years of proven experience in the classification in which he or she is certified.

b. An active certified swimming pool servicing contractor is eligible to receive a certified commercial swimming pool contractor license after passing or having previously passed ~~take~~ the swimming pool commercial contractors' examination if he or she possesses a minimum of 4 years of proven experience in the classification in which he or she is certified.

c. An active certified residential swimming pool contractor is eligible to receive a certified commercial swimming pool contractor license after passing or having previously passed ~~take~~ the commercial swimming pool contractors' examination if he or she possesses a minimum of 1 year of proven experience in the classification in which he or she is certified.

d. An applicant is eligible to receive a certified swimming pool/spa servicing contractor license after passing or having previously passed ~~take~~ the swimming pool/spa servicing contractors' examination if he or she has satisfactorily completed 60 hours of instruction in courses related to the scope of work covered by that license and approved by the Construction Industry Licensing Board by rule and has at least 1 year of proven experience related to the scope of work of such a contractor.

Section 68. Subsection (1) of section 489.113, Florida Statutes, is amended to read:

489.113 Qualifications for practice; restrictions.—

(1) Any person who desires to engage in contracting on a statewide basis shall, as a prerequisite thereto, establish his or her competency and qualifications to be certified pursuant to this part. To establish competency, a person shall pass the appropriate examination approved by the board and certified by the department. If an applicant has received a baccalaureate degree from an accredited 4-year college in building construction, or a related degree as approved by the board by rule, and has a grade point average of 3.0 or higher, such applicant is only required to take and pass the business and finance portion of the examination. Any person who desires to engage in contracting on other than a statewide basis shall, as a prerequisite thereto, be registered pursuant to this part, unless exempted by this part.

Section 69. Subsection (3) of section 489.115, Florida Statutes, is amended to read:

489.115 Certification and registration; endorsement; reciprocity; renewals; continuing education.—

(3) The board shall certify as qualified for certification by endorsement any applicant who:

(a) Meets the requirements for certification as set forth in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.111;

(b) Holds a valid license to practice contracting issued by another state or territory of the United States, if the criteria for issuance of such license were substantially equivalent to Florida's current certification criteria; ~~or~~

(c) Holds a valid, current license to practice contracting issued by another state or territory of the United States, if the state or territory has entered into a reciprocal agreement with the board for the recognition of contractor licenses issued in that state, based on criteria for the issuance of such licenses that are substantially equivalent to the criteria for certification in this state;

(d) Has held a valid license to practice contracting issued by another state or territory for at least 10 years before the date of application and is applying for the same or similar license in this state, subject to subsections (5)-(9). The board may consider whether such applicant has had a license to practice contracting revoked, suspended, or otherwise acted against by the licensing authority of another state, territory, or country. Such application must be submitted to the board while the applicant holds a valid license in another state or territory or within 2 years after the expiration of such license. A building contractor, residential contractor, general contractor, or roofing contractor who obtains a license by endorsement or reciprocity under this paragraph must have completed, within the previous 2 years or within 30 days after being licensed, a board-approved 2 hour course on wind mitigation, flood resistance, and water intrusion requirements under the Florida Building Code. The approved course may be provided online. The board may approve other building code courses to satisfy this requirement, provided the necessary wind mitigation, flood resistance, and water intrusion requirements are presented. The board may also determine whether a building, residential, general, or roofing contractor applicant has experience and technical competence in wind mitigation and water intrusion.

Section 70. Subsection (5) of section 489.511, Florida Statutes, is amended to read:

489.511 Certification; application; examinations; endorsement.—

(5) The board shall certify as qualified for certification by endorsement any individual applying for certification who:

(a) Meets the requirements for certification as set forth in this section; has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination required by this part; and has satisfied the requirements set forth in s. 489.521; ~~or~~

(b) Holds a valid license to practice electrical or alarm system contracting issued by another state or territory of the United States, if the criteria for issuance of such license was substantially equivalent to the certification criteria that existed in this state at the time the certificate was issued; or

(c) Has held a valid license to practice electrical or alarm system contracting issued by another state or territory for at least 10 years before the date of application and is applying for the same or similar license in this state, subject to ss. 489.510 and 489.521(3)(a), and subparagraph (1)(b)1. Such application must be submitted to the board while the applicant holds a valid license in another state or territory or within 2 years after the expiration of such license. An electrical contractor or alarm system contractor who is licensed in another state who seeks qualification for license by endorsement under this paragraph must complete a class on the Florida Building Code approved by the board, not to exceed 2 hours.

Section 71. Subsection (3) and paragraph (b) of subsection (4) of section 489.517, Florida Statutes, are amended to read:

489.517 Renewal of certificate or registration; continuing education.—

(3)(a) Each certificateholder or registrant licensed as a specialty contractor or an alarm system contractor shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 7 ~~14~~ classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall by rule establish criteria for the approval of continuing education courses and providers and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

(b) Each certificateholder or registrant licensed as an electrical contractor shall provide proof, in a form established by rule of the board, that the certificateholder or registrant has completed at least 11 classroom hours of at least 50 minutes each of continuing education courses during each biennium since the issuance or renewal of the certificate or registration. The board shall by rule establish criteria for the approval of continuing education courses and providers and may by rule establish criteria for accepting alternative nonclassroom continuing education on an hour-for-hour basis.

(4)

(b)1. For licensed specialty contractors or alarm system contractors, of the 7 ~~14~~ classroom hours of continuing education required, at least 1 hour ~~7 hours~~ must be on technical subjects, 1 hour on workers' compensation, 1 hour on workplace safety, 1 hour on business practices, and ~~for alarm system contractors and electrical contractors engaged in alarm system contracting,~~ 2 hours on false alarm prevention.

2. For licensed electrical contractors, of the minimum 11 classroom hours of continuing education required, at least 7 hours must be on technical subjects, 1 hour on workers' compensation, 1 hour on workplace safety, and 1 hour on business practices. Electrical contractors engaged in alarm system contracting must also complete 2 hours on false alarm prevention.

Section 72. Paragraph (b) of subsection (1) of section 489.518, Florida Statutes, is amended to read:

489.518 Alarm system agents.—

(1) A licensed electrical or alarm system contractor may not employ a person to perform the duties of a burglar alarm system agent unless the person:

(b) Has successfully completed a minimum of 14 hours of training within 90 days after employment, to include basic alarm system electronics in addition to related training including CCTV and access control training, with at least 2 hours of training in the prevention of false alarms. Such training shall be from a board-approved provider, and the employee or applicant for employment shall provide proof of successful completion to the licensed employer. The board shall by rule establish criteria for the approval of training courses and providers and may by rule establish criteria for accepting alternative nonclassroom education on an hour-for-hour basis. The board shall approve providers that conduct training in other than the English language. The board shall establish a fee for the approval of training providers or courses, not to exceed $60. Qualified employers may conduct training classes for their employees, with board approval.

Section 73. Section 492.104, Florida Statutes, is amended, to read:

492.104 Rulemaking authority.—The Board of Professional Geologists has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to

implement this chapter. Every licensee shall be governed and controlled by this chapter and the rules adopted by the board. The board is authorized to set, by rule, fees for application, examination, ~~certificate of authorization,~~ late renewal, initial licensure, and license renewal. These fees may ~~should~~ not exceed the cost of implementing the application, examination, initial licensure, and license renewal or other administrative process and shall be established as follows:

(1) The application fee shall not exceed $150 and shall be nonrefundable.

(2) The examination fee shall not exceed $250, and the fee may be apportioned to each part of a multipart examination. The examination fee shall be refundable in whole or part if the applicant is found to be ineligible to take any portion of the licensure examination.

(3) The initial license fee shall not exceed $100.

(4) The biennial renewal fee shall not exceed $150.

~~(5) The fee for a certificate of authorization shall not exceed $350 and the fee for renewal of the certificate shall not exceed $350.~~

(5)~~(6)~~ The fee for reactivation of an inactive license may ~~shall~~ not exceed $50.

(6)~~(7)~~ The fee for a provisional license may ~~shall~~ not exceed $400.

(7)~~(8)~~ The fee for application, examination, and licensure for a license by endorsement is ~~shall be~~ as provided in this section for licenses in general.

Section 74. Subsection (1) of section 492.108, Florida Statutes, is amended to read:

492.108 Licensure by endorsement; requirements; fees.—

(1) The department shall issue a license by endorsement to any applicant who, upon applying to the department and remitting an application fee, has been certified by the board that he or she:

(a) Has met the qualifications for licensure in s. 492.105(1)(b)-(e) and:~~.~~

1.~~(b)~~ Is the holder of an active license in good standing in a state, trust, territory, or possession of the United States.

2.~~(c)~~ Was licensed through written examination in at least one state, trust, territory, or possession of the United States, the examination requirements of which have been approved by the board as substantially equivalent to or more stringent than those of this state, and has received a score on such examination which is equal to or greater than the score required by this state for licensure by examination.

3.~~(d)~~ Has taken and successfully passed the laws and rules portion of the examination required for licensure as a professional geologist in this state.

(b) Has held a valid license to practice geology in another state, trust, territory, or possession of the United States for at least 10 years before the date of application and has successfully completed a state, regional, national, or other examination that is equivalent to or more stringent than the examination required by the department. If such applicant has met the requirements for a license by endorsement except successful completion of an examination that is equivalent to or more stringent than the examination required by the board, such applicant may take the examination required by the board. Such application must be submitted to the board while the applicant holds a valid license in another state or territory or within 2 years after the expiration of such license.

Section 75. Section 492.111, Florida Statutes, is amended to read:

492.111 Practice of professional geology by a firm, corporation, or partnership~~; certificate of authorization~~.—The practice of, or offer to practice, professional geology by individual professional geologists licensed under the provisions of this chapter through a firm, corporation, or partnership offering geological services to the public through individually licensed professional geologists as agents, employees, officers, or partners thereof is permitted subject to the provisions of this chapter, if ~~provided that~~:

(1) At all times that it offers geological services to the public, the firm, corporation, or partnership is qualified by ~~has on file with the department the name and license number of~~ one or more individuals who hold a current, active license as a professional geologist in the state and are serving as a geologist of record for the firm, corporation, or partnership. A geologist of record may be any principal officer or employee of such firm or corporation, or any partner or employee of such partnership, who holds a current, active license as a professional geologist in this state, or any other Florida-licensed professional geologist with whom the firm, corporation, or partnership has entered into a long-term, ongoing relationship, as defined by rule of the board, to serve as one of its geologists of record. ~~It shall be the responsibility of the firm, corporation, or partnership and~~ The geologist of record shall ~~to~~ notify the department of any changes in the relationship or identity of that geologist of record within 30 days after such change.

~~(2) The firm, corporation, or partnership has been issued a certificate of authorization by the department as provided in this chapter. For purposes of this section, a certificate of authorization shall be required of any firm, corporation, partnership, association, or person practicing under a fictitious name and offering geological services to the public; except that, when an individual is practicing professional geology in her or his own name, she or he shall not be required to obtain a certificate of authorization under this section. Such certificate of authorization shall be renewed every 2 years.~~

(2)~~(3)~~ All final geological papers or documents involving the practice of the profession of geology which have been prepared or approved for the use of such firm, corporation, or partnership, for delivery to any person for public record with the state, shall be dated and bear the signature and seal of the professional geologist or professional geologists who prepared or approved them.

(3)~~(4)~~ Except as provided in s. 558.0035, the fact that a licensed professional geologist practices through a corporation or partnership does not relieve the registrant from personal liability for negligence, misconduct, or wrongful acts committed by her or him. The partnership and all partners are jointly and severally liable for the negligence, misconduct, or wrongful acts committed by their agents, employees, or partners while acting in a professional capacity. Any officer, agent, or employee of a corporation is personally liable and accountable only for negligent acts, wrongful acts, or misconduct committed by her or him or committed by any person under her or his direct supervision and control, while rendering professional services on behalf of the corporation. The personal liability of a shareholder of a corporation, in her or his capacity as shareholder, may be no greater than that of a shareholder-employee of a corporation incorporated under chapter 607. The corporation is liable up to the full value of its property for any negligent acts, wrongful acts, or misconduct committed by any of its officers, agents, or employees while they are engaged on behalf of the corporation in the rendering of professional services.

~~(5) The firm, corporation, or partnership desiring a certificate of authorization shall file with the department an application therefor, upon a form to be prescribed by the department, accompanied by the required application fee.~~

~~(6) The department may refuse to issue a certificate of authorization if any facts exist which would entitle the department to suspend or revoke an existing certificate of authorization or if the department, after giving persons involved a full and fair hearing, determines that any of the officers or directors of said firm or corporation, or partners of said partnership, have violated the provisions of s. 492.113.~~

Section 76. Subsection (4) of section 492.113, Florida Statutes, is amended to read:

492.113 Disciplinary proceedings.—

(4) The department shall reissue the license of a disciplined professional geologist ~~or business~~ upon certification by the board that the disciplined person has complied with ~~all of~~ the terms and conditions set forth in the final order.

Section 77. Section 492.115, Florida Statutes, is amended to read:

492.115 Roster of licensed professional geologists.—A roster showing the names and places of business or residence of all licensed professional geologists and all properly qualified firms, corporations, or partnerships practicing ~~holding certificates of authorization to practice~~ professional geology in the state shall be prepared annually by the department. A copy of this roster must be made available to ~~shall be obtainable by~~ each licensed professional geologist and each firm, corporation, or partnership qualified by a professional geologist ~~holding a certificate of authorization~~, and copies thereof shall be placed on file with the department.

Section 78. Section 509.102, Florida Statutes, is created to read:

509.102 Mobile food dispensing vehicles.—

(1) As used in this section, the term "mobile food dispensing vehicle" means any vehicle-mounted public food service establishment which is self-propelled or otherwise movable from place to place and includes self-

contained utilities, including, but not limited to, gas, water, electricity, and liquid waste disposal.

(2) A municipality, county, or other local government entity may not:

(a) Require a separate license, registration, or permit beyond those established by the division under s. 509.241 as a condition for the mobile food dispensing vehicle's operation within the jurisdiction.

(b) Require a separate license, registration, or permit fee beyond those established by the division under s. 509.251 as a condition for the mobile food dispensing vehicle's operation within the jurisdiction.

(c) Prohibit mobile food dispensing vehicles from operating within the jurisdiction.

(3) This section may not be construed to affect a municipality, county, or other local governmental entity's authority to regulate the operation of mobile food dispensing vehicles other than the regulations described in subsection (2).

(4) This section does not apply to any port authority, aviation authority, airport, or seaport.

Section 79. Paragraph (i) of subsection (2) of section 548.003, Florida Statutes, is amended to read:

548.003 Florida State Boxing Commission.—

(2) The Florida State Boxing Commission, as created by subsection (1), shall administer the provisions of this chapter. The commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and to implement each of the duties and responsibilities conferred upon the commission, including, but not limited to:

~~(i) Designation and duties of a knockdown timekeeper.~~

Section 80. Subsection (1) of section 548.017, Florida Statutes, is amended to read:

548.017 Participants, managers, and other persons required to have licenses.—

(1) A participant, manager, trainer, second, ~~timekeeper,~~ referee, judge, ~~announcer,~~ physician, matchmaker, or promoter must be licensed before directly or indirectly acting in such capacity in connection with any match involving a participant. A physician approved by the commission must be licensed pursuant to chapter 458 or chapter 459, must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing, or a combination of both, to the executive director before working as the ringside physician.

Section 81. Paragraph (d) of subsection (1) of section 553.5141, Florida Statutes, is amended to read:

553.5141 Certifications of conformity and remediation plans.—

(1) For purposes of this section:

(d) "Qualified expert" means:

1. An engineer licensed pursuant to chapter 471.
2. A certified general contractor licensed pursuant to chapter 489.
3. A certified building contractor licensed pursuant to chapter 489.
4. A building code administrator licensed pursuant to chapter 468.
5. A building inspector licensed pursuant to chapter 468.
6. A plans examiner licensed pursuant to chapter 468.
7. An interior designer registered ~~licensed~~ pursuant to chapter 481.
8. An architect licensed pursuant to chapter 481.
9. A landscape architect licensed pursuant to chapter 481.
10. Any person who has prepared a remediation plan related to a claim under Title III of the Americans with Disabilities Act, 42 U.S.C. s. 12182, that has been accepted by a federal court in a settlement agreement or court proceeding, or who has been qualified as an expert in Title III of the Americans with Disabilities Act, 42 U.S.C. s. 12182, by a federal court.

Section 82. Effective January 1, 2021, subsection (1) of section 553.74, Florida Statutes, is amended to read:

553.74 Florida Building Commission.—

(1) The Florida Building Commission is created and located within the Department of Business and Professional Regulation for administrative purposes. Members are appointed by the Governor subject to confirmation by the Senate. The commission is composed of 19 ~~27~~ members, consisting of the following members:

(a) One architect licensed under chapter 481 with at least 5 years of experience in the design and construction of buildings designated for Group E or Group I occupancies by the Florida Building Code ~~registered to practice in this state and actively engaged in the profession~~. The American Institute of Architects, Florida Section, is encouraged to recommend a list of candidates for consideration.

(b) One structural engineer registered to practice in this state and actively engaged in the profession. The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.

(c) One air-conditioning contractor, ~~or~~ mechanical contractor, or mechanical engineer certified to do business in this state and actively engaged in the profession. The Florida Air Conditioning Contractors Association, the Florida Refrigeration and Air Conditioning Contractors Association, ~~and~~ the Mechanical Contractors Association of Florida, and the Florida Engineering Society are encouraged to recommend a list of candidates for consideration.

(d) One electrical contractor or electrical engineer certified to do business in this state and actively engaged in the profession. The Florida Association of Electrical Contractors, ~~and~~ the National Electrical Contractors Association, Florida Chapter, and the Florida Engineering Society are encouraged to recommend a list of candidates for consideration.

~~(e) One member from fire protection engineering or technology who is actively engaged in the profession. The Florida Chapter of the Society of Fire Protection Engineers and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.~~

(e)~~(f)~~ One certified general contractor or one certified building contractor certified to do business in this state and actively engaged in the profession. The Associated Builders and Contractors of Florida, the Florida Associated General Contractors Council, the Florida Home Builders Association, and the Union Contractors Association are encouraged to recommend a list of candidates for consideration.

(f)~~(g)~~ One plumbing contractor licensed to do business in this state and actively engaged in the profession. The Florida Association of Plumbing, Heating, and Cooling Contractors is encouraged to recommend a list of candidates for consideration.

(g)~~(h)~~ One roofing or sheet metal contractor certified to do business in this state and actively engaged in the profession. The Florida Roofing, Sheet Metal, and Air Conditioning Contractors Association and the Sheet Metal and Air Conditioning Contractors' National Association are encouraged to recommend a list of candidates for consideration.

(h)~~(i)~~ One certified residential contractor licensed to do business in this state and actively engaged in the profession. The Florida Home Builders Association is encouraged to recommend a list of candidates for consideration.

(i)~~(j)~~ Three members who are municipal, county, or district codes enforcement officials, one of whom is also a fire official. The Building Officials Association of Florida and the Florida Fire Marshals and Inspectors Association are encouraged to recommend a list of candidates for consideration.

~~(k) One member who represents the Department of Financial Services.~~

~~(l) One member who is a county codes enforcement official. The Building Officials Association of Florida is encouraged to recommend a list of candidates for consideration.~~

(j)~~(m)~~ One member of a Florida-based organization of persons with disabilities or a nationally chartered organization of persons with disabilities with chapters in this state which complies with or is certified to be compliant with the requirements of the Americans with Disability Act of 1990, as amended.

(k)~~(n)~~ One member of the manufactured buildings industry who is licensed to do business in this state and is actively engaged in the industry. The Florida Manufactured Housing Association is encouraged to recommend a list of candidates for consideration.

~~(o) One mechanical or electrical engineer registered to practice in this state and actively engaged in the profession. The Florida Engineering Society is encouraged to recommend a list of candidates for consideration.~~

~~(p) One member who is a representative of a municipality or a charter county. The Florida League of Cities and the Florida Association of Counties are encouraged to recommend a list of candidates for consideration.~~

(l)~~(q)~~ One member of the building products manufacturing industry who is authorized to do business in this state and is actively engaged in the industry. The Florida Building Material Association, the Florida Concrete and Products

Association, and the Fenestration Manufacturers Association are encouraged to recommend a list of candidates for consideration.

(m)~~(r)~~ One member who is a representative of the building owners and managers industry who is actively engaged in commercial building ownership or management. The Building Owners and Managers Association is encouraged to recommend a list of candidates for consideration.

(n)~~(s)~~ One member who is a representative of the insurance industry. The Florida Insurance Council is encouraged to recommend a list of candidates for consideration.

~~(t) One member who is a representative of public education.~~

(o)~~(u)~~ One member who is a swimming pool contractor licensed to do business in this state and actively engaged in the profession. The Florida Swimming Pool Association and the United Pool and Spa Association are encouraged to recommend a list of candidates for consideration.

(p)~~(v)~~ One member who is a representative of the Chief Resilience Officer under the Executive Office of the Governor. The Chief Resilience Officer is encouraged to recommend a list of candidates for consideration ~~the green building industry and who is a third-party commission agent, a Florida board member of the United States Green Building Council or Green Building Initiative, a professional who is accredited under the International Green Construction Code (IGCC), or a professional who is accredited under Leadership in Energy and Environmental Design (LEED)~~.

(q)~~(w)~~ One member who is a representative of a natural gas distribution system and who is actively engaged in the distribution of natural gas in this state. The Florida Natural Gas Association is encouraged to recommend a list of candidates for consideration.

~~(x) One member who is a representative of the Department of Agriculture and Consumer Services' Office of Energy. The Commissioner of Agriculture is encouraged to recommend a list of candidates for consideration.~~

~~(y) One member who shall be the chair.~~

Section 83. Subsection (7) of section 558.002, Florida Statutes, is amended to read:

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

(7) "Design professional" means a person, as defined in s. 1.01, licensed or registered in this state as an architect, interior designer, landscape architect, engineer, surveyor, or geologist.

Section 84. Subsection (5) is added to section 823.15, Florida Statutes, to read:

823.15 Dogs and cats released from animal shelters or animal control agencies; sterilization requirement.—

(5)(a) Employees, agents, or contractors of a public or private animal shelter, a humane organization, or an animal control agency operated by a humane organization or by a county, municipality, or other incorporated political subdivision may implant dogs and cats with a radio frequency identification microchip device as part of their work with such public or private animal shelter, humane organization, or animal control agency.

(b) Notwithstanding s. 474.2165, employees, agents, or contractors of a public or private animal shelter, a humane organization, or an animal control agency operated by a humane organization or by a county, municipality, or other incorporated political subdivision may contact the owner of record listed on a radio frequency identification microchip device to verify pet ownership.

Section 85. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2020.

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 the deregulation of professions and occupations; providing a short title; amending s. 287.055, F.S.; conforming provisions to changes made by the act; amending s. 322.57, F.S.; defining the term "servicemember"; requiring the Department of Highway Safety and Motor Vehicles to waive certain commercial driver license requirements for servicemembers and veterans under certain circumstances; requiring rulemaking; amending s. 326.004, F.S.; deleting the requirement for a yacht broker to maintain a separate license for each branch office; deleting the requirement for the division to establish a fee; amending s. 447.02, F.S.; conforming provisions to changes made by the act; repealing ss. 447.04, 447.041, 447.045, and 447.06, F.S., relating to licensure and permit requirements for business agents, hearings for persons or labor organizations denied licensure as a business agent, confidential information obtained during the application process, and required registration of labor organizations, respectively; amending s. 447.09, F.S.; deleting certain prohibited actions relating to the right of franchise of a member of a labor organization; repealing ss. 447.12 and 447.16, F.S., relating to registration fees and applicability; amending s. 447.305, F.S.; deleting a provision that requires notification of registrations and renewals to the department; amending s. 455.213, F.S.; requiring the Department of Business and Professional Regulation or a board to seek reciprocal licensing agreements with other states under certain circumstances; providing requirements; creating s. 455.2278, F.S.; providing definitions; prohibiting the department or a board from suspending or revoking a person's license solely on the basis of a delinquency or default in the payment of his or her student loan; prohibiting the department or a board from suspending or revoking a person's license solely on the basis of a default in satisfying the requirements of his or her work-conditional scholarship; amending s. 456.072, F.S.; providing that failing to repay a student loan issued or guaranteed by the state or the Federal Government in accordance with the terms of the loan is not considered a failure to perform a statutory or legal obligation; repealing s. 456.0721, F.S., relating to practitioners in default on student loan or scholarship obligations; amending s. 456.074; removing the requirements for immediate suspension of a health care practitioner for default on a specified student loan; amending s. 468.401, F.S.; revising a definition; amending s. 468.505, F.S.; providing that certain unlicensed persons are not prohibited or restricted from his or her practice, services, or activities in dietetics and nutrition under certain circumstances; amending 468.524, F.S.; deleting specified exemptions from the time restriction for an employee leasing company to reapply for licensure; amending s. 468.603, F.S.; revising a definition; amending s. 468.609, F.S.; revising certain experience requirements for a person to take the examination for certification; revising the time period a provisional certificate is valid; amending s. 468.613, F.S.; providing for waiver of specified requirements for certification under certain circumstances; amending s. 468.8314, F.S.; requiring an applicant for a license by endorsement to maintain a specified insurance policy; requiring the department to certify an applicant who holds a specified license issued by another state or territory of the United States under certain circumstances; amending s. 471.015, F.S.; revising licensure requirements for engineers who hold specified licenses in another state; amending s. 473.308, F.S.; deleting continuing education requirements for license by endorsement for certified public accountants; amending s. 474.202, F.S.; revising the definition of the term "limited-service veterinary medical practice" to include certain vaccinations or immunizations; amending s. 474.203, F.S.; providing an exemption for a person whose work is solely confined to microchip implantation in dogs and cats; amending s. 474.207, F.S.; revising education requirements for licensure by examination; amending s. 474.217, F.S.; requiring the Department of Business and Professional Regulation to issue a license by endorsement to certain applicants who successfully complete a specified examination; amending s. 476.114, F.S.; revising training requirements for licensure as a barber; amending s. 476.144, F.S.; requiring the department to license an applicant who is licensed to practice barbering in another state; amending s. 477.013, F.S.; revising the definition of the term "hair braiding"; repealing s. 477.0132, F.S., relating to registration for hair braiding, hair wrapping, and body wrapping; amending s. 477.0135, F.S.; providing additional exemptions from license or registration requirements for specified occupations or practices; amending s. 477.019, F.S.; conforming provisions to changes made by the act; amending s. 477.0201, F.S.; providing requirements for registration as a specialist; amending s. 477.026, F.S.; conforming provisions to changes made by the act; amending s. 477.0263, F.S.; authorizing certain persons to perform specified cosmetology services in a location other than a licensed salon under certain circumstances; amending ss. 477.0265 and 477.029, F.S.; conforming provisions to changes made by the act; amending s. 481.201, F.S.; deleting legislative findings relating to the practice of interior design; amending s. 481.203, F.S.; revising definitions; amending s. 481.205, F.S.; conforming provisions to changes

made by the act; amending s. 481.207, F.S.; revising certain fees for interior designers; amending s. 481.209, F.S.; providing requirements for a certificate of registration and a seal for interior designers; conforming provisions to changes made by the act; amending s. 481.213, F.S.; revising requirements for certification of licensure by endorsement for certain licensees to engage in the practice of architecture; providing that registration is not required for specified persons to practice; amending s. 481.2131, F.S.; requiring certain interior designers to include a specified seal when submitting documents for the issuance of a building permit; amending s. 481.215, F.S.; revising the number of hours of specified courses the board must require for the renewal of a license or certificate of registration; authoring licensees to complete certain courses online; amending s. 481.217, F.S.; conforming provisions to changes made by the act; amending s. 481.219, F.S.; deleting provisions permitting the practice of or offer to practice interior design through certain business organizations; deleting provisions requiring certificates of authorization for certain business organizations offering interior design services to the public; requiring a licensee or applicant in the practice of architecture to qualify a business organization; providing requirements; amending 481.221, F.S.; requiring registered architects and certain business organizations to display their license number in specified advertisements; amending s. 481.223, F.S.; providing construction; amending s. 481.2251, F.S.; revising acts that constitute grounds for disciplinary actions relating to interior designers; amending ss. 481.229 and 481.231, F.S.; conforming provisions to changes made by the act; amending s. 481.303, F.S.; deleting the definition of the term "certificate of authorization"; amending s. 481.310, F.S.; providing that an applicant who holds a specified degree is not required to demonstrate 1 year of practical experience for licensure; amending s. 481.311, F.S.; requiring the Board of Landscape Architecture to certify an applicant who holds a specified license issued by another state or territory of the United States under certain circumstances; conforming provisions; amending s. 481.313, F.S.; authorizing a landscape architect to receive hour-for-hour credit for certain approved continuing education courses under certain circumstances; 481.317, F.S.; conforming provisions; amending s. 481.319, F.S.; deleting the requirement for a certificate of authorization; authorizing landscape architects to practice through a corporation or partnership; amending s. 481.321, F.S.; requiring a landscape architect to display their certificate number in specified advertisements; amending s. 481.329, F.S.; conforming a cross-reference; amending s. 489.103, F.S.; revising certain contract prices for exemption; amending s. 489.111, F.S.; providing that an applicant who is exempt from a specified examination is eligible for licensure; amending s. 489.113, F.S.; providing that an applicant holding a specified degree does not have to pass a certain examination; amending s. 489.115, F.S.; requiring the Construction Industry Licensing Board to certify any applicant who holds a specified license to practice contracting issued by another state or territory of the United States under or certain persons licensed by endorsement or reciprocity under certain circumstances; amending s. 489.511, F.S.; requiring the board to certify as qualified for certification by endorsement any applicant who holds a specified license to practice electrical or alarm system contracting issued by another state or territory of the United States under certain circumstances; amending s. 489.517, F.S.; providing a reduction in certain continuing education hours required for certain contractors; amending s. 489.518, F.S.; requiring a person to have completed a specified amount of training within a certain time period to perform the duties of an alarm system agent; amending s. 492.104, F.S.; conforming provisions to changes made by the act; amending 492.108, F.S.; requiring the department to issue a license by endorsement to any applicant who has held a specified license to practice geology in another state, territory, or possession of the United States for a certain period of time; providing that an applicant may take the examination required by the board if they have not met the specified examination requirement; amending s. 492.111, F.S.; deleting the requirements for a certificate of authorization for a professional geologist; amending ss. 492.113 and 492.115, F.S.; conforming provisions; creating s. 509.102, F.S.; providing a definition for the term "mobile food dispensing vehicles"; prohibiting a municipality, county, or other local governmental entity from requiring a separate license, registration, or permit or fee or from operating within the jurisdiction; providing applicability; amending s. 548.003, F.S.; deleting the requirement that the Florida State Boxing Commission adopt rules relating to a knockdown timekeeper; amending s. 548.017, F.S.; deleting the licensure requirement for a timekeeper or announcer; amending s. 553.5141, F.S.; conforming provisions to changes made by the act; amending s. 553.74, F.S.; revising the membership and qualifications of the Florida Building Commission; amending s. 558.002, F.S.; conforming provisions to changes made by the act; amending s. 823.15, F.S.; authorizing certain persons to implant dogs and cats with specified radio frequency identification devices under certain circumstances; authorizing such persons to contact the owner of record listed on such devices; providing effective dates.

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

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

Consideration of **HB 7099** was temporarily postponed.

CS/HB 1085—A bill to be entitled An act relating to veterans treatment court; amending s. 394.47891, F.S.; providing legislative intent; providing definitions; authorizing certain courts to create and administer veterans treatment courts; providing eligibility criteria for participation in the veterans treatment court program; specifying program implementation procedures, components, and policies; requiring participant agreements and specifying requirements for such agreements; specifying that the act does not create a right to participate; providing for liberal construction; deleting provisions addressing the Military Veterans and Servicemembers Court Program; amending ss. 43.51, 910.035, and 948.06, F.S.; conforming provisions to changes made by the act; amending ss. 948.08 and 948.16, F.S.; revising eligibility for pretrial programs; amending s. 948.21, F.S.; providing discretion for a court to impose conditions in specified cases; providing applicability; providing an effective date.

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

CS/CS/CS/HB 1013—A bill to be entitled An act relating to early learning and early grade success; amending s. 20.055, F.S.; conforming provisions to changes made by the act; amending s. 20.15, F.S.; deleting the Office of Early Learning from within the Office of Independent Education and Parental Choice of the Department of Education; establishing the Division of Early Learning within the department; amending s. 39.202, F.S.; conforming provisions to changes made by the act; amending s. 39.604, F.S.; revising approved child care or early education settings for the placement of certain children; conforming a cross-reference to changes made by the act; amending s. 212.08, F.S.; conforming provisions to changes made by the act; amending ss. 383.14, 391.308, and 402.26, F.S.; conforming provisions and cross-references to changes made by the act; transferring, renumbering, and amending s. 402.281, F.S.; revising the requirements of the Gold Seal Quality Care program; requiring the State Board of Education to adopt specified rules; revising accrediting association requirements; providing requirements for accrediting associations; requiring the department to adopt a specified process; providing requirements for such process; deleting a requirement for the department to consult certain entities for specified purposes; providing requirements for certain providers to maintain Gold Seal Quality Care status; providing exemptions to certain ad valorem taxes; providing rate differentials to certain providers; providing for a type two transfer of the Gold Seal Quality Care program in the Department of Children and Families to the Department of Education; providing for the continuation of certain contracts and interagency agreements; amending s. 402.305, F.S.; requiring minimum child care licensing standards adopted between specified dates to be ratified by the Legislature; revising requirements relating to staff trained in cardiopulmonary resuscitation; amending s. 402.315, F.S.; conforming a cross-reference to changes made by the act; amending s. 402.56, F.S.; revising the membership of the Children and Youth Cabinet; amending ss. 411.226, 411.227, 414.295, 1000.01, 1000.02, 1000.03, 1000.04, 1000.21, 1001.02, 1001.03, 1001.10, and 1001.11, F.S.; conforming provisions and cross-references to changes made by the act; repealing s. 1001.213, F.S., relating to the Office of Early Learning;

amending ss. 1001.215, 1001.23, 1001.70, 1001.706, 1002.22, 1002.32, 1002.34, and 1002.36 F.S.; conforming provisions and cross-references to changes made by the act; amending s. 1002.53, F.S.; revising the requirements for certain program provider profiles; requiring students enrolled in the Voluntary Prekindergarten Education Program to participate in a specified screening and progress monitoring program; amending s. 1002.55, F.S.; authorizing certain child development programs operating on a military installment to be private prekindergarten providers within the Voluntary Prekindergarten Education Program; providing that a private prekindergarten provider is ineligible for participation in the program under certain circumstances; revising requirements a prekindergarten instructor must meet; revising requirements for specified courses for prekindergarten instructors; providing that a private school administrator who holds a specified certificate meets certain credential requirements; providing liability insurance requirements for child development programs operating on a military installment participating in the program; requiring early learning coalitions to verify private prekindergarten provider compliance with specified provisions; requiring such coalitions to remove a providers eligibility under specified circumstances; amending s. 1002.57, F.S.; revising the minimum standards for a credential for certain prekindergarten directors; amending s. 1002.59, F.S.; revising requirements for emergent literacy and performance standards training courses for prekindergarten instructors; requiring the department to make certain courses available; amending s. 1002.61, F.S.; authorizing certain child development programs operating on a military installment to be private prekindergarten providers within the summer Voluntary Prekindergarten Education Program; revising the criteria for a teacher to receive priority for the summer program in school district; requiring a child development programs operating on a military installment to comply with specified criteria; requiring early learning coalitions to verify specified information; providing for the removal of a program provider from eligibility under certain circumstances; amending s. 1002.63, F.S.; requiring early learning coalitions to verify specified information; providing for the removal of public school program providers from the program under certain circumstances; amending s. 1002.67, F.S.; revising the performance standards for the Voluntary Prekindergarten Education Program; requiring the department to review and revise performance standards on a specified schedule; revising curriculum requirements for the program; requiring the department to adopt procedures for the review and approval of curricula for the program; deleting a required preassessment and postassessment for the program; creating s. 1002.68, F.S.; requiring providers of the Voluntary Prekindergarten Education Program to participate in a specified screening and progress monitoring program; providing specified uses for the results of such program; requiring certain portions of the screening and progress monitoring program to be administered by individuals who meet specified criteria; requiring the results of specified assessments to be reported to the parents of participating students; providing requirements for such assessments; providing department duties and responsibilities relating to such assessments; providing requirements for a specified methodology used to calculate the results of such assessments; requiring the department to establish a designation system for program providers; providing for the adoption of a minimum performance metric or designation for program participation; providing procedures for a provider whose score or designation falls below the minimum requirement; providing for the revocation of program eligibility for a provider; authorizing the department to grant good cause exemptions to providers under certain circumstances; providing department and provider requirements for such exemptions; repealing s. 1002.69, F.S., relating to Statewide kindergarten screening and readiness rates; amending ss. 1002.71 and 1002.72, F.S.; conforming provisions to changes made by the act; amending s. 1002.73, F.S.; requiring the department to adopt a statewide provider contract; requiring such contract to be published on the department's website; providing requirements for such contract; prohibiting providers from offering services during an appeal of termination from the program; providing applicability; requiring the department to adopt specified procedures relating to the Voluntary Prekindergarten Education Program; providing duties of the department relating to such program; repealing s. 1002.75, F.S., relating to the powers and duties of the Office of Early Learning; repealing s. 1002.77, F.S., relating to the Florida Early Learning Advisory Council; amending ss. 1002.79 and 1002.81, F.S.; conforming provisions and cross-references to changes made by the act; amending s. 1002.82, F.S.; providing duties of the department relating to early learning; exempting certain child development programs operating on a military installment from specified inspection requirements; requiring the department to monitor specified standards and benchmarks for certain purposes; requiring the department to provide specified technical support; revising requirements for a specified assessment program; requiring the department to adopt requirements to make certain contracted slots available to serve specified populations; requiring the department to adopt procedures for the merging of early learning coalitions; revising the requirements for a specified report; amending s. 1002.83, F.S.; revising the number of authorized early learning coalitions; revising the number of and requirements for members of an early learning coalition; revising requirements for such coalitions; amending s. 1002.84, F.S.; revising early learning coalition responsibilities and duties; revising requirements for the waiver of specified copayments; amending s. 1002.85, F.S.; revising the requirements for school readiness program plans; amending s. 1002.88, F.S.; authorizing certain child development programs operating on military instillations to participate in the school readiness program; revising requirements to deliver such program; providing that a specified annual inspection for a child development program participating in the school readiness program meets certain provider requirements; providing requirements for a child development program to meet certain liability requirements; amending ss. 1002.89, 1002.895, and 1002.91, F.S.; conforming provisions and cross-references to changes made by the act; amending s. 1002.92, F.S.; revising the requirements for specified services child care resources and referral agencies must provide; amending s. 1002.93, F.S.; conforming provisions to changes made by the act; repealing s. 1002.94, F.S., relating to the Child Care Executive Partnership Program; amending ss. 1002.95, 1002.96, 1002.97, 1002.995, 1003.575, and 1007.01, F.S.; conforming provisions and cross-references to changes made by the act; creating s. 1008.2125, F.S.; creating the coordinated screening and progress monitoring program within the department for specified purposes; requiring the Commissioner of Education to design such program; providing requirements for the administration of such program and the use of results from the program; providing requirements for the commissioner; creating the Early Grade Success Advisory Committee; providing duties of the committee; providing membership of the committee; requiring the committee to elect a chair and a vice chair; providing requirements for such appointments; providing for per diem for members of the committee; providing meeting requirements for the committee; providing for a quorum of the committee; amending s. 1008.25, F.S.; authorizing certain students who enrolled in the Voluntary Prekindergarten Education Program to receive intensive reading interventions using specified funds; amending ss. 1008.31, 1008.32, and 1008.33, F.S.; conforming provisions to changes made by the act; amending s. 1011.62, F.S.; revising the research-based reading instruction allocation to authorize the use of such funds for certain intensive reading interventions for certain students; revising the requirements for specified reading instruction and interventions; defining the term "evidence-based;" providing appropriations; providing requirements for the use of such funds; providing an effective date.

—was read the second time by title.

Representative Grall offered the following:

(Amendment Bar Code: 297439)

Amendment 1—Remove line 2246 and insert:
minimum performance metric or designation as required by s. 1002.68 of the

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

Representative Grall offered the following:

(Amendment Bar Code: 689275)

Amendment 2—Remove line 2598 and insert:

statewide provider contract adopted by the department to be used with each school

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

Representative Grall offered the following:

(Amendment Bar Code: 661847)

Amendment 3—Remove line 2733 and insert:
surveys that shall be deployed beginning in fiscal year 2021-2022 and be distributed to:

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

Representative Grall offered the following:

(Amendment Bar Code: 768555)

Amendment 4—Remove lines 3576-3578 and insert:
score and program assessment care level composite score results delineated by infant classrooms, toddler classrooms, and preschool classrooms results under s. 1002.82, if applicable.

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

Representative Grall offered the following:

(Amendment Bar Code: 274711)

Amendment 5—Remove line 3988 and insert:
(6) The committee must meet at least biannually and may

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

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

CS/HB 1059—A bill to be entitled An act relating to parental rights; creating chapter 1014, F.S.; creating s. 1014.01, F.S.; providing a short title; creating s. 1014.02, F.S.; providing legislative findings; defining the term "parent"; creating s. 1014.03, F.S.; providing that the state, its political subdivisions, other governmental entities, or other institutions may not infringe on parental rights without demonstrating specified information; creating s. 1014.04, F.S.; providing that a parent of a minor child has specified rights relating to his or her minor child; prohibiting the state from infringing upon specified parental rights; prohibiting specified parental rights from being denied or abridged; providing that certain actions by specified individuals are grounds for disciplinary actions against such individuals; providing constructions; creating s. 1014.05, F.S.; requiring each district school board to develop and adopt a policy to promote parental involvement in the public school system; providing requirements for such policy; defining the term "instructional materials"; authorizing a district school board to provide such policy electronically or on its website; authorizing a parent to request certain information in writing; providing a procedure for the denial of such information; creating s. 1014.06, F.S.; prohibiting certain health care practitioners and their employees from taking specified actions without a parent's written permission; prohibiting a health care facility from allowing certain actions without a parent's written permission; providing exceptions; providing for disciplinary actions and criminal penalties; amending s. 408.813, F.S.; providing that certain violations relating to parental consent are grounds for administrative fines for health care facilities; amending s. 456.072, F.S.; providing that failure to comply with certain parental consent requirements is grounds for disciplinary action for health care practitioners; providing an effective date.

—was read the second time by title.

Representative Grall offered the following:

(Amendment Bar Code: 524171)

Amendment 1—Remove lines 93-95 and insert:
apply to enroll his or her minor child in a public school or, as an alternative to public education, a private school, including a religious school, a home education program, or other available options, as authorized by law.

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

Representative Webb offered the following:

(Amendment Bar Code: 967535)

Amendment 2—Remove lines 98-99 and insert:
(e) The right to make health care decisions consistent with the established standard of care for his or her minor child, unless otherwise prohibited by law.

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

Representative Smith, C. offered the following:

(Amendment Bar Code: 455883)

Amendment 3—Remove lines 136-158 and insert:
her minor child in violation of general law, or is otherwise harmful to the mental, physical, and emotional well-being of a minor or contrary to the minor's best interest;
(b) Condone, authorize, approve, or apply to a parental action or decision that would end life or endanger the health, safety, or well-being of the minor child;
(c) Prohibit a court of competent jurisdiction, law enforcement officer, or employees of a government agency that is responsible for child welfare from acting in his or her official capacity within the reasonable and prudent scope of his or her authority; or
(d) Prohibit a court of competent jurisdiction from issuing an order that is otherwise authorized by law.
(3) An employee of the state, any of its political subdivisions, or any other governmental entity who encourages or coerces, or attempts to encourage or coerce, a minor child to withhold information from his or her parent may be subject to disciplinary action.
(4) A parent of a minor child in this state has inalienable rights that are more comprehensive than those listed in this section, unless such rights have been legally waived or terminated. This chapter does not prescribe all rights to a parent of a minor child in this state. Unless required by law, the rights of a parent of a minor child in this state may not be limited or denied. This chapter may not be construed to apply to a parental action or decision that would end life or endanger the health, safety, or well-being of the minor child.

Rep. C. Smith moved the adoption of the amendment, which failed of adoption.

Representative Valdés offered the following:

(Amendment Bar Code: 741543)

Amendment 4—Remove lines 143-145 and insert:
authority;
(d) Prohibit a court of competent jurisdiction from issuing an order that is otherwise permitted by law; or
(e) Limit the constitutional privacy rights of students and parents, including those rights pursuant to s. 1002.22(2), under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g, and its implementing regulations.

THE SPEAKER IN THE CHAIR

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

Remarks

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

Representative Grall offered the following:

(Amendment Bar Code: 193191)

Amendment 5—Remove lines 173-184 and insert:

(c) Procedures, pursuant to s. 1006.28(2)(a)2., for a parent to object to instructional materials and other materials used in the classroom. Such objections may be based on beliefs regarding morality, sex, and religion or the belief that such materials are harmful. For purposes of this section, the term "instructional materials" has the same meaning as in s. 1006.29(2) and may include other materials used in the classroom, including workbooks and worksheets, handouts, software, applications, and any digital media made available to students.

Rep. Grall moved the adoption of the amendment.

THE SPEAKER PRO TEMPORE IN THE CHAIR

The question recurred on the adoption of **Amendment 5**, which was adopted.

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

HB 163—A bill to be entitled An act relating to homelessness; amending s. 420.621, F.S.; revising and providing definitions; amending s. 420.622, F.S.; increasing the number of members on the Council on Homelessness; revising the duties of the State Office on Homelessness; revising requirements for the state's system of homeless programs; requiring entities that receive state funding to provide summary aggregated data to the council; revising the qualifications for and amount of grant awards to continuum of care lead agencies; requiring continuum of care lead agencies to submit a report to the Department of Children and Families; increasing the minimum number of years for which projects must reserve certain units for the homeless; authorizing, rather than requiring, the Department of Children and Families to adopt certain rules; authorizing the office to administer certain money; creating s. 420.6225, F.S.; specifying the purpose of a continuum of care; requiring each continuum of care to designate a collaborative applicant; providing requirements for such applicants; authorizing such applicants to be referred to as continuum of care lead agencies; providing requirements for continuum of care catchment areas and lead agencies; requiring continuums of care to create continuum of care plans; specifying requirements for such plans; requiring continuums of care to promote participation by all interested individuals and organizations; creating s. 420.6227, F.S.; providing legislative findings and program purpose; establishing a grant-in-aid program to help continuums of care prevent and end homelessness; providing requirements for such program; repealing s. 420.623, F.S., relating to local coalitions for the homeless; repealing s. 420.624, F.S., relating to local homeless assistance continuum of care; repealing s. 420.625, F.S., relating to a grant-in-aid program; amending s. 420.626, F.S.; revising procedures for certain facilities and institutions to implement when discharging specified persons to reduce homelessness; amending s. 420.6265, F.S.; revising the Rapid ReHousing methodology; amending s. 420.6275, F.S.; revising the Housing First methodology; amending s. 420.507, F.S.; conforming cross-references; providing an effective date.

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

HB 641—A bill to be entitled An act relating to funds for the operation of schools; amending s. 1011.62, F.S.; revising the annual allocation to school districts to include an additional calculation of full-time equivalent membership for students who earn a College Board Advanced Placement Capstone Diploma beginning in a specified fiscal year; providing an effective date.

—was read the second time by title.

Representative Plasencia offered the following:

(Amendment Bar Code: 175779)

Amendment 1 (with title amendment)—Between lines 11 and 12, insert:

Section 1. Subsections (7) and (8) of section 1007.27, Florida Statutes, are amended to read:

1007.27 Articulated acceleration mechanisms.—

(7) The International Baccalaureate Program shall be the curriculum in which eligible secondary students are enrolled in a program of studies offered through the International Baccalaureate Program administered by the International Baccalaureate Office. The State Board of Education and the Board of Governors shall specify in the statewide articulation agreement required by s. 1007.23(1) the cutoff scores and International Baccalaureate Examinations which will be used to grant postsecondary credit at Florida College System institutions and universities. Any changes to the articulation agreement, which have the effect of raising the required cutoff score or of changing the International Baccalaureate Examinations which will be used to grant postsecondary credit, shall only apply to students taking International Baccalaureate Examinations after such changes are adopted by the State Board of Education and the Board of Governors. ~~Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection.~~ The specific course for which a student may receive such credit shall be specified in the statewide articulation agreement required by s. 1007.23(1). Students enrolled pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations regardless of whether or not the student achieves a passing score on the examination.

(8) The Advanced International Certificate of Education Program and the International General Certificate of Secondary Education (pre-AICE) Program shall be the curricula in which eligible secondary students are enrolled in programs of study offered through the Advanced International Certificate of Education Program or the International General Certificate of Secondary Education (pre-AICE) Program administered by the University of Cambridge Local Examinations Syndicate. The State Board of Education and the Board of Governors shall specify in the statewide articulation agreement required by s. 1007.23(1) the cutoff scores and Advanced International Certificate of Education examinations which will be used to grant postsecondary credit at Florida College System institutions and universities. Any changes to the cutoff scores, which changes have the effect of raising the required cutoff score or of changing the Advanced International Certification of Education examinations which will be used to grant postsecondary credit, shall apply to students taking Advanced International Certificate of Education examinations after such changes are adopted by the State Board of Education and the Board of Governors. ~~Students shall be awarded a maximum of 30 semester credit hours pursuant to this subsection.~~ The specific course for which a student may receive such credit shall be determined by the Florida College System institution or university that accepts the student for admission. Students enrolled in either program of study pursuant to this subsection shall be exempt from the payment of any fees for administration of the examinations regardless of whether the student achieves a passing score on the examination.

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

Remove line 2 and insert:

An act relating to articulated acceleration mechanisms in education; amending s. 1007.27, F.S.; removing a limitation on the number of semester credit hours a student may be awarded in certain programs;

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

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

CS/HB 467—A bill to be entitled An act relating to physical therapy practice; amending s. 486.021, F.S.; revising and providing definitions; amending s. 486.025, F.S.; revising the powers and duties of the Board of Physical Therapy Practice; creating s. 486.117, F.S.; requiring the board to establish minimum standards of practice for the performance of dry needling by physical therapists; providing construction; providing an effective date.

—was read the second time by title.

Representative Stevenson offered the following:

(Amendment Bar Code: 721931)

Amendment 1 (with title amendment)—Remove lines 139-153 and insert:

(c)1. Completion of at least 25 patient sessions of dry needling performed under the supervision of a physical therapist who holds an active license to practice physical therapy in any state or the District of Columbia, who has actively performed dry needling for at least 1 year, and who documents that he or she has met the supervision and competency requirements and needs no additional supervised sessions to perform dry needling; or

2. Completion of 25 patient sessions of dry needling performed as a physical therapist licensed in any state or in the United States Armed Forces.

(d) A requirement that dry needling may not be performed without patient consent and must be a part of a patient's documented plan of care.

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

(2) The board shall establish additional supervision and training requirements before the performance of dry needling of the head and neck or torso by a physical therapist if the board deems it necessary for patient safety.

(3) The department shall, within existing resources, submit a report to the President of the Senate and the Speaker of the House of Representatives on or before December 31, 2022, detailing the number of physical therapists in the state, the number of physical therapists in the state performing dry needling, any increases or decreases in the number of physical therapists in the state by geographic area, and any adverse medical incidents as defined by the board involving physical therapists in the state performing dry needling.

(4) The performance of dry needling in the practice of

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Remove line 8 and insert:

performance of dry needling, and additional supervision and training requirements for the performance of dry needling of specified areas, by physical therapists; requiring the Department of Health to submit a report to the Legislature by a specified date;

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

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

CS/CS/HB 1095—A bill to be entitled An act relating to underground facility damage prevention and safety; amending s. 556.102, F.S.; providing definitions; amending s. 556.107, F.S.; revising and providing noncriminal violations relating to the transportation of certain hazardous materials; authorizing the State Fire Marshal or his or her agents to issue certain citations; providing enhanced civil penalties; providing disposition of the civil penalty; requiring a report by additional entities; providing requirements for the report; providing civil penalties; amending s. 556.116, F.S.; deleting definitions; requiring certain persons to transmit an incident report to the State Fire Marshal; providing that certain incident reports must be submitted to, and investigated by, the State Fire Marshal or his or her agents; authorizing the State Fire Marshal or his or her agents to issue citations and civil penalties; providing for disposition of the civil penalty; requiring written warnings for certain noncriminal infractions; providing for an enhanced penalty upon conviction for a failure to respond; removing provisions relating to hearings by the Division of Administrative Hearings of certain incidents; creating s. 556.117, F.S.; requiring Sunshine State One-Call of Florida, Inc., to review certain reports and complaints; requiring the corporation to identify areas in the state in need of additional education and to recommend solutions; requiring an annual report to the Governor and the Legislature by a specified date; providing an effective date.

—was read the second time by title.

Representative Fitzenhagen offered the following:

(Amendment Bar Code: 863647)

Amendment 1—Remove line 239 and insert:

~~to excavate pursuant to s. 556.105(1), or would have been~~

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

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

CS/CS/HB 1213—A bill to be entitled An act relating to Holocaust education; amending s. 1003.42, F.S.; including the study of a specified policy against anti-Semitism in specified instruction; providing school district and Department of Education requirements relating to such instruction; authorizing the department to work with certain entities for specified purposes relating to required instruction; providing an effective date.

—was read the second time by title.

Representative Fine offered the following:

(Amendment Bar Code: 292289)

Amendment 1 (with title amendment)—Remove lines 23-43 and insert:

(g)1. The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions, including the policy, definition, and historical and current examples of anti-Semitism, as described in s. 1000.05(7), and the prevention of anti-Semitism. Each school district must annually certify and provide evidence to the department, in a manner prescribed by the department, that the requirements of this paragraph are met. The department shall prepare and offer standards and curriculum for the instruction required by this paragraph and may seek input from the Commissioner of Education's Task Force on Holocaust Education or from any state or nationally recognized Holocaust educational organizations. The department may contract with the Florida Holocaust Museum or other state or nationally recognized Holocaust educational organizations to develop training for instructional personnel and grade-appropriate classroom resources to support the developed curriculum.

2. The second week in November shall be designated as "Holocaust Education Week" in this state in recognition that November is the anniversary of Kristallnacht, widely recognized as a precipitating event that led to the Holocaust.

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

Remove lines 3-8 and insert:

1003.42, F.S.; including certain instruction related to anti-Semitism in the required instruction relating to the Holocaust; providing school district and Department of Education requirements relating to such instruction; authorizing the department to seek input from certain entities for specified purposes relating to such instruction; authorizing the department to contract with specified entities to develop specified training and resources relating to such instruction; designating a certain week as "Holocaust Education Week;"

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

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

CS/CS/CS/HB 1371—A bill to be entitled An act relating to traffic and pedestrian safety; providing a short title; creating s. 316.0756, F.S.; specifying pedestrian crosswalks that may be controlled by yellow rectangular rapid flashing beacon traffic control devices; requiring removal of such devices from, and removal or retrofitting of, certain crosswalks; requiring the Department of Transportation to request that the Federal Government allow replacement of yellow rectangular rapid flashing beacon traffic control devices with red rectangular rapid flashing beacon traffic control devices; providing requirements for replacement of rectangular rapid flashing beacon traffic control devices, or retrofitting or removal of certain crosswalks, if such request is granted; providing a declaration of important state interest; providing an effective date.

—was read the second time by title.

REPRESENTATIVE RASCHEIN IN THE CHAIR

Representative Toledo offered the following:

(Amendment Bar Code: 600521)

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

Section 1. Section 316.0756, Florida Statutes, is created to read:

316.0756 Traffic control signal devices and pedestrian control signals at crosswalks other than at intersections.—

(1) Notwithstanding any law to the contrary, a pedestrian crosswalk on a public highway, street, or road which is located at any point other than at an intersection with another public highway, street, or road must conform to the requirements of the most recent Manual on Uniform Traffic Control Devices and other applicable Department of Transportation standards, manuals, and specifications. Traffic control signal devices and pedestrian control signals at crosswalk locations described in this section must conform to all of the following requirements:

(a) Before the installation of a pedestrian crosswalk on a public highway, street, or road which is located at any point other than at an intersection with another public highway, street, or road, a traffic engineering study must be conducted by a Florida licensed professional engineer, and the study must recommend the installation of such crosswalk.

(b) Coordination of traffic control signal devices at intersections adjacent to the crosswalk shall be taken into consideration as provided in the most recent Manual on Uniform Traffic Control Devices and other applicable Department of Transportation specifications.

(2) By October 1, 2024, the entity with jurisdiction over a public highway, street, or road with a crosswalk described in subsection (1) which is in existence on July 1, 2020, shall ensure that such crosswalk conforms to the requirements of subsection (1). The entity with jurisdiction may alternatively remove any such existing crosswalk.

Section 2. The Legislature finds and declares that this act fulfills an important state interest.

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 traffic and pedestrian safety; creating s. 316.0756, F.S.; requiring a pedestrian crosswalk on a public highway, street, or road which is located at any point other than at an intersection with another public highway, street, or road to conform to specified requirements; requiring traffic control signal devices and pedestrian control signals at such a crosswalk to conform to specified requirements; requiring the entity with jurisdiction over a public highway, street, or road with such a crosswalk to ensure that the crosswalk conforms to such requirements by a specified date; authorizing such entity to alternatively remove any such crosswalk; providing a declaration of important state interest; providing an effective date.

Rep. Toledo moved the adoption of the amendment.

Representative Toledo offered the following:

(Amendment Bar Code: 142711)

Substitute Amendment 1 for Amendment 1 (600521) (with title amendment)—Between lines 57 and 58, insert:

(4)(a) Before the installation of a pedestrian crosswalk on a public highway, street, or road which is located at any point other than at an intersection with another public highway, street, or road, a traffic engineering study must be conducted by a Florida licensed professional engineer which recommends the installation of such crosswalk.

(b) Notwithstanding any law to the contrary, a pedestrian crosswalk on a public highway, street, or road which is located at any point other than at an intersection with another public highway, street, or road must include a pedestrian-facing sign containing language stating duties applicable to a pedestrian.

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Remove line 16 and insert:

request is granted; providing requirements for installation of and signage for a pedestrian crosswalk on a public highway, street, or road which is located at any point other than at an intersection with another public highway, street, or road; providing a declaration of

Rep. Toledo moved the adoption of the substitute amendment, which was adopted.

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

Consideration of **CS/HB 7087** was temporarily postponed.

CS/CS/CS/HB 1339—A bill to be entitled An act relating to community development and housing; amending s. 125.01055, F.S.; authorizing a board of county commissioners to approve development of affordable housing on any parcel zoned for residential, commercial, or industrial use; amending s. 163.01, F.S.; amending the Florida Interlocal Cooperation Act of 1969 to revise the privileges, benefits, powers, and terms that apply to newly created separate legal entities; authorizing private entities to enter into specified loan agreements; authorizing certain bond proceeds to be loaned to private entities for specified types of projects; providing that such loans are deemed a paramount public purpose; amending s. 163.31771, F.S.; revising legislative findings; requiring local governments to adopt ordinances that allow accessory dwelling units in any area zoned for single-family residential use; providing an exception; amending s. 163.31801, F.S.; requiring counties, municipalities, and special districts to include certain data relating to impact fees in their annual financial reports; amending s. 166.04151, F.S.; authorizing governing bodies of municipalities to approve the development of affordable housing on any parcel zoned for residential, commercial, or industrial use; amending s. 320.77, F.S.; revising a certification requirement for mobile home dealer applicants relating to the applicant's business location; amending s. 320.771, F.S.; exempting certain recreational vehicle dealer applicants from a garage liability insurance requirement; amending s. 320.822, F.S.; revising the definition of the term "code"; amending s. 320.8232, F.S.; revising applicable standards for the repair and remodeling of mobile and manufactured homes; amending s. 367.022, F.S.; exempting certain mobile home park owners and mobile home subdivision owners from regulation by the Florida Public Service Commission relating to water and wastewater service; amending s. 420.5087, F.S.; revising the criteria used by a review committee when evaluating and selecting specified applications for state apartment incentive loans; amending s. 420.5095, F.S.; renaming the Community Workforce Housing Innovation Pilot Program as the Community Workforce Housing

Loan Program; requiring the program to provide workforce housing; revising the definition of the term "workforce housing"; deleting the definition of the term "public-private partnership"; authorizing the Florida Housing Finance Corporation to provide loans under the program to applicants for construction of workforce housing; requiring the corporation to establish a certain loan application process; deleting provisions requiring the corporation to provide incentives for local governments to use certain funds; requiring projects to receive priority consideration for funding under certain circumstances; deleting a provision providing for the expedition of local government comprehensive plan amendments to implement a program project; requiring that the corporation award loans at a specified interest rate and for a limited term; conforming provisions to changes made by the act; amending s. 420.531, F.S.; specifying that technical support provided to local governments and community-based organizations includes implementation of the State Apartment Incentive Loan Program; requiring the entity providing training and technical assistance to convene and administer biannual regional workshops; requiring such entity to annually compile and submit certain information to the Legislature and the corporation by a specified date; amending s. 420.9071, F.S.; revising the definition of the term "affordable"; amending s. 420.9073, F.S.; authorizing the corporation to withhold a certain portion of funds distributed from the Local Government Housing Trust Fund to be used for certain transitional housing; prohibiting such funds from being used for specified purposes; requiring the corporation to consult with the Department of Children and Families to create minimum criteria for such housing; providing for the distribution of withheld funds; amending s. 420.9075, F.S.; requiring an optimization plan to be included in local housing assistance plan criteria; revising requirements for reports submitted by counties and certain municipalities to the corporation; amending s. 420.9076, F.S.; revising the membership of local affordable housing advisory committees beginning on a specified date; requiring the committees to perform specified duties annually instead of triennially; requiring locally elected officials serving on advisory committees, or their designees, to attend biannual regional workshops; providing a penalty; amending s. 553.791, F.S.; removing a provision that prohibits the audit of private providers more than a specified number of times annually under certain conditions; prohibiting the audit of a building or structure more than a specified number of times annually under certain conditions; amending s. 723.011, F.S.; providing construction relating to rental agreements and tenancies; providing that a mobile home owner may be required to install permanent improvements as disclosed in the mobile home park prospectus; amending s. 723.012, F.S.; authorizing mobile home park owners to make certain prospectus amendments; providing requirements for the amendment; prohibiting certain costs and expenses from being passed on to existing mobile home owners; amending s. 723.023, F.S.; revising general obligations for mobile home owners; amending s. 723.031, F.S.; specifying a requirement for disclosing and agreeing to a mobile home lot rental increase; revising construction relating to a park owner's disclosure of certain taxes and assessments; amending s. 723.037, F.S.; authorizing mobile home park owners to give notice of lot rental increases for multiple anniversary dates in one notice; providing construction; revising a requirement for a lot rental negotiation committee; amending s. 723.041, F.S.; providing that a mobile home park damaged or destroyed due to natural forces may be rebuilt with the same density as previously approved, permitted, and built; providing construction; amending s. 723.042, F.S.; conforming a provision to changes made by the act; amending s. 723.059, F.S.; authorizing certain mobile home purchasers to assume the remainder of a seller's prospectus; authorizing a mobile home park owner to offer a purchaser any approved prospectus; amending s. 723.061, F.S.; specifying entities that must be provided with a copy of an eviction notice when received by a mobile home owner; specifying the waiver and nonwaiver of certain rights of a mobile home park owner under certain circumstances; requiring the accounting at final hearing of rents received; amending s. 723.076, F.S.; revising procedures related to the election or appointment of new officers or board members in a homeowner's association; amending s. 723.078, F.S.; revising requirements for board elections and ballots; requiring an impartial committee to be responsible for overseeing the election process and complying with ballot requirements; defining the term "impartial committee"; requiring that association bylaws provide a method for determining the winner of an election under certain circumstances; requiring the Division of Florida Condominiums, Timeshares, and Mobile Homes to adopt procedural rules; revising the types of meetings that are not required to be open to members; providing an exception to a provision requiring an officer of an association to provide an affidavit affirming certain information; authorizing meeting notices to be provided by electronic means; providing that the minutes of certain board and committee meetings are privileged and confidential; conforming provisions to changes made by the act; amending s. 723.079, F.S.; revising homeowners' association recordkeeping requirements; revising the timeframes for which certain records are required to be retained and be made available for inspection or photocopying; capping the amount of damages for which an association is liable when a member is denied access to official records; requiring that certain disputes be submitted to mandatory binding arbitration with the division; amending s. 723.1255, F.S.; requiring that certain disputes be submitted to mandatory binding arbitration with the division; providing requirements for such arbitration and fees and costs; requiring the division to adopt rules; reenacting s. 420.507(22)(i), F.S., relating to powers of the Florida Housing Finance Corporation, to incorporate the amendment made to s. 420.5087, F.S., in a reference thereto; reenacting s. 193.018(2), F.S., relating to land owned by a community land trust used to provide affordable housing, to incorporate the amendment made to s. 420.5095, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Representative Yarborough offered the following:

(Amendment Bar Code: 945829)

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

Section 1. Subsection (4) is added to section 125.01055, Florida Statutes, to read:

125.01055 Affordable housing.—

(4) Notwithstanding any other law, local ordinance, or regulation to the contrary, the board of county commissioners may approve the development of housing that is affordable, as defined in s. 420.0004, on any parcel zoned for residential, commercial, or industrial use.

Section 2. Paragraph (d) of subsection (3) of section 129.03, Florida Statutes, is amended to read:

129.03 Preparation and adoption of budget.—

(3) The county budget officer, after tentatively ascertaining the proposed fiscal policies of the board for the next fiscal year, shall prepare and present to the board a tentative budget for the next fiscal year for each of the funds provided in this chapter, including all estimated receipts, taxes to be levied, and balances expected to be brought forward and all estimated expenditures, reserves, and balances to be carried over at the end of the year.

(d) By ~~October 15, 2019, and~~ each October 15 ~~annually thereafter~~, the county budget officer shall electronically submit the following information regarding the final budget and the county's economic status to the Office of Economic and Demographic Research in the format specified by the office:

1. Government spending per resident, including, at a minimum, the spending per resident for the previous 5 fiscal years.

2. Government debt per resident, including, at a minimum, the debt per resident for the previous 5 fiscal years.

3. Median income within the county.

4. The average county employee salary.

5. Percent of budget spent on salaries and benefits for county employees.

6. Number of special taxing districts, wholly or partially, within the county.

7. Annual county expenditures providing for the financing, acquisition, construction, reconstruction, or rehabilitation of housing that is affordable, as that term is defined in s. 420.0004. The reported expenditures must indicate the source of such funds as "federal," "state," "local," or "other," as applicable. The information required by this subparagraph must be included in the submission due by October 15, 2020, and each annual submission thereafter.

Section 3. Paragraph (d) of subsection (7) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(7)

(d) Notwithstanding the provisions of paragraph (c), any separate legal entity created pursuant to this section and controlled by the municipalities or counties of this state or by one or more municipality and one or more county of this state, the membership of which consists or is to consist of municipalities only, counties only, or one or more municipality and one or more county, may, for the purpose of financing or refinancing any capital projects, exercise all powers in connection with the authorization, issuance, and sale of bonds. Notwithstanding any limitations provided in this section, all of the privileges, benefits, powers, and terms of part I of chapter 125, part II of chapter 166, and part I of chapter 159 are ~~shall be~~ fully applicable to such entity. Bonds issued by such entity are ~~shall be~~ deemed issued on behalf of the counties, ~~or~~ municipalities, or private entities which enter into loan agreements with such entity as provided in this paragraph. Any loan agreement executed pursuant to a program of such entity is ~~shall be~~ governed by the provisions of part I of chapter 159 or, in the case of counties, part I of chapter 125, or in the case of municipalities and charter counties, part II of chapter 166. Proceeds of bonds issued by such entity may be loaned to counties or municipalities of this state or a combination of municipalities and counties, whether or not such counties or municipalities are also members of the entity issuing the bonds, or to private entities for projects that are "self-liquidating," as provided in s. 159.02, whether or not such private entities are located within the jurisdictional boundaries of a county or municipality that is a member of the entity issuing the bonds. The issuance of bonds by such entity to fund a loan program to make loans to municipalities, ~~or~~ counties, or private entities or a combination of municipalities, ~~and~~ counties, and private entities with one another for capital projects to be identified subsequent to the issuance of the bonds to fund such loan programs is deemed to be a paramount public purpose. Any entity so created may also issue bond anticipation notes, as provided by s. 215.431, in connection with the authorization, issuance, and sale of such bonds. In addition, the governing body of such legal entity may also authorize bonds to be issued and sold from time to time and may delegate, to such officer, official, or agent of such legal entity as the governing body of such legal entity may select, the power to determine the time; manner of sale, public or private; maturities; rate or rates of interest, which may be fixed or may vary at such time or times and in accordance with a specified formula or method of determination; and other terms and conditions as may be deemed appropriate by the officer, official, or agent so designated by the governing body of such legal entity. However, the amounts and maturities of such bonds and the interest rate or rates of such bonds shall be within the limits prescribed by the governing body of such legal entity and its resolution delegating to such officer, official, or agent the power to authorize the issuance and sale of such bonds. A local government self-insurance fund established under this section may financially guarantee bonds or bond anticipation notes issued or loans made under this subsection. Bonds issued pursuant to this paragraph may be validated as provided in chapter 75. The complaint in any action to validate such bonds shall be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 shall be published only in Leon County, and the complaint and order of the circuit court shall be served only on the State Attorney of the Second Judicial Circuit and on the state attorney of each circuit in each county where the public agencies which were initially a party to the agreement are located. Notice of such proceedings shall be published in the manner and the time required by s. 75.06 in Leon County and in each county where the public agencies which were initially a party to the agreement are located. Obligations of any county or municipality pursuant to a loan agreement as described in this paragraph may be validated as provided in chapter 75.

Section 4. Subsections (1), (3), and (4) of section 163.31771, Florida Statutes, are amended to read:

163.31771 Accessory dwelling units.—

(1) The Legislature finds that the median price of homes in this state has increased steadily over the last decade and at a greater rate of increase than the median income in many urban areas. The Legislature finds that the cost of rental housing has also increased steadily and the cost often exceeds an amount that is affordable to extremely-low-income, very-low-income, low-income, or moderate-income persons and has resulted in a critical shortage of affordable rentals in many urban areas in the state. This shortage of affordable rentals constitutes a threat to the health, safety, and welfare of the residents of the state. Therefore, the Legislature finds that it serves an important public purpose to require ~~encourage~~ the permitting of accessory dwelling units in single-family residential areas in order to increase the availability of affordable rentals for extremely-low-income, very-low-income, low-income, or moderate-income persons.

(3) Each ~~Upon a finding by a local government that there is a shortage of affordable rentals within its jurisdiction, the~~ local government shall ~~may~~ adopt an ordinance to allow accessory dwelling units in any area zoned for single-family residential use, except in an area of critical state concern where the state caps the number of new housing units which may be built within a year.

(4) ~~If the local government adopts an ordinance under this section,~~ An application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons.

Section 5. Subsection (10) is added to section 163.31801, Florida Statutes, to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(10) In addition to the items that must be reported in the annual financial reports under s. 218.32, each county, municipality, and special district must report all of the following data on each impact fee charged:

(a) The specific purpose of the impact fee, including the specific infrastructure needs to be met such as transportation, parks, water, sewer, and schools.

(b) The impact fee schedule policy describing the method of calculating impact fees, such as flat fees, tiered fees based on the number of bedrooms, or tiered fees based on the square footage.

(c) The amount assessed for each purpose and for each type of dwelling.

(d) The total amount of impact fees charged by type of dwelling.

Section 6. Subsection (4) is added to section 166.04151, Florida Statutes, to read:

166.04151 Affordable housing.—

(4) Notwithstanding any other law, local ordinance, or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, on any parcel zoned for residential, commercial, or industrial use.

Section 7. Paragraph (g) is added to subsection (4) of section 166.241, Florida Statutes, to read:

166.241 Fiscal years, budgets, and budget amendments.—

(4) By ~~Beginning October 15, 2019, and~~ each October 15 ~~thereafter~~, the municipal budget officer shall electronically submit the following information regarding the final budget and the municipality's economic status to the Office of Economic and Demographic Research in the format specified by the office:

(g) Annual municipal expenditures providing for the financing, acquisition, construction, reconstruction, or rehabilitation of housing that is affordable, as that term is defined in s. 420.0004. The reported expenditures must indicate the source of such funds as "federal," "state," "local," or "other," as applicable. This information must be included in the submission due by October 15, 2020, and each annual submission thereafter.

Section 8. Subsection (1) of section 196.1978, Florida Statutes, is amended to read:

196.1978 Affordable housing property exemption.—

(1) Property used to provide affordable housing to eligible persons as defined by s. 159.603 and natural persons or families meeting the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, which is owned entirely by a nonprofit entity that is a corporation not for profit, qualified as charitable under s. 501(c)(3) of the Internal Revenue Code and in compliance with Rev. Proc. 96-32, 1996-1 C.B. 717, is considered property owned by an exempt entity and used for a charitable purpose, and those portions of the affordable housing property that provide housing to natural persons or families classified as extremely low income, very low income, low income, or moderate income under s.

420.0004 are exempt from ad valorem taxation to the extent authorized under s. 196.196. All property identified in this section must comply with the criteria provided under s. 196.195 for determining exempt status and applied by property appraisers on an annual basis. The Legislature intends that any property owned by a limited liability company which is disregarded as an entity for federal income tax purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii) be treated as owned by its sole member. If the sole member of the limited liability company that owns the property is also a limited liability company that is disregarded as an entity for federal income tax purposes pursuant to Treasury Regulation 301.7701-3(b)(1)(ii), the Legislature intends that the property be treated as owned by the sole member of the limited liability company that owns the limited liability company that owns the property. Units that are vacant and units that are occupied by natural persons or families whose income no longer meet the income limits of this subsection but whose income met those income limits at the time they became tenants shall be treated as portions of the affordable housing property exempt under this subsection if a recorded land use restriction agreement in favor of the Florida Housing Finance Agency or any other governmental or quasi-government jurisdiction requires that all residential units within the property be used in a manner that qualifies for exemption under this subsection.

Section 9. Paragraph (h) of subsection (3) of section 320.77, Florida Statutes, is amended to read:

320.77 License required of mobile home dealers.—

(3) APPLICATION.—The application for such license shall be in the form prescribed by the department and subject to such rules as may be prescribed by it. The application shall be verified by oath or affirmation and shall contain:

(h) Certification by the applicant:

1. That the location is a permanent one, not a tent or a temporary stand or other temporary quarters.~~; and,~~

2. Except in the case of a mobile home broker, that the location affords sufficient ~~unoccupied~~ space to display ~~store~~ ~~all mobile~~ homes ~~offered and displayed~~ for sale. A space to display a manufactured home as a model home is sufficient to satisfy this requirement.~~; and that~~ The location must be ~~is~~ a suitable place in which the applicant can in good faith carry on business and keep and maintain books, records, and files necessary to conduct such business, which must ~~will~~ be available at all reasonable hours to inspection by the department or any of its inspectors or other employees.

This paragraph does ~~subsection shall~~ not preclude a licensed mobile home dealer from displaying and offering for sale mobile homes in a mobile home park.

The department shall, if it deems necessary, cause an investigation to be made to ascertain if the facts set forth in the application are true and shall not issue a license to the applicant until it is satisfied that the facts set forth in the application are true.

Section 10. Paragraph (j) of subsection (3) of section 320.771, Florida Statutes, is amended to read:

320.771 License required of recreational vehicle dealers.—

(3) APPLICATION.—The application for such license shall be in the form prescribed by the department and subject to such rules as may be prescribed by it. The application shall be verified by oath or affirmation and shall contain:

(j) A statement that the applicant is insured under a garage liability insurance policy, which shall include, at a minimum, $25,000 combined single-limit liability coverage, including bodily injury and property damage protection, and $10,000 personal injury protection, if the applicant is to be licensed as a dealer in, or intends to sell, recreational vehicles. However, a garage liability policy is not required for the licensure of a mobile home dealer who sells only park trailers.

The department shall, if it deems necessary, cause an investigation to be made to ascertain if the facts set forth in the application are true and shall not issue a license to the applicant until it is satisfied that the facts set forth in the application are true.

Section 11. Paragraph (c) of subsection (2) of section 320.822, Florida Statutes, is amended to read:

320.822 Definitions; ss. 320.822-320.862.—In construing ss. 320.822-320.862, unless the context otherwise requires, the following words or phrases have the following meanings:

(2) "Code" means the appropriate standards found in:

(c) The Mobile and Manufactured Home Repair and Remodeling Code and the Used Recreational Vehicle Code.

Section 12. Subsection (2) of section 320.8232, Florida Statutes, is amended to read:

320.8232 Establishment of uniform standards for used recreational vehicles and repair and remodeling code for mobile homes.—

(2) The Mobile and Manufactured Home ~~provisions of the~~ Repair and Remodeling Code must be a uniform code, must ~~shall~~ ensure safe and livable housing, and may ~~shall~~ not be more stringent than those standards required to be met in the manufacture of mobile homes. Such code must ~~provisions shall~~ include~~, but not be limited to,~~ standards for structural adequacy, plumbing, heating, electrical systems, and fire and life safety. All repairs and remodeling of mobile and manufactured homes must be performed in accordance with department rules.

Section 13. Subsection (9) of section 367.022, Florida Statutes, is amended, and subsection (14) is added to that section, to read:

367.022 Exemptions.—The following are not subject to regulation by the commission as a utility nor are they subject to the provisions of this chapter, except as expressly provided:

(9) Any person who resells water service to his or her tenants or to individually metered residents for a fee that does not exceed the actual purchase price of the water and wastewater service plus the actual cost of meter reading and billing, not to exceed 9 percent of the actual cost of service.

(14) The owner of a mobile home park operating both as a mobile home park and a mobile home subdivision, as those terms are defined in s. 723.003, who provides service within the park and subdivision to a combination of both tenants and lot owners, provided that the service to tenants is without specific compensation.

Section 14. Paragraph (c) of subsection (6) of section 420.5087, Florida Statutes, is amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following provisions shall apply:

(c) The corporation shall provide by rule for the establishment of a review committee for the competitive evaluation and selection of applications submitted in this program. The review committee must use evaluation criteria that include, ~~including,~~ but are not limited to, the following ~~criteria~~:

1. Tenant income and demographic targeting objectives of the corporation.

2. Targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.

3. Sponsor's agreement to reserve the units for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, for a time period that exceeds the minimum required by federal law or this part.

4. Sponsor's agreement to reserve more than:

a. Twenty percent of the units in the project for persons or families who have incomes that do not exceed 50 percent of the state or local median income, whichever is higher; or

b. Forty percent of the units in the project for persons or families who have incomes that do not exceed 60 percent of the state or local median income, whichever is higher, without requiring a greater amount of the loans as provided in this section.

5. Provision for tenant counseling.

6. Sponsor's agreement to accept rental assistance certificates or vouchers as payment for rent.

7. Projects requiring the least amount of a state apartment incentive loan compared to overall project cost, except that the share of the loan attributable

to units serving extremely-low-income persons must be excluded from this requirement.

8. Local government contributions and local government comprehensive planning and activities that promote affordable housing and policies that promote access to public transportation, reduce the need for onsite parking, and expedite permits for affordable housing projects.

9. Project feasibility.

10. Economic viability of the project.

11. Commitment of first mortgage financing.

12. Sponsor's prior experience. This criterion may not require a sponsor to have prior experience with the corporation to qualify for financing under the program.

13. Sponsor's ability to proceed with construction.

14. Projects that directly implement or assist welfare-to-work transitioning.

15. Projects that reserve units for extremely-low-income persons.

16. Projects that include green building principles, storm-resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance.

17. Job-creation rate of the developer and general contractor, as provided in s. 420.507(47).

Section 15. Section 420.5095, Florida Statutes, is amended to read:

420.5095 Community Workforce Housing Loan ~~Innovation Pilot~~ Program.—

(1) The Legislature finds and declares that recent rapid increases in the median purchase price of a home and the cost of rental housing have far outstripped the increases in median income in the state, ~~preventing essential services personnel from living in the communities where they serve and thereby~~ creating the need for innovative solutions for the provision of housing opportunities ~~for essential services personnel~~.

(2) The Community Workforce Housing Loan ~~Innovation Pilot~~ Program is created to provide ~~affordable rental and home ownership community~~ workforce housing for persons ~~essential services personnel~~ affected by the high cost of housing~~, using regulatory incentives and state and local funds to promote local public-private partnerships and leverage government and private resources~~.

(3) For purposes of this section, the term~~:~~

~~(a)~~ "workforce housing" means housing affordable to natural persons or families whose total annual household income does not exceed 80 ~~140~~ percent of the area median income, adjusted for household size, or 120 ~~150~~ percent of area median income, adjusted for household size, in areas of critical state concern designated under s. 380.05, for which the Legislature has declared its intent to provide affordable housing, and areas that were designated as areas of critical state concern for at least 20 consecutive years before ~~prior to~~ removal of the designation.

~~(b) "Public-private partnership" means any form of business entity that includes substantial involvement of at least one county, one municipality, or one public sector entity, such as a school district or other unit of local government in which the project is to be located, and at least one private sector for-profit or not-for-profit business or charitable entity, and may be any form of business entity, including a joint venture or contractual agreement.~~

(4) The Florida Housing Finance Corporation may ~~is authorized to~~ provide loans under the ~~Community Workforce Housing Innovation Pilot~~ program ~~loans~~ to applicants ~~an applicant~~ for construction ~~or rehabilitation~~ of workforce housing ~~in eligible areas. This funding is intended to be used with other public and private sector resources~~.

(5) The corporation shall establish a loan application process under s. 420.5087 ~~by rule which includes selection criteria, an application review process, and a funding process~~. ~~The corporation shall also establish an application review committee that may include up to three private citizens representing the areas of housing or real estate development, banking, community planning, or other areas related to the development or financing of workforce and affordable housing~~.

~~(a) The selection criteria and application review process must include a procedure for curing errors in the loan applications which do not make a substantial change to the proposed project.~~

~~(b) To achieve the goals of the pilot program, the application review committee may approve or reject loan applications or responses to questions raised during the review of an application due to the insufficiency of information provided.~~

~~(c) The application review committee shall make recommendations concerning program participation and funding to the corporation's board of directors.~~

~~(d) The board of directors shall approve or reject loan applications, determine the tentative loan amount available to each applicant, and rank all approved applications.~~

~~(e) The board of directors shall decide which approved applicants will become program participants and determine the maximum loan amount for each program participant.~~

~~(6) The corporation shall provide incentives for local governments in eligible areas to use local affordable housing funds, such as those from the State Housing Initiatives Partnership Program, to assist in meeting the affordable housing needs of persons eligible under this program. Local governments are authorized to use State Housing Initiative Partnership Program funds for persons or families whose total annual household income does not exceed:~~

~~(a) One hundred and forty percent of the area median income, adjusted for household size; or~~

~~(b) One hundred and fifty percent of the area median income, adjusted for household size, in areas that were designated as areas of critical state concern for at least 20 consecutive years prior to the removal of the designation and in areas of critical state concern, designated under s. 380.05, for which the Legislature has declared its intent to provide affordable housing.~~

~~(7) Funding shall be targeted to innovative projects in areas where the disparity between the area median income and the median sales price for a single-family home is greatest, and where population growth as a percentage rate of increase is greatest. The corporation may also fund projects in areas where innovative regulatory and financial incentives are made available. The corporation shall fund at least one eligible project in as many counties and regions of the state as is practicable, consistent with program goals.~~

(6)~~(8)~~ Projects must be given ~~shall receive~~ priority consideration for funding if ~~where~~:

(a) The local jurisdiction has adopted, or is committed to adopting, appropriate regulatory incentives, ~~or the local jurisdiction or public private partnership has adopted or is committed to adopting~~ local contributions or financial strategies, or other funding sources to promote the development and ongoing financial viability of such projects. Local incentives include such actions as expediting review of development orders and permits, supporting development near transportation hubs and major employment centers, and adopting land development regulations designed to allow flexibility in densities, use of accessory units, mixed-use developments, and flexible lot configurations. Financial strategies include such actions as promoting employer-assisted housing programs, providing tax increment financing, and providing land.

~~(b) Projects are innovative and include new construction or rehabilitation; mixed-income housing; commercial and housing mixed-use elements; innovative design; green building principles; storm-resistant construction; or other elements that reduce long-term costs relating to maintenance, utilities, or insurance and promote homeownership. The program funding may not exceed the costs attributable to the portion of the project that is set aside to provide housing for the targeted population.~~

(b)~~(c)~~ The projects ~~that~~ set aside at least 50 ~~at least 80~~ percent of the units for workforce housing ~~and at least 50 percent for essential services personnel and for projects that require the least amount of program funding compared to the overall housing costs for the project~~.

~~(9) Notwithstanding s. 163.3184(4)(b)(d), any local government comprehensive plan amendment to implement a Community Workforce Housing Innovation Pilot Program project found consistent with this section shall be expedited as provided in this subsection. At least 30 days prior to adopting a plan amendment under this subsection, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include its evaluation related to site suitability and availability of facilities and services. The public notice of the hearing~~

~~required by s. 163.3184(11)(b)2. shall include a statement that the local government intends to use the expedited adoption process authorized by this subsection. Such amendments shall require only a single public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(4)(e). Any further proceedings shall be governed by s. 163.3184(5) (13).~~

~~(10) The processing of approvals of development orders or development permits, as defined in s. 163.3164, for innovative community workforce housing projects shall be expedited.~~

(7)~~(11)~~ The corporation shall award loans with a 1 ~~interest rates set at 1 to 3~~ percent interest rate for a term that does not exceed 15 years~~, which may be made forgivable when long-term affordability is provided and when at least 80 percent of the units are set aside for workforce housing and at least 50 percent of the units are set aside for essential services personnel~~.

~~(12) All eligible applications shall:~~

~~(a) For home ownership, limit the sales price of a detached unit, townhome, or condominium unit to not more than 90 percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher, and require that all eligible purchasers of home ownership units occupy the homes as their primary residence.~~

~~(b) For rental units, restrict rents for all workforce housing serving those with incomes at or below 120 percent of area median income at the appropriate income level using the restricted rents for the federal low-income housing tax credit program and, for workforce housing units serving those with incomes above 120 percent of area median income, restrict rents to those established by the corporation, not to exceed 30 percent of the maximum household income adjusted to unit size.~~

~~(c) Demonstrate that the applicant is a public-private partnership in an agreement, contract, partnership agreement, memorandum of understanding, or other written instrument signed by all the project partners.~~

~~(d) Have grants, donations of land, or contributions from the public-private partnership or other sources collectively totaling at least 10 percent of the total development cost or $2 million, whichever is less. Such grants, donations of land, or contributions must be evidenced by a letter of commitment, agreement, contract, deed, memorandum of understanding, or other written instrument at the time of application. Grants, donations of land, or contributions in excess of 10 percent of the development cost shall increase the application score.~~

~~(e) Demonstrate how the applicant will use the regulatory incentives and financial strategies outlined in subsection (8) from the local jurisdiction in which the proposed project is to be located. The corporation may consult with the Department of Economic Opportunity in evaluating the use of regulatory incentives by applicants.~~

~~(f) Demonstrate that the applicant possesses title to or site control of land and evidences availability of required infrastructure.~~

~~(g) Demonstrate the applicant's affordable housing development and management experience.~~

~~(h) Provide any research or facts available supporting the demand and need for rental or home ownership workforce housing for eligible persons in the market in which the project is proposed.~~

~~(13) Projects may include manufactured housing constructed after June 1994 and installed in accordance with mobile home installation standards of the Department of Highway Safety and Motor Vehicles.~~

(8)~~(14)~~ The corporation may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

~~(15) The corporation may use a maximum of 2 percent of the annual program appropriation for administration and compliance monitoring.~~

~~(16) The corporation shall review the success of the Community Workforce Housing Innovation Pilot Program to ascertain whether the projects financed by the program are useful in meeting the housing needs of eligible areas and shall include its findings in the annual report required under s. 420.511(3).~~

Section 16. Section 420.518, Florida Statutes, is created to read:

420.518 Fraudulent or material misrepresentation.—

(1) An applicant or affiliate of an applicant may be precluded from participation in any corporation program if the applicant or affiliate of the applicant has:

1. Made a material misrepresentation or engaged in fraudulent actions in connection with any corporation program.

2. Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the financing, construction, or management of affordable housing or the fraudulent procurement of state or federal funds. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such guilt.

3. Been excluded from any federal funding program related to the provision of housing.

4. Been excluded from any Florida procurement programs.

5. Offered or given consideration, other than the consideration to provide affordable housing, with respect to a local contribution.

6. Demonstrated a pattern of noncompliance and a failure to correct any such noncompliance after notice from the corporation in the construction, operation, or management of one or more developments funded through a corporation program.

(2) Upon a determination by the board of directors of the corporation that an applicant or affiliate of the applicant be precluded from participation in any corporation program, the board may issue an order taking any or all of the following actions:

(a) Preclude such applicant or affiliate from applying for funding from any corporation program for a specified period. The period may be a specified period of time or permanent in nature. With regard to establishing the duration, the board shall consider the facts and circumstances, inclusive of the compliance history of the applicant or affiliate of the applicant, the type of action under subsection (1), and the degree of harm to the corporation's programs that has been or may be done.

(b) Revoke any funding previously awarded by the corporation for any development for which construction or rehabilitation has not commenced.

(3) Before any order issued under this section can be final, an administrative complaint must be served on the applicant, affiliate of the applicant, or its registered agent that provides notification of findings of the board, the intended action, and the opportunity to request a proceeding pursuant to ss. 120.569 and 120.57.

(4) Any funding, allocation of federal housing credits, credit underwriting procedures, or application review for any development for which construction or rehabilitation has not commenced may be suspended by the corporation upon the service of an administrative complaint on the applicant, affiliate of the applicant, or its registered agent. The suspension shall be effective from the date the administrative complaint is served until an order issued by the corporation in regard to that complaint becomes final.

Section 17. Section 420.531, Florida Statutes, is amended to read:

420.531 Affordable Housing Catalyst Program.—

(1) The corporation shall operate the Affordable Housing Catalyst Program for the purpose of securing the expertise necessary to provide specialized technical support to local governments and community-based organizations to implement the HOME Investment Partnership Program, State Apartment Incentive Loan Program, State Housing Initiatives Partnership Program, and other affordable housing programs. To the maximum extent feasible, the entity to provide the necessary expertise must be recognized by the Internal Revenue Service as a nonprofit tax-exempt organization. It must have as its primary mission the provision of affordable housing training and technical assistance, an ability to provide training and technical assistance statewide, and a proven track record of successfully providing training and technical assistance under the Affordable Housing Catalyst Program. The technical support shall, at a minimum, include training relating to the following key elements of the partnership programs:

(a)~~(1)~~ Formation of local and regional housing partnerships as a means of bringing together resources to provide affordable housing.

(b)~~(2)~~ Implementation of regulatory reforms to reduce the risk and cost of developing affordable housing.

(c)~~(3)~~ Implementation of affordable housing programs included in local government comprehensive plans.

(d)~~(4)~~ Compliance with requirements of federally funded housing programs.

(2) In consultation with the corporation, the entity providing statewide training and technical assistance shall convene and administer biannual regional workshops for the locally elected officials serving on affordable housing advisory committees as provided in s. 420.9076. The regional workshops may be conducted through teleconferencing or other technological means and must include processes and programming that facilitate peer-to-peer identification and sharing of best affordable housing practices among the locally elected officials. Annually, the entity providing statewide training and technical assistance must compile calendar year reports summarizing the deliberations, actions, and recommendations of each region, as well as the attendance records of locally elected officials, and must submit such reports to the President of the Senate, the Speaker of the House of Representatives, and the corporation by March 31 of the following year.

Section 18. Subsection (2) of section 420.9071, Florida Statutes, is amended to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(2) "Affordable" means that monthly rents or monthly mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in subsection (19), subsection (20), or subsection (28). However, it is not the intent to limit an individual household's ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark. The term also includes housing provided by a not-for-profit corporation that derives at least 75 percent of its annual revenues from contracts or services provided to a state or federal agency, for low-income persons and low-income households, that provides treatment for persons who suffer from mental health issues, substance abuse, or domestic violence; and that provides on-premises social and community support services, including job training, life skills training, alcohol and substance abuse disorder treatment, child care, and client case management services.

Section 19. Subsection (7) of section 420.9073, Florida Statutes, is renumbered as subsection (8), and a new subsection (7) is added to that section to read:

420.9073 Local housing distributions.—

(7) Notwithstanding subsections (1)-(4), the corporation may withhold up to 5 percent of the total amount distributed each fiscal year from the Local Government Housing Trust Fund to provide additional funding to counties and eligible municipalities for the construction of transitional housing for persons aging out of foster care. Funds may not be used for the design or planning of transitional housing and the housing must be constructed on campuses that provide housing for persons in foster care or persons aging out of foster care pursuant to s. 409.1451. The corporation must consult with the Department of Children and Families to create minimum criteria for such housing. Any portion of the withheld funds not distributed or committed by the end of the fiscal year shall be distributed as provided in subsections (1) and (2).

Section 20. Paragraph (j) is added to subsection (10) of section 420.9075, Florida Statutes, to read:

420.9075 Local housing assistance plans; partnerships.—

(10) Each county or eligible municipality shall submit to the corporation by September 15 of each year a report of its affordable housing programs and accomplishments through June 30 immediately preceding submittal of the report. The report shall be certified as accurate and complete by the local government's chief elected official or his or her designee. Transmittal of the annual report by a county's or eligible municipality's chief elected official, or his or her designee, certifies that the local housing incentive strategies, or, if applicable, the local housing incentive plan, have been implemented or are in the process of being implemented pursuant to the adopted schedule for implementation. The report must include, but is not limited to:

(j) The number of affordable housing applications submitted, the number approved, and the number denied.

Section 21. Subsections (2) and (4) of section 420.9076, Florida Statutes, are amended, and subsection (10) is added to that section, to read:

420.9076 Adoption of affordable housing incentive strategies; committees.—

(2) The governing board of a county or municipality shall appoint the members of the affordable housing advisory committee. Pursuant to the terms of any interlocal agreement, a county and municipality may create and jointly appoint an advisory committee. The local action adopted pursuant to s. 420.9072 which creates the advisory committee and appoints the advisory committee members must name at least 8 but not more than 11 committee members and specify their terms. Effective October 1, 2020, the committee must consist of one locally elected official from each county or municipality participating in the State Housing Initiatives Partnership Program and one representative from at least six of the categories below:

(a) A citizen who is actively engaged in the residential home building industry in connection with affordable housing.

(b) A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.

(c) A citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.

(d) A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.

(e) A citizen who is actively engaged as a for-profit provider of affordable housing.

(f) A citizen who is actively engaged as a not-for-profit provider of affordable housing.

(g) A citizen who is actively engaged as a real estate professional in connection with affordable housing.

(h) A citizen who actively serves on the local planning agency pursuant to s. 163.3174. If the local planning agency is comprised of the governing board of the county or municipality, the governing board may appoint a designee who is knowledgeable in the local planning process.

(i) A citizen who resides within the jurisdiction of the local governing body making the appointments.

(j) A citizen who represents employers within the jurisdiction.

(k) A citizen who represents essential services personnel, as defined in the local housing assistance plan.

(4) Annually ~~Triennially~~, the advisory committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, procedures, regulations, ordinances, or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, each advisory committee shall submit an annual ~~a~~ report to the local governing body and to the entity providing statewide training and technical assistance for the Affordable Housing Catalyst Program which ~~that~~ includes recommendations on~~, and triennially thereafter evaluates~~ the implementation of~~,~~ affordable housing incentives in the following areas:

(a) The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects, as provided in s. 163.3177(6)(f)3.

(b) All allowable fee waivers provided ~~The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment~~ for the development or construction of affordable housing.

(c) The allowance of flexibility in densities for affordable housing.

(d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.

(e) ~~The allowance of~~ Affordable accessory residential units ~~in residential zoning districts~~.

(f) The reduction of parking and setback requirements for affordable housing.

(g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.

(h) The modification of street requirements for affordable housing.

(i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

(j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

(k) The support of development near transportation hubs and major employment centers and mixed-use developments.

The advisory committee recommendations may also include other affordable housing incentives identified by the advisory committee. Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program shall perform an ~~the~~ initial review but may elect to not perform the annual ~~triennial~~ review.

(10) The locally elected official serving on an advisory committee, or a locally elected designee, must attend biannual regional workshops convened and administered under the Affordable Housing Catalyst Program as provided in s. 420.531(2). If the locally elected official or locally elected designee fails to attend three consecutive regional workshops, the corporation may withhold funds pending the person's attendance at the next regularly scheduled biannual meeting.

Section 22. Section 423.02, Florida Statutes, is amended to read:

423.02 Housing projects exempted from taxes and assessments; payments in lieu thereof.—The housing projects, including all property of housing authorities used for or in connection therewith or appurtenant thereto, of housing authorities shall be exempt from all taxes and special assessments of the state or any city, town, county, or political subdivision of the state, provided, however, that in lieu of such taxes or special assessments a housing authority may agree to make payments to any city, town, county or political subdivision of the state for services, improvements or facilities furnished by such city, town, county or political subdivision for the benefit of a housing project owned by the housing authority, but in no event shall such payments exceed the estimated cost to such city, town, county or political subdivision of the services, improvements or facilities to be so furnished. A city, town, county, or political subdivision of the state may not rename, modify terminology, or otherwise change a tax or assessment with the intent to circumvent the exemption provided under this section, which must be interpreted broadly to protect housing authorities from taxation or assessment.

Section 23. Subsection (4) of section 723.011, Florida Statutes, is amended to read:

723.011 Disclosure prior to rental of a mobile home lot; prospectus, filing, approval.—

(4) With regard to a tenancy in existence on the effective date of this chapter, the prospectus or offering circular offered by the mobile home park owner must ~~shall~~ contain the same terms and conditions as rental agreements offered to all other mobile home owners residing in the park on the effective date of this act, excepting only rent variations based upon lot location and size, and may ~~shall~~ not require any mobile home owner to install any permanent improvements, except that the mobile home owner may be required to install permanent improvements to the mobile home as disclosed in the prospectus.

Section 24. Subsection (5) of section 723.012, Florida Statutes, is amended to read:

723.012 Prospectus or offering circular.—The prospectus or offering circular, which is required to be provided by s. 723.011, must contain the following information:

(5) A description of the recreational and other common facilities, if any, that will be used by the mobile home owners, including, but not limited to:

(a) The number of buildings and each room thereof and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, and approximate deck size and capacity and whether heated.

(c) All other facilities and permanent improvements that ~~which~~ will serve the mobile home owners.

(d) A general description of the items of personal property available for use by the mobile home owners.

(e) A general description of the days and hours that facilities will be available for use.

(f) A statement as to whether all improvements are complete and, if not, their estimated completion dates.

If a mobile home park owner intends to include additional property and mobile home lots and to increase the number of lots that will use the shared facilities of the park, the mobile home park owner must amend the prospectus to disclose such additions. If the number of mobile home lots in the park increases by more than 15 percent of the total number of lots in the original prospectus, the mobile home park owner must reasonably offset the impact of the additional lots by increasing the shared facilities. The amendment to the prospectus must include a reasonable timeframe for providing the required additional shared facilities. The costs and expenses necessary to increase the shared facilities may not be passed on or passed through to the existing mobile home owners.

Section 25. Section 723.023, Florida Statutes, is amended to read:

723.023 Mobile home owner's general obligations.—A mobile home owner shall ~~at all times~~:

(1) At all times comply with all obligations imposed on mobile home owners by applicable provisions of building, housing, and health codes, including compliance with all building permits and construction requirements for construction on the mobile home and lot. The home owner is responsible for all fines imposed by the local government for noncompliance with any local codes.

(2) At all times keep the mobile home lot that ~~which~~ he or she occupies clean, neat, and sanitary, and maintained in compliance with all local codes.

(3) At all times comply with properly promulgated park rules and regulations and require other persons on the premises with his or her consent to comply with such rules and to conduct themselves, and other persons on the premises with his or her consent, in a manner that does not unreasonably disturb other residents of the park or constitute a breach of the peace.

(4) Receive written approval from the mobile home park owner before making any exterior modification or addition to the home.

(5) When vacating the premises, remove any debris and other property of any kind which is left on the mobile home lot.

Section 26. Subsection (5) of section 723.031, Florida Statutes, is amended to read:

723.031 Mobile home lot rental agreements.—

(5) The rental agreement must ~~shall~~ contain the lot rental amount and services included. An increase in lot rental amount upon expiration of the term of the lot rental agreement must ~~shall~~ be in accordance with ss. 723.033 and 723.037 or s. 723.059(4), whichever is applicable;~~,~~ provided that, pursuant to s. 723.059(4), the amount of the lot rental increase is disclosed and agreed to by the purchaser, in writing. An increase in lot rental amount shall not be arbitrary or discriminatory between similarly situated tenants in the park. A lot rental amount may not be increased during the term of the lot rental agreement, except:

(a) When the manner of the increase is disclosed in a lot rental agreement with a term exceeding 12 months and which provides for such increases not more frequently than annually.

(b) For pass-through charges as defined in s. 723.003.

(c) That a charge may not be collected which results in payment of money for sums previously collected as part of the lot rental amount. The provisions hereof notwithstanding, the mobile home park owner may pass on, at any time during the term of the lot rental agreement, ad valorem property taxes, non-ad valorem assessments, and utility charges, or increases of either, provided that the ad valorem property taxes, non-ad valorem assessments, and utility charges are not otherwise being collected in the remainder of the lot rental amount and provided further that the passing on of such ad valorem taxes, non-ad valorem assessments, or utility charges, or increases of either, was disclosed prior to tenancy, was being passed on as a matter of custom between the mobile home park owner and the mobile home owner, or such passing on was authorized by law. A park owner is deemed to have disclosed the passing on of ad valorem property taxes and non-ad valorem assessments if

ad valorem property taxes or non-ad valorem assessments were disclosed as a separate charge or a factor for increasing the lot rental amount in the prospectus or rental agreement. Such ad valorem taxes, non-ad valorem assessments, and utility charges shall be a part of the lot rental amount as defined by this chapter. The term "non-ad valorem assessments" has the same meaning as provided in s. 197.3632(1)(d). Other provisions of this chapter notwithstanding, pass-on charges may be passed on only within 1 year of the date a mobile home park owner remits payment of the charge. A mobile home park owner is prohibited from passing on any fine, interest, fee, or increase in a charge resulting from a park owner's payment of the charge after the date such charges become delinquent. A mobile home park owner is prohibited from charging or collecting from the mobile home owners any sum for ad valorem taxes or non-ad valorem tax charges in an amount in excess of the sums remitted by the park owner to the tax collector. Nothing herein shall prohibit a park owner and a homeowner from mutually agreeing to an alternative manner of payment to the park owner of the charges.

(d) If a notice of increase in lot rental amount is not given 90 days before the renewal date of the rental agreement, the rental agreement must remain under the same terms until a 90-day notice of increase in lot rental amount is given. The notice may provide for a rental term shorter than 1 year in order to maintain the same renewal date.

Section 27. Subsection (1) and paragraph (a) of subsection (4) of section 723.037, Florida Statutes, are amended to read:

723.037 Lot rental increases; reduction in services or utilities; change in rules and regulations; mediation.—

(1) A park owner shall give written notice to each affected mobile home owner and the board of directors of the homeowners' association, if one has been formed, at least 90 days before any increase in lot rental amount or reduction in services or utilities provided by the park owner or change in rules and regulations. The park owner may give notice of all increases in lot rental amount for multiple anniversary dates in the same 90-day notice. The notice must ~~shall~~ identify all other affected homeowners, which may be by lot number, name, group, or phase. If the affected homeowners are not identified by name, the park owner shall make the names and addresses available upon request. However, this requirement does not authorize the release of the names, addresses, or other private information about the homeowners to the association or any other person for any other purpose. The home owner's right to the 90-day notice may not be waived or precluded by a home owner, or the homeowners' committee, in an agreement with the park owner. Rules adopted as a result of restrictions imposed by governmental entities and required to protect the public health, safety, and welfare may be enforced prior to the expiration of the 90-day period but are not otherwise exempt from the requirements of this chapter. Pass-through charges must be separately listed as to the amount of the charge, the name of the governmental entity mandating the capital improvement, and the nature or type of the pass-through charge being levied. Notices of increase in the lot rental amount due to a pass-through charge must ~~shall~~ state the additional payment and starting and ending dates of each pass-through charge. The homeowners' association shall have no standing to challenge the increase in lot rental amount, reduction in services or utilities, or change of rules and regulations unless a majority of the affected homeowners agree, in writing, to such representation.

(4)(a) A committee, not to exceed five in number, designated by a majority of the affected mobile home owners or by the board of directors of the homeowners' association, if applicable, and the park owner shall meet, at a mutually convenient time and place no later than 60 days before the effective date of the change to discuss the reasons for the increase in lot rental amount, reduction in services or utilities, or change in rules and regulations. The negotiating committee shall make a written request for a meeting with the park owner or subdivision developer to discuss those matters addressed in the 90-day notice, and may include in the request a listing of any other issue, with supporting documentation, that the committee intends to raise and discuss at the meeting. The committee shall address all lot rental amount increases that are specified in the notice of lot rental amount increase, regardless of the effective date of the increase.

This subsection is not intended to be enforced by civil or administrative action. Rather, the meetings and discussions are intended to be in the nature of settlement discussions prior to the parties proceeding to mediation of any dispute.

Section 28. Subsections (5) and (6) are added to section 723.041, Florida Statutes, to read:

723.041 Entrance fees; refunds; exit fees prohibited; replacement homes.—

(5) A mobile home park that is damaged or destroyed due to wind, water, or other natural force may be rebuilt on the same site with the same density as was approved, permitted, and built before the park was damaged or destroyed.

(6) This section does not limit the regulation of the uniform firesafety standards established under s. 633.206, but supersedes any other density, separation, setback, or lot size regulation adopted after initial permitting and construction of the mobile home park.

Section 29. Section 723.042, Florida Statutes, is amended to read:

723.042 Provision of improvements.—A ~~No~~ person may not ~~shall~~ be required by a mobile home park owner or developer, as a condition of residence in the mobile home park, to provide any improvement unless the requirement is disclosed pursuant to s. 723.012(7) ~~s. 723.011~~ prior to occupancy in the mobile home park.

Section 30. Subsections (3) and (4) of section 723.059, Florida Statutes, are amended to read:

723.059 ~~Rights of~~ Purchaser of a mobile home within a mobile home park.—

(3) The purchaser of a mobile home who intends to become ~~becomes~~ a resident of the mobile home park in accordance with this section has the right to assume the remainder of the term of any rental agreement then in effect between the mobile home park owner and the seller and may assume the seller's prospectus. However, nothing herein shall prohibit a mobile home park owner from offering the purchaser of a mobile home any approved prospectus ~~shall be entitled to rely on the terms and conditions of the prospectus or offering circular as delivered to the initial recipient~~.

(4) However, nothing herein shall be construed to prohibit a mobile home park owner from increasing the rental amount to be paid by the purchaser upon the expiration of the assumed rental agreement in an amount deemed appropriate by the mobile home park owner, so long as such increase is disclosed to the purchaser prior to his or her occupancy and is imposed in a manner consistent with the purchaser's ~~initial offering circular or~~ prospectus and this act.

Section 31. Paragraph (d) of subsection (1) of section 723.061, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

723.061 Eviction; grounds, proceedings.—

(1) A mobile home park owner may evict a mobile home owner, a mobile home tenant, a mobile home occupant, or a mobile home only on one or more of the following grounds:

(d) Change in use of the land comprising the mobile home park, or the portion thereof from which mobile homes are to be evicted, from mobile home lot rentals to some other use, if:

1. The park owner gives written notice to the homeowners' association formed and operating under ss. 723.075-723.079 of its right to purchase the mobile home park, if the land comprising the mobile home park is changing use from mobile home lot rentals to a different use, at the price and under the terms and conditions set forth in the written notice.

a. The notice shall be delivered to the officers of the homeowners' association by United States mail. Within 45 days after the date of mailing of the notice, the homeowners' association may execute and deliver a contract to the park owner to purchase the mobile home park at the price and under the terms and conditions set forth in the notice. If the contract between the park owner and the homeowners' association is not executed and delivered to the park owner within the 45-day period, the park owner is under no further obligation to the homeowners' association except as provided in sub-subparagraph b.

b. If the park owner elects to offer or sell the mobile home park at a price lower than the price specified in her or his initial notice to the officers of the homeowners' association, the homeowners' association has an additional 10 days to meet the revised price, terms, and conditions of the park owner by executing and delivering a revised contract to the park owner.

c. The park owner is not obligated under this subparagraph or s. 723.071 to give any other notice to, or to further negotiate with, the homeowners' association for the sale of the mobile home park to the homeowners' association after 6 months after the date of the mailing of the initial notice under sub-subparagraph a.

2. The park owner gives the affected mobile home owners and tenants at least 6 months' notice of the eviction due to the projected change in use and of their need to secure other accommodations. Within 20 days after giving an eviction notice to a mobile home owner, the park owner must provide the division with a copy of the notice. The division must provide the executive director of the Florida Mobile Home Relocation Corporation with a copy of the notice.

a. The notice of eviction due to a change in use of the land must include in a font no smaller than the body of the notice the following statement:

YOU MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA MOBILE HOME RELOCATION TRUST FUND, ADMINISTERED BY THE FLORIDA MOBILE HOME RELOCATION CORPORATION (FMHRC). FMHRC CONTACT INFORMATION IS AVAILABLE FROM THE FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.

b. The park owner may not give a notice of increase in lot rental amount within 90 days before giving notice of a change in use.

(5) A park owner who accepts payment of any portion of the lot rental amount with actual knowledge of noncompliance after notice and termination of the rental agreement due to a violation under paragraph (1)(b), paragraph (1)(c), or paragraph (1)(e) does not waive the right to terminate the rental agreement or the right to bring a civil action for the noncompliance, but not for any subsequent or continuing noncompliance. Any rent so received must be accounted for at the final hearing.

Section 32. Subsection (1) of section 723.076, Florida Statutes, is amended to read:

723.076 Incorporation; notification of park owner.—

(1) Upon receipt of its certificate of incorporation, the homeowners' association shall notify the park owner in writing of such incorporation and shall advise the park owner of the names and addresses of the officers of the homeowners' association by personal delivery upon the park owner's representative as designated in the prospectus or by certified mail, return receipt requested. Thereafter, the homeowners' association shall notify the park owner in writing by certified mail, return receipt requested, of any change of names and addresses of its president or registered agent. Upon election or appointment of new officers or board members, the homeowners' association shall notify the park owner in writing by certified mail, return receipt requested, of the names and addresses of the new officers or board members.

Section 33. Paragraphs (b) through (e) of subsection (2) of section 723.078, Florida Statutes, are amended, and paragraph (i) of that subsection is reenacted, to read:

723.078 Bylaws of homeowners' associations.—

(2) The bylaws shall provide and, if they do not, shall be deemed to include, the following provisions:

(b) Quorum; voting requirements; proxies.—

1. Unless otherwise provided in the bylaws, 30 percent of the total membership is required to constitute a quorum. Decisions shall be made by a majority of members represented at a meeting at which a quorum is present.

2.a. A member may not vote by general proxy but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. Limited proxies and general proxies may be used to establish a quorum. Limited proxies may be used for votes taken to amend the articles of incorporation or bylaws pursuant to this section, and any other matters for which this chapter requires or permits a vote of members. A~~, except that no~~ proxy, limited or general, may not be used in the election of board members in general elections or elections to fill vacancies caused by recall, resignation, or otherwise. Board members must be elected by written ballot or by voting in person. If a mobile home or subdivision lot is owned jointly, the owners of the mobile home or subdivision lot must be counted as one for the purpose of determining the number of votes required for a majority. Only one vote per mobile home or subdivision lot shall be counted. Any number greater than 50 percent of the total number of votes constitutes a majority. Notwithstanding this section, members may vote in person at member meetings or by secret ballot, including absentee ballots, as defined by the division.

b. Elections shall be decided by a plurality of the ballots cast. There is no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election. A member may not allow any other person to cast his or her ballot, and any ballots improperly cast are invalid. An election is not required unless there are more candidates nominated than vacancies that exist on the board.

c. Each member or other eligible person who desires to be a candidate for the board of directors shall appear on the ballot in alphabetical order by surname. A ballot may not indicate if any of the candidates are incumbent on the board. All ballots must be uniform in appearance. Write-in candidates and more than one vote per candidate per ballot are not allowed. A ballot may not provide a space for the signature of, or any other means of identifying, a voter. If a ballot contains more votes than vacancies or fewer votes than vacancies, the ballot is invalid unless otherwise stated in the bylaws.

d. An impartial committee shall be responsible for overseeing the election process and complying with all ballot requirements. For purposes of this section, the term "impartial committee" means a committee whose members do not include any of the following people or their spouses:

(I) Current board members.

(II) Current association officers.

(III) Candidates for the association or board.

e. The association bylaws shall provide a method for determining the winner of an election in which two or more candidates for the same position receive the same number of votes.

f. The division shall adopt procedural rules to govern elections, including, but not limited to, rules for providing notice by electronic transmission and rules for maintaining the secrecy of ballots.

3. A proxy is effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. In no event shall any proxy be valid for a period longer than 90 days after the date of the first meeting for which it was given. Every proxy shall be revocable at any time at the pleasure of the member executing it.

4. A member of the board of directors or a committee may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken and may not be used for the purposes of creating a quorum.

(c) Board of directors' and committee meetings.—

1. Meetings of the board of directors and meetings of its committees at which a quorum is present shall be open to all members. Notwithstanding any other provision of law, the requirement that board meetings and committee meetings be open to the members does not apply to meetings between the park owner and the board of directors or any of the board's committees, board or committee meetings held for the purpose of discussing personnel matters, or meetings between the board or a committee and the association's attorney, with respect to potential or pending litigation, when ~~where~~ the meeting is held for the purpose of seeking or rendering legal advice, and when ~~where~~ the contents of the discussion would otherwise be governed by the attorney-client privilege. Notice of all meetings open to members shall be posted in a conspicuous place upon the park property at least 48 hours in advance, except in an emergency. Notice of any meeting in which dues ~~assessments against members~~ are to be considered for any reason shall specifically contain a statement that dues ~~assessments~~ will be considered and the nature of such dues ~~assessments~~.

2. A board or committee member's participation in a meeting via telephone, real-time videoconferencing, or similar real-time telephonic, electronic, or video communication counts toward a quorum, and such member may vote as if physically present. A speaker shall be used so that the conversation of those board or committee members attending by telephone may be heard by the board or committee members attending in person, as well as by members present at a meeting.

3. Members of the board of directors may use e-mail as a means of communication but may not cast a vote on an association matter via e-mail.

4. The right to attend meetings of the board of directors and its committees includes the right to speak at such meetings with reference to all designated agenda items. The association may adopt reasonable written rules governing the frequency, duration, and manner of members' statements. Any item not included on the notice may be taken up on an emergency basis by at least a majority plus one of the members of the board. Such emergency action shall be noticed and ratified at the next regular meeting of the board. Any member may tape record or videotape meetings of the board of directors and its committees, except meetings between the board of directors or its appointed homeowners' committee and the park owner. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting.

5. Except as provided in paragraph (i), a vacancy occurring on the board of directors may be filled by the affirmative vote of the majority of the remaining directors, even though the remaining directors constitute less than a quorum; by the sole remaining director; if the vacancy is not so filled or if no director remains, by the members; or, on the application of any person, by the circuit court of the county in which the registered office of the corporation is located.

6. The term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected. A directorship to be filled by reason of an increase in the number of directors may be filled by the board of directors, but only for the term of office continuing until the next election of directors by the members.

7. A vacancy that will occur at a specific later date, by reason of a resignation effective at a later date, may be filled before the vacancy occurs. However, the new director may not take office until the vacancy occurs.

8.a. The officers and directors of the association have a fiduciary relationship to the members.

b. A director and committee member shall discharge his or her duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner he or she reasonably believes to be in the best interests of the corporation.

9. In discharging his or her duties, a director may rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

a. One or more officers or employees of the corporation who the director reasonably believes to be reliable and competent in the matters presented;

b. Legal counsel, public accountants, or other persons as to matters the director reasonably believes are within the persons' professional or expert competence; or

c. A committee of the board of directors of which he or she is not a member if the director reasonably believes the committee merits confidence.

10. A director is not acting in good faith if he or she has knowledge concerning the matter in question that makes reliance otherwise permitted by subparagraph 9. unwarranted.

11. A director is not liable for any action taken as a director, or any failure to take any action, if he or she performed the duties of his or her office in compliance with this section.

(d) Member meetings.—Members shall meet at least once each calendar year, and the meeting shall be the annual meeting. All members of the board of directors shall be elected at the annual meeting unless the bylaws provide for staggered election terms or for their election at another meeting. The bylaws shall not restrict any member desiring to be a candidate for board membership from being nominated from the floor. All nominations from the floor must be made at a duly noticed meeting of the members held at least 27 ~~30~~ days before the annual meeting. The bylaws shall provide the method for calling the meetings of the members, including annual meetings. The method shall provide at least 14 days' written notice to each member in advance of the meeting and require the posting in a conspicuous place on the park property of a notice of the meeting at least 14 days prior to the meeting. The right to receive written notice of membership meetings may be waived in writing by a member. Unless waived, the notice of the annual meeting shall be mailed, hand delivered, or electronically transmitted to each member, and shall constitute notice. Unless otherwise stated in the bylaws, an officer of the association shall provide an affidavit affirming that the notices were mailed, ~~or~~ hand delivered, or provided by electronic transmission in accordance with ~~the provisions of~~ this section to each member at the address last furnished to the corporation. These meeting requirements do not prevent members from waiving notice of meetings or from acting by written agreement without meetings, if allowed by the bylaws.

(e) Minutes of meetings.—

1. Notwithstanding any other provision of law, the minutes of board or committee meetings that are closed to members are privileged and confidential and are not available for inspection or photocopying.

2. Minutes of all meetings of members of an association and meetings open to members of~~,~~ the board of directors~~,~~ and a committee of the board must be maintained in written form and approved by the members, board, or committee, as applicable. A vote or abstention from voting on each matter voted upon for each director present at a board meeting must be recorded in the minutes.

3.~~2.~~ All approved minutes of open meetings of members, committees, and the board of directors shall be kept in a businesslike manner and shall be available for inspection by members, or their authorized representatives, and board members at reasonable times. The association shall retain these minutes within this state for ~~a period of~~ at least 5 ~~7~~ years.

(i) Recall of board members.—Any member of the board of directors may be recalled and removed from office with or without cause by the vote of or agreement in writing by a majority of all members. A special meeting of the members to recall a member or members of the board of directors may be called by 10 percent of the members giving notice of the meeting as required for a meeting of members, and the notice shall state the purpose of the meeting. Electronic transmission may not be used as a method of giving notice of a meeting called in whole or in part for this purpose.

1. If the recall is approved by a majority of all members by a vote at a meeting, the recall is effective as provided in this paragraph. The board shall duly notice and hold a board meeting within 5 full business days after the adjournment of the member meeting to recall one or more board members. At the meeting, the board shall either certify the recall, in which case such member or members shall be recalled effective immediately and shall turn over to the board within 5 full business days any and all records and property of the association in their possession, or shall proceed under subparagraph 3.

2. If the proposed recall is by an agreement in writing by a majority of all members, the agreement in writing or a copy thereof shall be served on the association by certified mail or by personal service in the manner authorized by chapter 48 and the Florida Rules of Civil Procedure. The board of directors shall duly notice and hold a meeting of the board within 5 full business days after receipt of the agreement in writing. At the meeting, the board shall either certify the written agreement to recall members of the board, in which case such members shall be recalled effective immediately and shall turn over to the board, within 5 full business days, any and all records and property of the association in their possession, or shall proceed as described in subparagraph 3.

3. If the board determines not to certify the written agreement to recall members of the board, or does not certify the recall by a vote at a meeting, the board shall, within 5 full business days after the board meeting, file with the division a petition for binding arbitration pursuant to the procedures of s. 723.1255. For purposes of this paragraph, the members who voted at the meeting or who executed the agreement in writing shall constitute one party under the petition for arbitration. If the arbitrator certifies the recall of a member of the board, the recall shall be effective upon mailing of the final order of arbitration to the association. If the association fails to comply with the order of the arbitrator, the division may take action under s. 723.006. A member so recalled shall deliver to the board any and all records and property of the association in the member's possession within 5 full business days after the effective date of the recall.

4. If the board fails to duly notice and hold a board meeting within 5 full business days after service of an agreement in writing or within 5 full business days after the adjournment of the members' recall meeting, the recall shall be deemed effective and the board members so recalled shall immediately turn over to the board all records and property of the association.

5. If the board fails to duly notice and hold the required meeting or fails to file the required petition, the member's representative may file a petition pursuant to s. 723.1255 challenging the board's failure to act. The petition

must be filed within 60 days after expiration of the applicable 5-full-business-day period. The review of a petition under this subparagraph is limited to the sufficiency of service on the board and the facial validity of the written agreement or ballots filed.

6. If a vacancy occurs on the board as a result of a recall and less than a majority of the board members are removed, the vacancy may be filled by the affirmative vote of a majority of the remaining directors, notwithstanding any other provision of this chapter. If vacancies occur on the board as a result of a recall and a majority or more of the board members are removed, the vacancies shall be filled in accordance with procedural rules to be adopted by the division, which rules need not be consistent with this chapter. The rules must provide procedures governing the conduct of the recall election as well as the operation of the association during the period after a recall but before the recall election.

7. A board member who has been recalled may file a petition pursuant to s. 723.1255 challenging the validity of the recall. The petition must be filed within 60 days after the recall is deemed certified. The association and the member's representative shall be named as the respondents.

8. The division may not accept for filing a recall petition, whether or not filed pursuant to this subsection, and regardless of whether the recall was certified, when there are 60 or fewer days until the scheduled reelection of the board member sought to be recalled or when 60 or fewer days have not elapsed since the election of the board member sought to be recalled.

Section 34. Paragraphs (d) and (f) through (i) of subsection (4) and subsection (5) of section 723.079, Florida Statutes, are amended to read:

723.079 Powers and duties of homeowners' association.—

(4) The association shall maintain the following items, when applicable, which constitute the official records of the association:

(d) The approved minutes of all meetings of the members of an association and meetings open for members of~~,~~ the board of directors, and committees of the board, which minutes must be retained within this ~~the~~ state for at least 5 ~~7~~ years.

(f) All of the association's insurance policies or copies thereof, which must be retained within this state for at least 5 ~~7~~ years after the expiration date of the policy.

(g) A copy of all contracts or agreements to which the association is a party, including, without limitation, any written agreements with the park owner, lease, or other agreements or contracts under which the association or its members has any obligation or responsibility, which must be retained within this state for at least 5 ~~7~~ years after the expiration date of the contract or agreement.

(h) The financial and accounting records of the association, kept according to good accounting practices. All financial and accounting records must be maintained within this state for a ~~period of~~ at least 5 ~~7~~ years. The financial and accounting records must include:

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

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 dues or 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.

3. All tax returns, financial statements, and financial reports of the association.

4. Any other records that identify, measure, record, or communicate financial information.

(i) All other written records of the association not specifically included in the foregoing which are related to the operation of the association must be retained within this state for at least 5 years or at least 5 years after the expiration date, as applicable.

(5) The official records shall be ~~maintained within the state for at least 7 years and shall be~~ made available to a member for inspection or photocopying within 20 ~~10~~ business days after receipt by the board or its designee of a written request submitted by certified mail, return receipt requested. The requirements of this subsection are satisfied by having a copy of the official records available for inspection or copying in the park or, at the option of the association, by making the records available to a member 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 a member with copies on request during the inspection if the entire request is 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.

(a) The failure of an association to provide access to the records within 20 ~~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.

(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 in the amount of~~. The minimum damages are to be~~ $10 per calendar day up to 10 days, not to exceed $100. The calculation for damages begins ~~to begin~~ on the 21st ~~11th~~ business day after receipt of the written request, submitted by certified mail, return receipt requested.

(c) A dispute between a member and an association regarding inspecting or photocopying official records must be submitted to mandatory binding arbitration with the division, and the arbitration must be conducted pursuant to s. 723.1255 and procedural rules adopted by the division.

(d) 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 member to demonstrate a proper purpose for the inspection, state a reason for the inspection, or limit a member's right to inspect records to less than 1 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 for personnel to retrieve and copy the records if the time spent retrieving and copying the records exceeds 30 minutes 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 paragraph, the following records are not accessible to members or home owners:

1. A record protected by the lawyer-client privilege as described in s. 90.502 and a 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, for adversarial administrative proceedings, or in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.

2. E-mail addresses, telephone numbers, facsimile numbers, emergency contact information, any addresses for a home owner other than as provided for association notice requirements, and other personal identifying information of any person, excluding the person's name, lot designation, mailing address, and property address. Notwithstanding the restrictions in this subparagraph, an association may print and distribute to home owners a directory containing the name, park address, and telephone number of each home owner. However, a home owner may exclude his or her telephone number from the directory by so requesting in writing to the association. 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 a home owner and not requested by the association.

3. An electronic security measure that is used by the association to safeguard data, including passwords.

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

Section 35. Section 723.1255, Florida Statutes, is amended to read:

723.1255 Alternative resolution of recall, election, and inspection and photocopying of official records disputes.—

(1) A dispute between a mobile home owner and a homeowners' association regarding the election and recall of officers or directors under s. 723.078(2)(b) or regarding the inspection and photocopying of official records under s. 723.079(5) must be submitted to mandatory binding arbitration with the division. The arbitration shall be conducted in accordance with this section and the procedural rules adopted by the division.

(2) Each party shall be responsible for paying its own attorney fees, expert and investigator fees, and associated costs. The cost of the arbitrators shall be divided equally between the parties regardless of the outcome.

(3) The division shall adopt procedural rules to govern mandatory binding arbitration proceedings ~~The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation shall adopt rules of procedure to govern binding recall arbitration proceedings~~.

Section 36. For the purpose of incorporating the amendment made by this act to section 420.5087, Florida Statutes, in a reference thereto, paragraph (i) of subsection (22) of section 420.507, Florida Statutes, is reenacted to read:

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(22) To develop and administer the State Apartment Incentive Loan Program. In developing and administering that program, the corporation may:

(i) Establish, by rule, the procedure for competitively evaluating and selecting all applications for funding based on the criteria set forth in s. 420.5087(6)(c), determining actual loan amounts, making and servicing loans, and exercising the powers authorized in this subsection.

Section 37. For the purpose of incorporating the amendment made by this act to section 420.5095, Florida Statutes, in a reference thereto, subsection (2) of section 193.018, Florida Statutes, is reenacted to read:

193.018 Land owned by a community land trust used to provide affordable housing; assessment; structural improvements, condominium parcels, and cooperative parcels.—

(2) A community land trust may convey structural improvements, condominium parcels, or cooperative parcels, that are located on specific parcels of land that are identified by a legal description contained in and subject to a ground lease having a term of at least 99 years, for the purpose of providing affordable housing to natural persons or families who meet the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, or the income limits for workforce housing, as defined in s. 420.5095(3). A community land trust shall retain a preemptive option to purchase any structural improvements, condominium parcels, or cooperative parcels on the land at a price determined by a formula specified in the ground lease which is designed to ensure that the structural improvements, condominium parcels, or cooperative parcels remain affordable.

Section 38. This act shall take effect July 1, 2020.

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

Remove lines 7-174 and insert:

s. 129.03, F.S.; revising the information that the county budget officer must submit to the Office of Economic and Demographic Research regarding the final budget and the county's economic status; s. 163.01, F.S.; amending the Florida Interlocal Cooperation Act of 1969 to authorize private entities to enter into specified loan agreements; authorizing certain bond proceeds to be loaned to private entities for specified types of projects; providing that such loans are deemed a paramount public purpose; amending s. 163.31771, F.S.; revising legislative findings; requiring local governments to adopt ordinances that allow accessory dwelling units in any area zoned for single-family residential use; providing an exception; amending s. 163.31801, F.S.; requiring counties, municipalities, and special districts to include certain data relating to impact fees in their annual financial reports; amending s. 166.04151, F.S.; authorizing governing bodies of municipalities to approve the development of affordable housing on any parcel zoned for residential, commercial, or industrial use; amending s. 166.241, F.S.; revising the information that the municipal budget officer must submit to the Office of Economic and Demographic Research regarding the final budget and the municipality's economic status; amending s. 196.1978, F.S.; specifying that property owned by certain limited liability companies be exempt from ad valorem taxation; providing circumstances under which the exemption from ad valorem taxation applies; amending s. 320.77, F.S.; revising a certification requirement for mobile home dealer applicants relating to the applicant's business location; amending s. 320.771, F.S.; exempting certain recreational vehicle dealer applicants from a garage liability insurance requirement; amending s. 320.822, F.S.; revising the definition of the term "code"; amending s. 320.8232, F.S.; revising applicable standards for the repair and remodeling of mobile and manufactured homes; amending s. 367.022, F.S.; exempting certain mobile home park owners and mobile home subdivision owners from regulation by the Florida Public Service Commission relating to water and wastewater service; amending s. 420.5087, F.S.; revising the criteria used by a review committee when evaluating and selecting specified applications for state apartment incentive loans; amending s. 420.5095, F.S.; renaming the Community Workforce Housing Innovation Pilot Program as the Community Workforce Housing Loan Program; requiring the program to provide workforce housing; revising the definition of the term "workforce housing"; deleting the definition of the term "public-private partnership"; authorizing the Florida Housing Finance Corporation to provide loans under the program to applicants for construction of workforce housing; requiring the corporation to establish a certain loan application process; deleting provisions requiring the corporation to provide incentives for local governments to use certain funds; requiring projects to receive priority consideration for funding under certain circumstances; deleting a provision providing for the expedition of local government comprehensive plan amendments to implement a program project; requiring that the corporation award loans at a specified interest rate and for a limited term; conforming provisions to changes made by the act; creating s. 420.531, F.S.; authorizing certain applicants or affiliates to be precluded from the housing program under certain circumstances; providing procedural rules for use if the board of directors determines that an applicant or affiliate has been precluded from the program; specifying conditions which must be met before an order can be final; providing how funding, allocation of federal housing credits, credit underwriting procedures, or application review are to be handled under specified situations; amending s. 420.531, F.S.; specifying that technical support provided to local governments and community-based organizations includes implementation of the State Apartment Incentive Loan Program; requiring the entity providing training and technical assistance to convene and administer biannual regional workshops; requiring such entity to annually compile and submit certain information to the Legislature and the corporation by a specified date; amending s. 420.9071, F.S.; revising the definition of the term "affordable"; amending s. 420.9073, F.S.; authorizing the corporation to withhold a certain portion of funds distributed from the Local Government Housing Trust Fund to be used for certain transitional housing; prohibiting such funds from being used for specified purposes; requiring the corporation to consult with the Department of Children and Families to create minimum criteria for such housing; providing for the distribution of withheld funds; amending s. 420.9075, F.S.; revising information that must be included in the report from each county and municipality that addresses affordable housing programs and accomplishments; amending s. 420.9076, F.S.; revising the membership of local affordable housing advisory committees beginning on a specified date; requiring the committees to perform specified duties annually instead of triennially; requiring locally elected officials serving on advisory committees, or their designees, to attend biannual regional workshops; providing a penalty; amending s. s. 423.02, F.S.; prohibiting cities, towns, counties, or political subdivisions from changing taxes or assessments related to certain housing projects under certain circumstances; amending s. 723.011, F.S.; providing construction relating to rental agreements and tenancies; providing that a

mobile home owner may be required to install permanent improvements as disclosed in the mobile home park prospectus; amending s. 723.012, F.S.; authorizing mobile home park owners to make certain prospectus amendments; providing requirements for the amendment; prohibiting certain costs and expenses from being passed on to existing mobile home owners; amending s. 723.023, F.S.; revising general obligations for mobile home owners; amending s. 723.031, F.S.; specifying a requirement for disclosing and agreeing to a mobile home lot rental increase; revising construction relating to a park owner's disclosure of certain taxes and assessments; amending s. 723.037, F.S.; authorizing mobile home park owners to give notice of lot rental increases for multiple anniversary dates in one notice; providing construction; revising a requirement for a lot rental negotiation committee; amending s. 723.041, F.S.; providing that a mobile home park damaged or destroyed due to natural forces may be rebuilt with the same density as previously approved, permitted, and built; providing construction; amending s. 723.042, F.S.; conforming a provision to changes made by the act; amending s. 723.059, F.S.; authorizing certain mobile home purchasers to assume the remainder of a seller's prospectus; authorizing a mobile home park owner to offer a purchaser any approved prospectus; amending s. 723.061, F.S.; specifying entities that must be provided with a copy of an eviction notice when received by a mobile home owner; specifying the waiver and nonwaiver of certain rights of a mobile home park owner under certain circumstances; requiring the accounting at final hearing of rents received; amending s. 723.076, F.S.; revising procedures related to the election or appointment of new officers or board members in a homeowner's association; amending s. 723.078, F.S.; revising requirements for board elections and ballots; requiring an impartial committee to be responsible for overseeing the election process and complying with ballot requirements; defining the term "impartial committee"; requiring that association bylaws provide a method for determining the winner of an election under certain circumstances; requiring the Division of Florida Condominiums, Timeshares, and Mobile Homes to adopt procedural rules; revising the types of meetings that are not required to be open to members; providing an exception to a provision requiring an officer of an association to provide an affidavit affirming certain information; authorizing meeting notices to be provided by electronic means; providing that the minutes of certain board and committee meetings are privileged and confidential; conforming provisions to changes made by the act; amending s. 723.079, F.S.; revising homeowners' association recordkeeping requirements; revising the timeframes for which certain records are required to be retained and be made available for inspection or photocopying; capping the amount of damages for which an association is liable when a member is denied access to official records; requiring that certain disputes be submitted to mandatory binding arbitration with the division; amending s. 723.1255, F.S.; requiring that certain disputes be submitted to mandatory binding arbitration with the division; providing requirements for such arbitration and fees and costs; requiring the division to adopt rules; reenacting s. 420.507(22)(i), F.S., relating to powers of the Florida Housing Finance Corporation, to incorporate the amendment made to s. 420.5087, F.S., in a reference thereto; reenacting s. 193.018(2), F.S., relating to land owned by a community land trust used to provide affordable housing, to incorporate the amendment made to s. 420.5095, F.S., in a reference thereto; providing an

Rep. Yarborough moved the adoption of the amendment

Representative Yarborough offered the following:

(Amendment Bar Code: 292409)

Amendment 1 to Amendment 1 (945829) (with title amendment)—Remove line 142 of the amendment and insert:
local government may adopt an ordinance to allow accessory

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

Remove line 1738 of the amendment and insert:
authorizing local governments to adopt ordinances that

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

Question recurred on **Amendment 1** as amended, which was adopted.

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

CS/CS/HB 821—A bill to be entitled An act relating to public records and meetings; amending s. 282.318, F.S.; revising a provision to reflect the abolishment of the Agency for State Technology; providing an exemption from public records requirements for portions of records held by a state agency that contain network schematics, hardware and software configurations, and encryption; providing an exemption from public meetings requirements for portions of meetings that would reveal such records; requiring recording and transcription of exempt portions of such meetings; providing an exemption from public records requirements for such recordings and transcripts; providing for future legislative review and repeal of the exemptions under the Open Government Sunset Review Act; providing for retroactive application of the exemptions; providing a public necessity statement; providing an effective date.

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

CS/CS/HB 767—A bill to be entitled An act relating to assisted living facilities; amending s. 429.02, F.S.; providing and revising definitions; amending s. 429.07, F.S.; providing that an assisted living facility licensed to provide extended congregate care services or limited nursing services must maintain a written progress report on each person receiving services from the facility's staff; conforming a cross-reference; amending s. 429.11, F.S.; prohibiting a county or municipality from issuing a business tax receipt, rather than an occupational license, to a facility under certain circumstances; amending s. 429.176, F.S.; requiring an owner of a facility to provide certain documentation to the Agency for Health Care Administration regarding a new administrator; amending s. 429.23, F.S.; authorizing a facility to send certain reports regarding adverse incidents through the agency's online portal; requiring the agency to send reminders by electronic mail to certain facility contacts regarding submission deadlines for such reports within a specified timeframe; amending s. 429.255, F.S.; authorizing certain persons to change residents' bandages for specified purposes; clarifying that the absence of an order not to resuscitate does not preclude a physician from withholding or withdrawing cardiopulmonary resuscitation or use of an automated external defibrillator; amending s. 429.256, F.S.; revising the types of medications that may be self-administered; revising provisions relating to assistance with the self-administration of such medications; requiring a person assisting with a resident's self-administration of medication to confirm that the medication is intended for that resident and to orally advise the resident of the medication name and dosage; authorizing a resident to opt out of such advisement through a signed waiver; revising provisions relating to certain medications that are not self-administered with assistance; amending s. 429.26, F.S.; including medical examinations within criteria used for admission to an assisted living facility; providing specified criteria for determinations of appropriateness for admission to and continued residency in an assisted living facility; authorizing such facility to admit certain individuals under certain conditions; defining the term "bedridden"; requiring that a resident receive a medical examination within a specified timeframe after admission to a facility; requiring that such examination be recorded on a form; providing that such form may be used only to record a practitioner's direct observations of the patient at the time of the examination; providing that such form is not a guarantee of a resident's admission to, continued residency in, or delivery of services at the facility; revising provisions relating to the placement of residents by the Department of Children and Families; requiring a facility to notify a resident's representative or designee of the need for health care services and to assist in making appointments for such care and services under certain circumstances; requiring the facility to arrange with an appropriate health care provider for the care and services needed to treat a resident under certain circumstances; removing provisions relating to the

retention of certain residents in a facility; amending s. 429.28, F.S.; providing requirements for a notice of relocation or termination of residency from a facility; revising provisions requiring the agency to conduct a licensure survey to determine whether a facility has complied with certain standards and residents' rights; removing a requirement that the agency adopt certain rules; amending s. 429.31, F.S.; revising notice requirements for facilities that are terminating operations; requiring the agency to inform the State Long-Term Ombudsman Program immediately upon notice of a facility's termination of operations; amending s. 429.41, F.S.; revising legislative intent; removing provisions to conform to changes made by the act; requiring county emergency management agencies, rather than local emergency management agencies, to review and approve or disapprove of a facility's comprehensive emergency management plan; requiring a facility to submit a comprehensive emergency management plan to the county emergency management agency within a specified timeframe after its licensure; revising the criteria under which a facility must be fully inspected; revising standards for the care of residents provided by a facility; prohibiting the use of Posey restraints in facilities; authorizing other physical restraints to be used under certain conditions and in accordance with certain rules; requiring the agency to establish resident elopement drill requirements; requiring that elopement drills include a review of a facility's procedures addressing elopement; requiring a facility to document participation in such drills; revising provisions requiring the agency to adopt by rule key quality-of-care standards; creating s. 429.435, F.S.; providing uniform firesafety standards for assisted living facilities; amending s. 429.52, F.S.; revising certain provisions relating to facility staff training and educational requirements; requiring the agency, in conjunction with providers, to establish core training requirements for facility administrators; revising the training and continuing education requirements for facility staff who assist residents with the self-administration of medications; revising provisions relating to the training responsibilities of the agency; requiring the agency to contract with another entity to administer a certain competency test; requiring the agency to adopt a curriculum outline with learning objectives to be used by core trainers; conforming provisions to changes made by the act; providing an effective date.

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

CS/CS/HB 971—A bill to be entitled An act relating to electric bicycles; amending s. 261.03, F.S.; revising the definition of the term "OHM" or "off-highway motorcycle"; amending s. 316.003, F.S.; revising definitions relating to the Florida Uniform Traffic Control Law; defining the term "electric bicycle"; amending s. 316.008, F.S.; authorizing local authorities to regulate the operation of electric bicycles; amending s. 316.027, F.S.; revising the definition of the term "vulnerable road user"; amending s. 316.083, F.S.; requiring the driver of a vehicle overtaking an electric bicycle to pass the electric bicycle at a certain distance; amending s. 316.1995, F.S.; expanding exceptions to a prohibition on persons driving certain vehicles on sidewalks and bicycle paths; amending s. 316.2065, F.S.; deleting obsolete language; creating s. 316.20655, F.S.; providing electric bicycle regulations; providing for rights and privileges of electric bicycles and operators of electric bicycles; providing that electric bicycles are vehicles to the same extent as bicycles; providing construction; providing that electric bicycles and operators of electric bicycles are not subject to specified provisions; requiring manufacturers and distributers, beginning on a specified date, to apply a label containing certain information to each electric bicycle; prohibiting persons from tampering with or modifying electric bicycles for certain purposes; providing an exception; requiring electric bicycles to comply with specified provisions of law; requiring electric bicycles to operate in a manner that meets certain requirements; authorizing operators to ride electric bicycles where bicycles are allowed; amending ss. 316.613, 316.614, and 320.01, F.S.; revising the definition of the term "motor vehicle"; amending s. 322.01, F.S.; revising the definitions of the terms "motor vehicle" and "vehicle"; amending ss. 324.021, 403.717, and 681.102, F.S.; revising the definition of the term "motor vehicle"; amending s. 320.08, F.S.; conforming a provision to changes made by the act; amending ss. 316.306 and 655.960, F.S.; conforming cross-references; providing an effective date.

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

CS/HB 1409—A bill to be entitled An act relating to public records; creating s. 631.195, F.S.; defining the terms "consumer" and "personal financial and health information"; exempting from public records requirements certain records made or received by the Department of Financial Services acting as receiver pursuant to specified provisions; providing that such records comprise consumer personal financial and health information, certain underwriting files, insurer personnel and payroll records, consumer claim files, certain reports and documents held by the department relating to insurer own-risk, solvency assessments, corporate governance annual disclosures, and certain information received from the National Association of Insurance Commissioners or governments; providing retroactive applicability; providing that exempted records may be released under specified circumstances; providing for future legislative review and repeal of the exemptions; providing statements of public necessity; providing an effective date.

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

HB 7103 was taken up, having been temporarily postponed earlier today.

HB 7103—A bill to be entitled An act relating to education; amending s. 1004.04, F.S.; revising student requirements for entrance into certain teacher preparation programs; deleting authorization for a teacher preparation program to waive such requirements for certain students; amending s. 1012.585, F.S.; providing limitations for inservice points a teacher may earn for certain mandatory training topics; amending s. 1012.98, F.S.; requiring district school boards to calculate an amount of specified funds for use by teachers for professional development; requiring the Department of Education to identify specified professional development opportunities; amending s. 1013.44, F.S.; prohibiting costs associated with certain solar energy systems from being included in certain cost per student station limitations; requiring the Commissioner of Education to submit a report to specified entities by December 1, 2020, on the feasibility of implementing a certain program; providing effective dates.

—was read the second time by title.

Representative Sullivan offered the following:

(Amendment Bar Code: 103343)

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

Section 1. Paragraph (b) of subsection (3) of section 1004.04, Florida Statutes, is amended to read:

1004.04 Public accountability and state approval for teacher preparation programs.—

(3) INITIAL STATE PROGRAM APPROVAL.—

(b) Each teacher preparation program approved by the Department of Education, as provided for by this section, shall require students, at a minimum, to ~~meet, at a minimum, the following as prerequisites for admission into the program~~:

1. Have a grade point average of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies or have completed the requirements for a baccalaureate degree with a minimum grade point average of 2.5 on a 4.0 scale from any college or university accredited by a regional accrediting association as defined by State Board of Education rule or any college or university otherwise approved pursuant to State Board of Education rule.

2. Demonstrate mastery of general knowledge ~~sufficient for entry into the program~~, including the ability to read, write, and perform in mathematics, by

passing the General Knowledge Test of the Florida Teacher Certification Examination or, for a graduate level program, obtain a baccalaureate degree from an institution that is accredited or approved pursuant to the rules of the State Board of Education.

~~Each teacher preparation program may waive these admissions requirements for up to 10 percent of the students admitted. Programs shall implement strategies to ensure that students admitted under a waiver receive assistance to demonstrate competencies to successfully meet requirements for certification and shall annually report to the Department of Education the status of each candidate admitted under such a waiver.~~

Section 2. Paragraph (g) is added to subsection (3) of section 1012.585, Florida Statutes, to read:

1012.585 Process for renewal of professional certificates.—

(3) For the renewal of a professional certificate, the following requirements must be met:

(g) A teacher may earn inservice points only once during each 5-year validity period for any mandatory training topic that is not linked to student learning or professional growth.

Section 3. Subsection (5) of section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.—

(5) Each district school board shall provide funding for the professional development system as required by s. 1011.62 and the General Appropriations Act, and shall direct expenditures from other funding sources to continuously strengthen the system in order to increase student achievement and support instructional staff in enhancing rigor and relevance in the classroom. Each district school board shall calculate a proportionate share of professional development funds for each teacher and allow each teacher to use at least 25 percent of the proportionate share of Instructional Staff Training Services on professional development that addresses the academic needs of students or an identified area of professional growth for the teacher. The department shall identify professional development opportunities that require the teacher to demonstrate proficiency in a specific classroom practice. A school district may coordinate its professional development program with that of another district, with an educational consortium, or with a Florida College System institution or university, especially in preparing and educating personnel. Each district school board shall make available inservice activities to instructional personnel of nonpublic schools in the district and the state certified teachers who are not employed by the district school board on a fee basis not to exceed the cost of the activity per all participants.

Section 4. Subsection (4) is added to section 1013.44, Florida Statutes, to read:

1013.44 Low-energy use design; solar energy systems; swimming pool heaters.—

(4) Any costs associated with a solar energy system that is located on the property of an educational facility may not be included in the total cost per student station limitations on new construction established in s. 1013.64(6)(b).

Section 5. Paragraph (e) of subsection (10) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(10) ELIGIBLE STUDENTS.—

(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 ~~in the same school district~~.

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.

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 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 ~~provides the~~ school facilities ~~facility~~ and related property in an amount equal to or having a total ~~an~~ appraised value of at least $5 million to be used as ~~a~~ charter schools ~~school~~ to mitigate the educational impact created by the development of new residential dwelling units. Students living in the development are ~~shall be~~ entitled to ~~no more than~~ 50 percent of the student stations in the charter schools ~~school~~. 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 ~~shall~~ be filled in accordance with subparagraph 4.

Section 6. Subsections (1) through (14), (17), (21), (23), and (24) of section 1007.271, Florida Statutes, are amended, and subsections (26) and (27) are added to that section, to read:

1007.271 Dual enrollment programs.—

(1) The dual enrollment program is the enrollment of an eligible secondary student ~~or home education student~~ in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree. A student who is enrolled in postsecondary instruction that is not creditable toward a high school diploma may not be classified as a dual enrollment student.

(2) For the purpose of this section, an eligible secondary student is a student who is enrolled in any of grades 6 through 12 in a Florida public school or in a Florida private school that is in compliance with s. 1002.42(2) and provides a secondary curriculum pursuant to s. 1003.4282, or who is enrolled in a home education program pursuant to s. 1002.41. Students who are eligible for dual enrollment pursuant to this section may enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term. However, if the student is projected to graduate from high school before the scheduled completion date of a postsecondary course, the student may not register for that course through dual enrollment. The student may apply to the postsecondary institution and pay the required registration, tuition, and fees if the student meets the postsecondary institution's admissions requirements under s. 1007.263. Instructional time for dual enrollment may vary from 900 hours; however, the full-time equivalent student membership value shall be subject to the provisions in s. 1011.61(4). A student enrolled as a dual enrollment student is exempt from the payment of registration, tuition, and laboratory fees. Applied academics for adult education instruction, developmental education, and other forms of precollegiate instruction, as well as recreation and leisure studies courses and physical education courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, are ineligible for inclusion in the dual enrollment program. ~~Recreation and leisure studies courses shall be evaluated individually in the same manner as physical education courses for potential inclusion in the program.~~

(3)(a) ~~Student eligibility requirements~~ For initial enrollment in college credit dual enrollment courses, a student must achieve ~~include~~ a 3.0 unweighted high school grade point average and the minimum score on a common placement test adopted by the State Board of Education which indicates that the student is ready for college-level coursework. ~~Student eligibility requirements~~ For continued enrollment in college credit dual enrollment courses, a student must maintain a minimum ~~include the maintenance~~ of a 3.0 unweighted high school grade point average and the minimum postsecondary grade point average established by the postsecondary institution. Regardless of meeting student eligibility requirements for continued enrollment, a student may lose the opportunity to participate in a dual enrollment course if the student is disruptive to the learning process such that the progress of other students or the efficient

administration of the course is hindered. Student eligibility requirements for initial and continued enrollment in career certificate dual enrollment courses must include a 2.0 unweighted high school grade point average.

(b) An exception ~~Exceptions~~ to the required grade point average ~~averages~~ may be granted on an individual student basis. An exception to the required grade point average for college credit dual enrollment may be established for students who achieve higher scores than the established minimum on the common placement test adopted by the State Board of Education. Any exception to the required grade point average for college credit dual enrollment must be specified in ~~if the educational entities agree and the terms of the agreement are contained within~~ the dual enrollment articulation agreement established pursuant to subsection (21). Florida College System institution boards of trustees may establish additional initial student eligibility requirements, which shall be included in the dual enrollment articulation agreement, to ensure student readiness for postsecondary instruction. Additional requirements included in the agreement may not arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses or limit the number of dual enrollment courses in which a student may enroll based solely upon enrollment by the student at an independent postsecondary institution.

(4) 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.

(5) A district school board or Florida College System institution may not deny a student who has met the state eligibility requirements from participating in dual enrollment unless the institution documents that it does not have the capacity to accommodate all eligible students seeking to participate in the dual enrollment program. If the institution documents that it does not have the capacity to accommodate all eligible students, participation must be based on a first-come, first-served basis.

(6)~~(5)~~(a) Each faculty member providing instruction in college credit dual enrollment courses must:

1. Meet the qualifications required by the entity accrediting the postsecondary institution offering the course. The qualifications apply to all faculty members regardless of the location of instruction. The postsecondary institution offering the course must require compliance with these qualifications.

2. Provide the institution offering the dual enrollment course a copy of his or her postsecondary transcript.

3. Provide a copy of the current syllabus for each course taught to the discipline chair or department chair of the postsecondary institution before the start of each term. The content of each syllabus must meet the same standards required for all college-level courses offered by that postsecondary institution.

4. Adhere to the professional rules, guidelines, and expectations stated in the postsecondary institution's faculty or adjunct faculty handbook. Any exceptions must be included in the dual enrollment articulation agreement.

5. Adhere to the rules, guidelines, and expectations stated in the postsecondary institution's student handbook which apply to faculty members. Any exceptions must be noted in the dual enrollment articulation agreement.

(b) Each president, or designee, of a postsecondary institution offering a college credit dual enrollment course must:

1. Provide a copy of the institution's current faculty or adjunct faculty handbook to all faculty members teaching a dual enrollment course.

2. Provide to all faculty members teaching a dual enrollment course a copy of the institution's current student handbook, which may include, but is not limited to, information on registration policies, the student code of conduct, grading policies, and critical dates.

3. Designate an individual or individuals to observe all faculty members teaching a dual enrollment course, regardless of the location of instruction.

4. Use the same criteria to evaluate faculty members teaching a dual enrollment course as the criteria used to evaluate all other faculty members.

5. Provide course plans and objectives to all faculty members teaching a dual enrollment course.

(7)~~(6)~~ The following curriculum standards apply to college credit dual enrollment:

(a) Dual enrollment courses taught on the high school campus must meet the same competencies required for courses taught on the postsecondary institution campus. To ensure equivalent rigor with courses taught on the postsecondary institution campus, the postsecondary institution offering the course is responsible for providing in a timely manner a comprehensive, cumulative end-of-course assessment or a series of assessments of all expected learning outcomes to the faculty member teaching the course. Completed, scored assessments must be returned to the postsecondary institution and held for 1 year.

(b) Instructional materials used in dual enrollment courses must be the same as or comparable to those used in courses offered by the postsecondary institution with the same course prefix and number. The postsecondary institution must advise the school district of instructional materials requirements as soon as that information becomes available but no later than one term before a course is offered.

(c) Course requirements, such as tests, papers, or other assignments, for dual enrollment students must be at the same level of rigor or depth as those for all nondual enrollment postsecondary students. All faculty members teaching dual enrollment courses must observe the procedures and deadlines of the postsecondary institution for the submission of grades. A postsecondary institution must advise each faculty member teaching a dual enrollment course of the institution's grading guidelines before the faculty member begins teaching the course.

(d) Dual enrollment courses taught on a high school campus may not be combined with any noncollege credit high school course.

(8)~~(7)~~ Career dual enrollment shall be provided as a curricular option for secondary students to pursue in order to earn industry certifications adopted pursuant to s. 1008.44, which count as credits toward the high school diploma. Career dual enrollment shall be available for secondary students seeking a degree and industry certification through a career education program or course. Each career center established under s. 1001.44 shall enter into an agreement with each high school in any school district it serves. Beginning with the 2019-2020 school year, the agreement must be completed annually and submitted by the career center to the Department of Education by October ~~August~~ 1. The agreement must:

(a) Identify the courses and programs that are available to students through career dual enrollment and the clock hour credits that students will earn upon completion of each course and program.

(b) Delineate the high school credit earned for the completion of each career dual enrollment course.

(c) Identify any college credit articulation agreements associated with each clock hour program.

(d) Describe how students and their parents will be informed of career dual enrollment opportunities and related workforce demand, how students can apply to participate in a career dual enrollment program and register for courses through his or her high school, and the postsecondary career education expectations for participating students.

(e) Establish any additional eligibility requirements for participation and a process for determining eligibility and monitoring the progress of participating students.

(f) Delineate costs incurred by each entity and determine how transportation will be provided for students who are unable to provide their own transportation.

(9)~~(8)~~ Each district school board shall inform all secondary students and their parents of dual enrollment as an educational option and mechanism for acceleration. Students and their parents shall be informed of student eligibility requirements, the option for taking dual enrollment courses beyond the regular school year, and the minimum academic credits required for graduation. In addition, students and their parents shall be informed that dual enrollment course grades are included in the student's college grade point average, become a part of the student's permanent academic record, and may affect the student's future financial aid eligibility. A school may not enroll a student in a dual enrollment course without an acknowledgment form on file, which must be signed by both the student and the student's parent, indicating they have been informed of the dual enrollment educational option and its provisions.

District school boards shall annually assess the demand for dual enrollment and provide that information to each partnering postsecondary institution. Alternative grade calculation, weighting systems, and information regarding student education options that discriminate against dual enrollment courses are prohibited.

(10)~~(9)~~ The Commissioner of Education shall appoint faculty committees representing public school, Florida College System institution, and university faculties to identify postsecondary courses that meet the high school graduation requirements of s. 1003.4282 and to establish the number of postsecondary semester credit hours of instruction and equivalent high school credits earned through dual enrollment pursuant to this section that are necessary to meet high school graduation requirements. Such equivalencies shall be determined solely on comparable course content and not on seat time traditionally allocated to such courses in high school. The Commissioner of Education shall recommend to the State Board of Education those postsecondary courses identified to meet high school graduation requirements, based on mastery of course outcomes, by their course numbers, and all high schools shall accept these postsecondary education courses toward meeting the requirements of s. 1003.4282.

(11)~~(10)~~ Early admission is a form of dual enrollment through which eligible secondary students enroll in a postsecondary institution on a full-time basis in courses that are creditable toward the high school diploma and the associate or baccalaureate degree. A student must enroll in a minimum of 12 college credit hours per semester or the equivalent to participate in the early admission program; however, a student may not be required to enroll in more than 15 college credit hours per semester or the equivalent. Students enrolled pursuant to this subsection are exempt from the payment of registration, tuition, and laboratory fees.

(12)~~(11)~~ Career early admission is a form of career dual enrollment through which eligible secondary students enroll full time in a career center or a Florida College System institution in postsecondary programs leading to industry certifications, as listed in the CAPE Postsecondary Industry Certification Funding List pursuant to s. 1008.44, which are creditable toward the high school diploma and the certificate or associate degree. Participation in the career early admission program is limited to students who have completed a minimum of 4 semesters of full-time secondary enrollment, including studies undertaken in the ninth grade. Students enrolled pursuant to this section are exempt from the payment of registration, tuition, and laboratory fees.

~~(12) The State Board of Education shall adopt rules for any dual enrollment programs involving requirements for high school graduation.~~

(13)(a) The dual enrollment program for a home education student, including, but not limited to, students with disabilities, consists of the enrollment of an eligible home education secondary student in a postsecondary course creditable toward an associate degree, a career certificate, or a baccalaureate degree. To participate in the dual enrollment program, an eligible home education secondary student must:

1. Provide proof of enrollment in a home education program pursuant to s. 1002.41.

2. Be responsible for his or her own transportation unless provided for in the articulation agreement.

3. Sign a home education articulation agreement pursuant to paragraph (b).

(b) Each public postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and the student's parent. By October ~~August~~ 1 of each year, the eligible postsecondary institution shall complete and submit the home education articulation agreement to the Department of Education. The home education articulation agreement must include, at a minimum:

1. A delineation of courses and programs available to dually enrolled home education students. Courses and programs may be added, revised, or deleted at any time by the postsecondary institution. Any course or program limitations may not exceed the limitations for other dually enrolled students.

2. The initial and continued eligibility requirements for home education student participation, not to exceed those required of other dually enrolled students pursuant to paragraph (3)(a). A high school grade point average may not be required for home education students ~~who meet the minimum score on a common placement test adopted by the State Board of Education which indicates that the student is ready for college level coursework~~; however, home education student eligibility requirements for continued enrollment in dual enrollment courses must include the maintenance of the minimum postsecondary grade point average established by the postsecondary institution for other dually enrolled students.

3. The student's responsibilities for providing his or her own transportation.

4. A copy of the statement on transfer guarantees developed by the Department of Education under subsection (15).

(14) The Department of Education shall approve any course for inclusion in the dual enrollment program that is contained within the statewide course numbering system. However, developmental education and physical education and other courses that focus on the physical execution of a skill rather than the intellectual attributes of the activity, may not be so approved but must be evaluated individually for potential inclusion in the dual enrollment program. This subsection may not be construed to mean that an independent postsecondary institution eligible for inclusion in a dual enrollment or early admission program pursuant to subsection (23) ~~s. 1011.62~~ must participate in the statewide course numbering system developed pursuant to s. 1007.24 to participate in a dual enrollment program.

(17) Instructional materials assigned for use within dual enrollment courses shall be made available to dual enrollment students from Florida public ~~high~~ schools, private schools, and home education programs free of charge. ~~This subsection does not prohibit a Florida College System institution from providing instructional materials at no cost to a home education student or student from a private school.~~ Instructional materials purchased by a district school board or Florida College System institution board of trustees on behalf of dual enrollment students shall be the property of the board against which the purchase is charged.

(21) Each district school superintendent and each public postsecondary institution president shall develop a comprehensive dual enrollment articulation agreement for the respective school district and postsecondary institution. The superintendent and president shall establish an articulation committee for the purpose of developing the agreement. Each state university president may designate a university representative to participate in the development of a dual enrollment articulation agreement. A dual enrollment articulation agreement shall be completed and submitted annually by the postsecondary institution to the Department of Education on or before October ~~August~~ 1. The agreement must include, but is not limited to:

(a) A ratification or modification of all existing articulation agreements.

(b) A description of the process by which students and their parents are informed about opportunities for student participation in the dual enrollment program.

(c) A delineation of courses and programs available to students eligible to participate in dual enrollment.

(d) A description of the process by which students and their parents exercise options to participate in the dual enrollment program.

(e) The initial eligibility requirements for college credit dual enrollment pursuant to paragraph (3)(a).

(f) The agreed upon common placement test scores and corresponding grade point average that may be accepted for initial student eligibility if an exception to the minimum grade point average is authorized pursuant to paragraph (3)(b).

(g)~~(e)~~ A list of any additional initial student eligibility requirements for participation in the dual enrollment program.

(h)~~(f)~~ A delineation of the high school credit earned for the passage of each dual enrollment course.

(i)~~(g)~~ A description of the process for informing students and their parents of college-level course expectations.

(j)~~(h)~~ The policies and procedures, if any, for determining exceptions to the required grade point averages on an individual student basis.

(k)~~(i)~~ The registration policies for dual enrollment courses as determined by the postsecondary institution.

(l)~~(j)~~ Exceptions, if any, to the professional rules, guidelines, and expectations stated in the faculty or adjunct faculty handbook for the postsecondary institution.

(m)~~(k)~~ Exceptions, if any, to the rules, guidelines, and expectations stated in the student handbook of the postsecondary institution which apply to faculty members.

(n)~~(l)~~ The responsibilities of the school district regarding the determination of student eligibility before participating in the dual enrollment program and the monitoring of student performance while participating in the dual enrollment program.

(o)~~(m)~~ The responsibilities of the postsecondary institution regarding the transmission of student grades in dual enrollment courses to the school district.

(p)~~(n)~~ A funding provision that delineates costs incurred by each entity.

1. School districts shall pay public postsecondary institutions the in-state resident standard tuition rate per credit hour from funds provided in the Florida Education Finance Program when dual enrollment course instruction takes place on the postsecondary institution's campus and the course is taken during the fall or spring term. When dual enrollment is provided on the high school site by postsecondary institution faculty, the school district shall reimburse the costs associated with the postsecondary institution's proportion of salary and benefits to provide the instruction. When dual enrollment course instruction is provided on the high school site by school district faculty, the school district is not responsible for payment to the postsecondary institution. A postsecondary institution may enter into an agreement with the school district to authorize teachers to teach dual enrollment courses at the high school site or the postsecondary institution. A school district may not deny a student access to dual enrollment unless the student is ineligible to participate in the program subject to provisions specifically outlined in this section.

2. Subject to annual appropriation in the General Appropriations Act, a public postsecondary institution shall receive an amount of funding equivalent to the standard tuition rate per credit hour for each dual enrollment course taken by a student during the summer term.

(o) Any institutional responsibilities for student transportation, if provided.

(23) District school boards and Florida College System institutions may enter into additional dual enrollment articulation agreements with state universities for the purposes of this section. School districts may also enter into dual enrollment articulation agreements with eligible independent colleges and universities ~~pursuant to s. 1011.62(1)(i)~~. An independent college or university that is not for profit, is accredited by a regional or national accrediting agency recognized by the United States Department of Education, and confers degrees as defined in s. 1005.02 shall be eligible for inclusion in the dual enrollment or early admission program. By October ~~August~~ 1 of each year, the district school board and the Florida College System institution shall complete and submit the dual enrollment articulation agreement with the state university or an eligible independent college or university, as applicable, to the Department of Education.

(24)(a) The dual enrollment program for a private school student consists of the enrollment of an eligible private school student in a postsecondary course creditable toward an associate degree, a career certificate, or a baccalaureate degree. In addition, a private school in which a student, including, but not limited to, students with disabilities, is enrolled must award credit toward high school completion for the postsecondary course under the dual enrollment program. To participate in the dual enrollment program, an eligible private school student must:

1. Provide proof of enrollment in a private school pursuant to subsection (2).

2. Be responsible for his or her own ~~instructional materials and~~ transportation unless provided for in the articulation agreement.

3. Sign a private school articulation agreement pursuant to paragraph (b).

(b) Each public postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a private school articulation agreement with each eligible private school in its geographic service area seeking to offer dual enrollment courses to its students, including, but not limited to, students with disabilities. By October ~~August~~ 1 of each year, the eligible postsecondary institution shall complete and submit the private school articulation agreement to the Department of Education. The private school articulation agreement must include, at a minimum:

1. A delineation of courses and programs available to the private school student. The postsecondary institution may add, revise, or delete courses and programs at any time.

2. The initial and continued eligibility requirements for private school student participation, not to exceed those required of other dual enrollment students.

3. The student's responsibilities for providing his or her own ~~instructional materials and~~ transportation.

4. A provision clarifying that the private school will award appropriate credit toward high school completion for the postsecondary course under the dual enrollment program.

5. A provision expressing that the private school of enrollment is exempt from the payment of ~~costs associated with~~ tuition and fees, including registration~~,~~ and laboratory fees~~, will not be passed along to the student~~.

(26) By November 30, 2021, and annually thereafter, the commissioner must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the status of dual enrollment programs, including, at a minimum, a summary of student enrollment and completion for public school, private school, and home education program students enrolled at public and private postsecondary institutions.

(27) The State Board of Education shall adopt rules for any dual enrollment programs involving requirements for high school graduation.

Section 7. Section 1007.273, Florida Statutes, is amended to read:

1007.273 Early college program ~~Collegiate high school program.~~

(1) Each Florida College System institution shall work with each district school board in its designated service area to establish one or more early college ~~collegiate high school~~ programs. As used in this section, the term "early college program" means a structured high school acceleration program in which a cohort of students is taking postsecondary courses full time toward an associate degree. The early college program must prioritize courses applicable as general education core courses under s. 1007.25 for an associate degree or a baccalaureate degree.

~~(2) At a minimum, collegiate high school programs must include an option for public school students in grade 11 or grade 12 participating in the program, for at least 1 full school year, to earn CAPE industry certifications pursuant to s. 1008.44 and to successfully complete 30 credit hours through the dual enrollment program under s. 1007.271 toward the first year of college for an associate degree or baccalaureate degree while enrolled in the program.~~

(2)~~(3)~~ Each district school board and its local Florida College System institution shall execute a contract to establish one or more early college ~~collegiate high school~~ programs at a mutually agreed-upon ~~agreed upon~~ location or locations. ~~Beginning with the 2015-2016 school year,~~ If the Florida College System institution does not establish an early college ~~a~~ program with a district school board in its designated service area, another Florida College System institution may execute a contract with that district school board to establish the early college program. The contract must be executed by January 1 of each school year for implementation of the program during the next school year. The contract must:

(a) Identify the grade levels to be included in the early college program ~~collegiate high school program which must, at a minimum, include grade 12~~.

(b) Describe the early college ~~collegiate high school~~ program, including the delineation of courses that must, at a minimum, include general education core courses pursuant to s. 1007.25; ~~and industry certifications offered, including~~ online course availability; the high school and college credits earned for each postsecondary course completed and industry certification earned; student eligibility criteria; and the enrollment process and relevant deadlines.

(c) Describe the methods, medium, and process by which students and their parents are annually informed about the availability of the early college ~~collegiate high school~~ program, the return on investment associated with participation in the early college program, and the information described in paragraphs (a) and (b).

(d) Identify the delivery methods for instruction and the instructors for all courses.

(e) Identify student advising services and progress monitoring mechanisms.

(f) Establish a program review and reporting mechanism regarding student performance outcomes.

(g) Describe the terms of funding arrangements to implement the early college ~~collegiate high school~~ program pursuant to subsection (5).

(3)~~(4)~~ Each student participating in an early college ~~a collegiate high school~~ program must enter into a student performance contract, which must be signed by the student, the parent, and a representative of the school district and the ~~applicable~~ Florida College System institution partner~~, state university,~~ or other eligible postsecondary institution partner participating pursuant to subsection (4) ~~(5)~~. The performance contract must, at a minimum, specify ~~include~~ the schedule of courses, by semester, and industry certifications to be taken by the student, if any; student attendance requirements;~~, and~~ course grade requirements; and the applicability of such courses to an associate degree or a baccalaureate degree.

(4)~~(5)~~ In addition to executing a contract with the local Florida College System institution under this section, a district school board may execute a contract to establish an early college ~~a collegiate high school~~ program with a state university or an institution that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, that is a nonprofit independent college or university located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. Such university or institution must meet the requirements specified under subsections (2) and (3) ~~subsections (3) and (4)~~. A charter school may execute a contract directly with the local Florida College System institution or another institution as authorized under this section to establish an early college program at a mutually agreed-upon location.

(5)~~(6)~~ The early college ~~collegiate high school~~ program shall be funded pursuant to ss. 1007.271 and 1011.62. The State Board of Education shall enforce compliance with this section by withholding the transfer of funds for the school districts and the Florida College System institutions in accordance with s. 1008.32.

(6) By November 30, 2021, and annually thereafter, the commissioner must report the status of early college programs, including, at a minimum, a summary of student enrollment in public and private postsecondary institutions and completion information, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 8. Paragraphs (i) and (n) of subsection (1) of section 1011.62, Florida Statutes, are amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(i) *Calculation of full-time equivalent membership with respect to dual enrollment instruction.*—

1. Full-time equivalent students.—Students enrolled in dual enrollment instruction pursuant to s. 1007.271 may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Instructional time for dual enrollment may vary from 900 hours; however, the full-time equivalent student membership value shall be subject to the provisions in s. 1011.61(4). Dual enrollment full-time equivalent student membership shall be calculated in an amount equal to the hours of instruction that would be necessary to earn the full-time equivalent student membership for an equivalent course if it were taught in the school district. Students in dual enrollment courses may also be calculated as the proportional shares of full-time equivalent enrollments they generate for a Florida College System institution or university conducting the dual enrollment instruction. Early admission students shall be considered dual enrollments for funding purposes. Students may be enrolled in dual enrollment instruction provided by an eligible independent college or university and may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. However, those provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, shall not apply to students who select the option of enrolling in an eligible independent institution. ~~An independent college or university, which is not for profit, is accredited by a regional or national accrediting agency recognized by the United States Department of Education, and confers degrees as defined in s. 1005.02 shall be eligible for inclusion in the dual enrollment or early admission program. Students enrolled in dual enrollment instruction shall be exempt from the payment of tuition and fees, including laboratory fees.~~ No student enrolled in college credit mathematics or English dual enrollment instruction shall be funded as a dual enrollment unless the student has successfully completed the relevant section of the entry-level examination required pursuant to s. 1008.30.

2. Additional full-time equivalent student membership.—For students enrolled in an early college program pursuant to s. 1007.273, a value of 0.16 full-time equivalent student membership shall be calculated for each student who completes a general education core course through the dual enrollment program with a grade of "A" or better. For students who are not enrolled in an early college program, a value of 0.08 full-time equivalent student membership shall be calculated for each student who completes a general education core course through the dual enrollment program with a grade of "A." In addition, a value of 0.3 full-time equivalent student membership shall be calculated for any student who receives an associate degree through the dual enrollment program with a 3.0 grade point average or better. This value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. This section shall be effective for credit earned by dually enrolled students for courses taken in the 2020-2021 school year and each school year thereafter. If the associate degree described in this paragraph is earned in 2020-2021 following completion of courses taken in the 2020-2021 school year, then courses taken toward the degree as part of the dual enrollment program before 2020-2021 may not preclude eligibility for the 0.3 additional full-time equivalent student membership bonus. Each school district shall allocate at least 50 percent of the funds received from the dual enrollment bonus FTE funding, in accordance with this paragraph, to the schools that generated the funds to support student academic guidance and postsecondary readiness.

3. Qualifying courses.—For the purposes of this paragraph, general education core courses are those that are identified in rule by the State Board of Education and in regulation by the Board of Governors pursuant to s. 1007.25(3).

(n) Calculation of additional full-time equivalent membership based on college board advanced placement scores of students and earning college board advanced placement capstone diplomas.—A value of 0.16 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives a College Board Advanced Placement Capstone Diploma and meets the requirements for a standard high school diploma under s. 1003.4282. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each district must allocate at least 80 percent of the funds provided to the district for advanced placement instruction, in accordance with this paragraph, to the high school that generates the funds. The school district shall distribute to each classroom teacher who provided advanced placement instruction:

1. A bonus in the amount of $50 for each student taught by the Advanced Placement teacher in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination.

2. An additional bonus of $500 to each Advanced Placement teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 3 or higher on the College Board Advanced Placement Examination, regardless of the number of classes taught or of the number of students scoring a 3 or higher on the College Board Advanced Placement Examination.

Bonuses awarded under this paragraph shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive. For such courses, the teacher shall earn an additional bonus of $50 for each student who has a qualifying score.

Section 9. Subsections (4) and (5) of section 1001.10, Florida Statutes, are amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(4) The Department of Education shall:

(a) Provide technical assistance to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students who participate in a state scholarship program under chapter 1002 in the development of policies, procedures, and training related to employment practices and standards of ethical conduct for instructional personnel and school administrators, as defined in s. 1012.01.

(b) Maintain a list of individuals ineligible for employment in any positon requiring direct contact with students that includes all of the following:

1. The identity of each person who has been terminated, or has resigned in lieu of termination, from employment as a result of sexual misconduct with a student.

2. The identity of each person who is ineligible for educator certification or employment pursuant to s. 1012.315.

(c) The department may remove a person from the list if the person demonstrates that:

1. A completed law enforcement investigation resulted in an exoneration or no conviction or finding of guilt and a completed investigation and proceeding, as applicable, by the responsible education agency resulted in a finding that the person did not commit misconduct;

2. The person was not the subject of the report of misconduct and was included on the ineligible list in error or as a result of mistaken identity; or

3. The employer that submitted the person for inclusion on the ineligible list requests that the person be removed and submits documentation to support the request.

(d) The State Board of Education shall adopt rules to implement this subsection.

(5) The Department of Education shall provide authorized staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students who participate in a state scholarship program under chapter 1002 with access to electronic verification of information from the following employment screening tools:

(a) The Professional Practices' Database of Disciplinary Actions Against Educators.~~; and~~

(b) The department's ~~Department of Education's~~ Teacher Certification Database.

(c) The department's ineligible list under paragraph (4)(b).

This subsection does not require the department to provide these staff with unlimited access to the databases. However, the department shall provide the staff with access to the data necessary for performing employment history checks of the persons ~~instructional personnel and school administrators~~ included in the databases.

Section 10. Paragraph (a) of subsection (2) of section 1012.31, Florida Statutes, is amended to read:

1012.31 Personnel files.—Public school system employee personnel files shall be maintained according to the following provisions:

(2)(a) Materials relating to work performance, discipline, suspension, or dismissal must be reduced to writing and signed by a person competent to know the facts or make the judgment. Such person shall execute and maintain an affidavit of separation, on the form adopted by the Department of Education, setting forth in detail the facts and reasons for separation due to termination or resignation in lieu of termination. An affidavit of separation must expressly disclose that separation is due to sexual misconduct with a student and must be provided to the department for the individual's inclusion on the ineligible list pursuant to s. 1001.(4)(b). The affidavit of separation must be executed under oath and constitutes an official statement within the purview of s. 837.06. The affidavit of separation must include conspicuous language that intentional false execution of the affidavit constitutes a misdemeanor of the second degree. The executed affidavit of separation shall be provided in response to any employment history check conducted under s. 1012.27 ~~The resignation or termination of an employee before an investigation of alleged misconduct by the employee affecting the health, safety, or welfare of a student is concluded must be clearly indicated in the employee's personnel file~~.

Section 11. Paragraph (b) of subsection (1) and subsection (5) of section 1012.796, Florida Statutes, are amended, paragraph (i) is added to subsection (7), and subsection (10) is added to that section, to read:

1012.796 Complaints against teachers and administrators; procedure; penalties.—

(1)

(b) The department shall immediately investigate any legally sufficient complaint that involves misconduct by any certificated personnel which affects the health, safety, or welfare of a student, giving the complaint priority over other pending complaints. The department must investigate or continue to investigate and take action on such a complaint filed against a person whose educator certificate has expired if the act or acts that are the basis for the complaint were allegedly committed while that person possessed an educator certificate. The Commissioner of Education shall make a determination of probable cause within 60 days after receipt of any complaint involving sexual misconduct with a student. Upon the written request of a state attorney, this deadline may be held in abeyance during criminal proceedings related to the sexual misconduct with a student.

(5) When an allegation of misconduct by instructional personnel or school administrators, as defined in s. 1012.01, is received, if the alleged misconduct affects the health, safety, or welfare of a student, the district school superintendent in consultation with the school principal, or upon the request of the Commissioner of Education, must, at a minimum, immediately suspend the instructional personnel or school administrators from regularly assigned duties, with pay, until submission of a legally sufficient complaint and remove ~~reassign the suspended~~ personnel or administrators from ~~to~~ positions that may ~~do not~~ require direct contact with students in the district school system. The proceedings and determination of sanctions shall be completed by a school district within 1 year after submission of the legally sufficient complaint. ~~Such suspension shall continue until the completion of the proceedings and the determination of sanctions, if any, pursuant to this section and s. 1012.795.~~

Section 12. Paragraph (b) 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.—

(b)1. Beginning with the 2014-2015 school year, a school's grade shall be based on the following components, each worth 100 points:

a. The percentage of eligible students passing statewide, standardized assessments in English Language Arts under s. 1008.22(3).

b. The percentage of eligible students passing statewide, standardized assessments in mathematics under s. 1008.22(3).

c. The percentage of eligible students passing statewide, standardized assessments in science under s. 1008.22(3).

d. The percentage of eligible students passing statewide, standardized assessments in social studies under s. 1008.22(3).

e. The percentage of eligible students who make Learning Gains in English Language Arts as measured by statewide, standardized assessments administered under s. 1008.22(3).

f. The percentage of eligible students who make Learning Gains in mathematics as measured by statewide, standardized assessments administered under s. 1008.22(3).

g. The percentage of eligible students in the lowest 25 percent in English Language Arts, as identified by prior year performance on statewide, standardized assessments, who make Learning Gains as measured by statewide, standardized English Language Arts assessments administered under s. 1008.22(3).

h. The percentage of eligible students in the lowest 25 percent in mathematics, as identified by prior year performance on statewide, standardized assessments, who make Learning Gains as measured by statewide, standardized Mathematics assessments administered under s. 1008.22(3).

i. For schools comprised of middle grades 6 through 8 or grades 7 and 8, the percentage of eligible students passing high school level statewide, standardized end-of-course assessments or attaining national industry certifications identified in the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education.

In calculating Learning Gains for the components listed in sub-subparagraphs e.-h., the State Board of Education shall require that learning growth toward achievement levels 3, 4, and 5 is demonstrated by students who scored below each of those levels in the prior year. In calculating the components in sub-subparagraphs a.-d., the state board shall include the performance of English language learners only if they have been enrolled in a school in the United States for more than 2 years.

2. For a school comprised of grades 9, 10, 11, and 12, or grades 10, 11, and 12, the school's grade shall also be based on the following components, each worth 100 points:

a. The 4-year high school graduation rate of the school as defined by state board rule.

b. The percentage of students who were eligible to earn college and career credit through College Board Advanced Placement examinations, International Baccalaureate examinations, dual enrollment courses, including career dual enrollment courses resulting in the completion of 300 hours or more of clock hours during high school which are approved by the state board as meeting the requirements of s. 1007.271, or Advanced International Certificate of Education examinations; or who, at any time during high school, earned national industry certification identified in the CAPE Industry Certification Funding List, pursuant to rules adopted by the state board.

Section 13. Paragraph (n) is added to subsection (2) of section 1006.20, Florida Statutes, to read:

1006.20 Athletics in public K-12 schools.—

(2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

(n) The FHSAA shall adopt bylaws or policies that require, prior to the start of all athletic events conducted under the direction and supervision of the FHSAA, including but not limited to Florida High School State Championship Series events, that each participating school be provided 30 seconds for opening remarks over the public-address system. The FHSAA may not prohibit prayer or otherwise control, monitor, or review the content of the opening remarks, if any. Prior to the opening remarks, the public-address announcer shall announce that the content of any opening remarks by a participating school is not endorsed by and does not reflect the views and opinions of the FHSAA.

Section 14. Pathways in Technology Early College High School (P-TECH) program.—

(1) By December 1, 2020, the Commissioner of Education shall submit to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Board of Governors, and the State Board of Education a report with recommendations that address the feasibility of implementing the Pathways in Technology Early College High School (P-TECH) program, or a similar program, in Florida. The P-TECH program must:

(a) Incorporate secondary and postsecondary education with workforce education and work experience through a flexible 6-year integrated model.

(b) Allow students to earn a high school diploma, an associate degree, and applicable industry certifications and gain work experience within 6 years after enrolling in the 9th grade.

(c) Have an open enrollment policy that encourages a diverse student body, including students from low-income families and first-generation college students.

(d) Support student success through flexible class scheduling, advising and mentoring components, and other wrap-around services.

(e) Provide seamless articulation with Florida's postsecondary institutions.

(2) The report must, at a minimum, include the following:

(a) Timelines for implementing a P-TECH program, or a similar program, as described in subsection (1), including courses of study which support program completion in 4 to 6 years and which meet regional workforce demand.

(b) A funding model that provides the P-TECH program, or a similar program, at no cost to students. The funding model may incorporate K-12, postsecondary, and workforce funding, grants, scholarships, and other funding options.

(c) Partnerships with industries and businesses, which include private investment, work-based training, internships, and priority placement for job opportunities upon graduation.

(d) Recommendations for modifications, if any, to the school and school district accountability requirements of s. 1008.34, Florida Statutes.

(3) This section shall take effect upon this act becoming a law and shall expire on December 1, 2020.

Section 15. Except as otherwise provided and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2020.

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to education; amending s. 1004.04, F.S.; revising student requirements for entrance into certain teacher preparation programs; deleting authorization for a teacher preparation program to waive such requirements for certain students; amending s. 1012.585, F.S.; providing limitations for inservice points a teacher may earn for certain mandatory training topics; amending s. 1012.98, F.S.; requiring district school boards to calculate an amount of specified funds for use by teachers for professional development; requiring the Department of Education to identify specified professional development opportunities; amending s. 1013.44, F.S.; prohibiting costs associated with certain solar energy systems from being included in certain cost per student station limitations; amending s. 1002.33, F.S.; revising the student populations for which a charter school is authorized to limit the enrollment process; amending s. 1007.271, F.S.; prohibiting recreation and leisure studies courses from inclusion in dual enrollment programs; revising provisions for exceptions to grade point average requirements for dual enrollment programs; prohibiting district school boards and Florida College System institutions from limiting participation in dual enrollment programs; providing an exemption; revising specified dates relating to certain agreements; requiring district school boards to inform students and parents of specified information; requiring a school to have a specified form on file before enrolling a student in a dual enrollment course; providing requirements for such form; revising grade point average requirements for home education students; requiring, rather than authorizing, instructional materials to be made available to certain dual enrollment students free of charge; revising the requirements for articulation agreements; requiring private school articulation agreements to prohibit certain costs from being passed along to private school students or private schools; requiring the State Board of Education to adopt rules and the Board of Governors to adopt regulations for specified purposes; amending s. 1007.273, F.S.; changing the term "collegiate high school program" to "early college program"; defining the term "early college program"; requiring early college programs to prioritize certain courses; revising provisions relating to student performance contracts for students participating in early college programs; authorizing charter schools to execute contracts to establish an early college program with specified institutions; requiring the commissioner to annually report the status of early college programs to the Governor and the Legislature by a specified date; amending s. 1011.62, F.S.; providing funding calculations for certain students enrolled in specified programs; providing requirements for such calculations; revising the annual allocation to school districts to include an additional calculation of full-time equivalent membership for students who earn a College Board Advanced Placement Capstone Diploma beginning in a specified fiscal year; amending s. 1001.10, F.S.; requiring the Department of Education to maintain an ineligible list of certain persons; providing for the removal of a person from a specified list under certain circumstances; requiring the State Board of Education to adopt rules; requiring the department to provide access to specified information to certain staff for specified purposes; amending s. 1012.31, requiring certain persons to execute and maintain an affidavit of separation form for specified purposes; providing requirements for such affidavit; requiring specified affidavit be provided for certain employment history checks; amending s. 1012.796, F.S.; requiring the commissioner to make a determination of probable cause within a specified

timeframe for complaints relating to sexual misconduct with a student; providing for such timeframe to be held in abeyance under certain circumstances; requiring the commissioner to remove certain suspended personnel or administrators from certain positions under specified circumstances; requiring a district school superintendent to immediately suspend certain individuals and take specified action as a results of alleged misconduct; providing a timeframe for specified investigations; providing timeframe for administrative suspension; amending s. 1008.34, F.S.; revising the components on which a school's grade is based; amending 1006.20, F.S.; requiring the requiring the Florida High School Athletic Association to adopt bylaws or policies requiring that 30 seconds be set aside for opening remarks at the beginning of all athletic events; prohibiting the association from controlling, monitoring, or reviewing the content of the opening remarks; requiring an announcement before the remarks that the association does not endorse the views or opinions presented; requiring the Commissioner of Education to submit a report to specified entities by December 1, 2020, on the feasibility of implementing a certain program; providing effective dates.

Rep. Sullivan moved the adoption of the amendment.

Representative Sullivan offered the following:

(Amendment Bar Code: 029327)

Amendment 1 to Amendment 1 (103343) (with directory amendment)—Remove line 542 of the amendment and insert:

(q)~~(o)~~ Any institutional responsibilities for student

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

Remove lines 129-130 of the amendment and insert:

Section 6. Subsections (5) through (11) of section 1007.271, Florida Statutes, are renumbered as subsections (6) through (12), respectively, subsections (1) through (4), present subsections (5) through (12), and subsections (13), (14), (17), (21), (23), and (24) are amended, and a new subsection (5) and

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

Representative Sullivan offered the following:

(Amendment Bar Code: 516711)

Amendment 2 to Amendment 1 (103343) (with directory amendment)

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

Remove lines 918-920 of the amendment and insert:

(5) of section 1012.796, Florida Statutes, are amended to read:

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

Representative Santiago offered the following:

(Amendment Bar Code: 047307)

Amendment 3 to Amendment 1 (103343) (with title amendment)—Remove lines 1019-1022 of the amendment and insert:

Section 13. Paragraph (f) of subsection (2) of section 1006.20, Florida Statutes, is amended, and paragraph (n) is added to that subsection, to read:

1006.20 Athletics in public K-12 schools.—

(2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

(f) The FHSAA shall adopt bylaws that:

1. Establish sanctions for coaches who have committed major violations of the FHSAA's bylaws and policies.

a.~~1.~~ Major violations include, but are not limited to, knowingly allowing an ineligible student to participate in a contest representing a member school in an interscholastic contest or committing a violation of the FHSAA's recruiting or sportsmanship policies.

b.~~2.~~ Sanctions placed upon an individual coach may include, but are not limited to, prohibiting or suspending the coach from coaching, participating in, or attending any athletic activity sponsored, recognized, or sanctioned by the FHSAA and the member school for which the coach committed the violation. If a coach is sanctioned by the FHSAA and the coach transfers to another member school, those sanctions remain in full force and effect during the term of the sanction.

c.~~3.~~ If a member school is assessed a financial penalty as a result of a coach committing a major violation, the coach shall reimburse the member school before being allowed to coach, participate in, or attend any athletic activity sponsored, recognized, or sanctioned by the FHSAA and a member school.

d.~~4.~~ The FHSAA shall establish a due process procedure for coaches sanctioned under this paragraph, consistent with the appeals procedures set forth in subsection (7).

2. Require the governing boards of member schools to approve the employment or continued employment of individuals who have a felony conviction.

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

Remove lines 1157-1158 of the amendment and insert:

s. 1006.20, F.S.; requiring the Florida High School Athletic Association (FHSAA) to adopt bylaws requiring certain governing boards to approve the employment and continued employment of certain individuals; requiring the FHSAA to adopt bylaws or policies; requiring that

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

Representative Grant, J. offered the following:

(Amendment Bar Code: 092021)

Amendment 4 to Amendment 1 (103343) (with title amendment)—Remove lines 1019-1021 of the amendment and insert:

Section 13. Subsection (1) of section 1006.20, Florida Statutes, is amended, and paragraph (n) is added to subsection (2) of that section, to read:

1006.20 Athletics in public K-12 schools.—

(1) GOVERNING NONPROFIT ORGANIZATION.—The Florida High School Athletic Association (FHSAA) is designated as the governing nonprofit organization of athletics in Florida public schools. If the FHSAA fails to meet the provisions of this section, the commissioner shall designate a nonprofit organization to govern athletics with the approval of the State Board of Education. The FHSAA is not a state agency as defined in s. 120.52. The FHSAA shall be subject to the provisions of s. 1006.19. A private school that wishes to engage in high school athletic competition with a public high school may become a member of the FHSAA. Any high school in the state, including charter schools, virtual schools, and home education cooperatives, may become a member of the FHSAA and participate in the activities of the FHSAA. However, membership in the FHSAA is not mandatory for any school. The FHSAA must allow a private school or public school, including a charter school, virtual school, and home education cooperative, the option of maintaining full membership in the association or joining by sport and may not discourage such school or cooperative ~~a private school~~ from simultaneously maintaining membership in another athletic association. The FHSAA must ~~may~~ allow a public school ~~the option to apply for consideration~~ to join another athletic association. The FHSAA may not deny or discourage interscholastic competition between its member schools and non-FHSAA member Florida schools, including members of another athletic governing organization, and may not take any retributory or discriminatory action against any of its member schools that join another athletic association or that participate in interscholastic competition with non-FHSAA member Florida schools. The FHSAA may not unreasonably

withhold its approval of an application to become an affiliate member of the National Federation of State High School Associations submitted by any other organization that governs interscholastic athletic competition in this state. The bylaws of the FHSAA are the rules by which high school athletic programs in its member schools, and the students who participate in them, are governed, unless otherwise specifically provided by statute. For the purposes of this section, "high school" includes grades 6 through 12.

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

Remove lines 1156-1158 of the amendment and insert:
the components on which a school's grade is based; amending s. 1006.20, F.S.; requiring the Florida High School Athletic Association (FHSAA) to allow certain schools and home education cooperatives to maintain full membership in the association or join by sport; requiring the FHSAA to allow public schools to join other athletic associations; prohibiting the FHSAA from taking retributory or discriminatory actions against member schools that join other athletic associations; requiring the requiring the FHSAA to adopt bylaws or policies requiring that

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

The question recurred on **Amendment 1**, as amended, which was adopted.

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

CS/HB 1187—A bill to be entitled An act relating to organ donation; amending s. 395.1055, F.S.; revising a provision relating to certain rules adopted by the Agency for Health Care Administration; amending s. 765.5155, F.S.; revising the responsibilities of a contractor procured by the agency for the purpose of educating and informing the public about anatomical gifts; amending s. 765.517, F.S.; prohibiting an organ transplantation facility from charging a donor or his or her family member any fee for services relating to the procurement or donation of organs; amending s. 765.522, F.S.; revising a requirement that the agency establish rules and guidelines relating to the education of certain individuals designated to perform certain organ donation procedures; amending s. 765.543, F.S.; revising the duties of the Organ and Tissue Procurement and Transplantation Advisory Board; requiring the board to submit certain recommendations to the agency by a specified date; providing an effective date.

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

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

CS/CS/HB 1061—A bill to be entitled An act relating to aquatic preserves; creating s. 258.3991, F.S.; creating the Nature Coast Aquatic Preserve; designating the preserve for inclusion in the aquatic preserve system and as an Outstanding Florida Water; describing the boundaries of the preserve; providing an effective date.

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

CS/HB 559—A bill to be entitled An act relating to institutional formularies established by nursing home facilities; creating s. 400.143, F.S.; providing definitions; authorizing a nursing home facility to establish and implement an institutional formulary; requiring a nursing home facility to establish a committee to develop an institutional formulary; providing for committee membership; providing requirements for the development and implementation of the institutional formulary; requiring a nursing home facility to maintain the written policies and procedures for the institutional formulary; requiring a nursing home facility to make available such policies and procedures to the Agency for Health Care Administration, upon request; requiring a prescriber to authorize the use of the institutional formulary for each patient; requiring a nursing home facility to obtain the prescriber's approval for any changes made to the institutional formulary; authorizing a prescriber to opt out of using the institutional formulary; prohibiting a nursing home facility from taking adverse action against a prescriber for declining to use the institutional formulary; requiring a nursing home facility to notify the prescriber of therapeutic substitutions using a certain method of communication; requiring the nursing home facility to document such substitutions in a resident's medical records; authorizing a prescriber to prevent a therapeutic substitution for a specific prescription; requiring the nursing home facility to obtain informed consent for the use of the institutional formulary; requiring such facility to inform a resident or the resident's legal representative, or his or her designee, of the right to refuse to participate in the use of the institutional formulary; prohibiting a nursing home facility from taking adverse action against a resident for refusing to participate in the use of the institutional formulary; amending s. 465.025, F.S.; authorizing a pharmacist to therapeutically substitute medicinal drugs under an institutional formulary established by a nursing home facility under certain circumstances; prohibiting a pharmacist from therapeutically substituting a medicinal drug under certain circumstances; providing an effective date.

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

CS/HB 1005—A bill to be entitled An act relating to voting systems; amending s. 97.021, F.S.; defining the term "automatic tabulating equipment" for purposes of the Florida Election Code; amending s. 101.5612, F.S.; revising the timeframes for certain public testing of automatic tabulating equipment; amending s. 101.5614, F.S.; revising procedures governing the canvassing of returns to specify usage of a voting system's automatic tabulating equipment; amending s. 102.141, F.S.; specifying the circumstances under which ballots must be processed through automatic tabulating equipment in a recount; amending s. 102.166, F.S.; specifying the manner by which a manual recount may be conducted; revising requirements for hardware or software used in a manual recount; authorizing overvotes and undervotes to be identified and sorted physically or digitally in a manual recount; revising minimum requirements for Department of State rules to require procedures regarding the certification and use of automatic tabulating equipment for manual recounts; providing construction; providing effective dates.

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

Consideration of **CS/HB 1265** was temporarily postponed.

HB 855—A bill to be entitled An act relating to special districts; amending s. 189.069, F.S.; revising the method by which a special district may post its final audit report on its website; deleting a requirement that each special district's public facilities report be posted on the special district's website; deleting a requirement that certain meeting materials be posted on website; providing an effective date.

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

Consideration of **CS/HB 1343** was temporarily postponed.

Consideration of **CS/CS/HB 1063** was temporarily postponed.

Consideration of **CS/CS/HB 1139** was temporarily postponed.

Consideration of **CS/HB 1201** was temporarily postponed.

HB 1465—A bill to be entitled An act relating to Hardee County Economic Development Authority, Hardee County; amending chapter 2004-394, Laws of Florida, as amended; authorizing the Hardee County Economic

Development Authority to approve an operating budget for specified purposes under certain circumstances; providing an effective date.

—was read the second time by title.

Representative Bell offered the following:

(Amendment Bar Code: 124679)

Amendment 1—Remove lines 28-32 and insert:

(d) Approve an annual operating budget in compliance with the requirements of the Special District Accountability Program of the Department of Economic Opportunity. The annual operating budget may only provide for the consideration and approval, approval with modification, or denial of applications for grants funding public infrastructure projects submitted by Hardee County or an incorporated municipality within the county. The authority must consider each application submitted by the county or a municipality at a public hearing before rendering a final decision. Funding for an approved application under this paragraph shall be by appropriation from the authority directly to the applicant.

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

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

CS/CS/CS/HB 623—A bill to be entitled An act relating to community associations; amending s. 514.0115, F.S.; exempting certain property association pools from Department of Health regulations; amending s. 627.714, F.S.; prohibiting subrogation rights against a condominium association under certain circumstances; creating s. 712.065, F.S.; defining the term "discriminatory restriction"; providing that discriminatory restrictions are unlawful, unenforceable, and void; providing that discriminatory restrictions are extinguished and severed from recorded title transactions; specifying that the recording of certain notices does not reimpose or preserve a discriminatory restriction; providing requirements for a parcel owner to remove a discriminatory restriction from a covenant or restriction; amending s. 718.111, F.S.; requiring that certain records be maintained for a specified time; requiring associations to maintain official records in a specified manner; requiring an association to provide a checklist or affidavit relating to certain records to certain persons; requiring such checklist or affidavit to be maintained for a time certain; creating a rebuttable presumption; prohibiting an association from requiring certain actions relating to the inspection of records; revising requirements relating to the posting of digital copies of certain documents by certain condominium associations; amending s. 718.112, F.S.; authorizing a condominium association to extinguish discriminatory restrictions; revising calculation of a board member's term limit; providing requirements for certain notices; revising the fees an association may charge for transfers; deleting a prohibition against employing or contracting with certain service providers; amending s. 718.113, F.S.; defining the terms "natural gas fuel" and "natural gas fuel vehicle"; revising legislative findings; revising requirements for electric vehicle charging stations; providing requirements for the installation of natural gas fuel stations on property governed by condominium associations; amending s. 718.117, F.S.; conforming provisions to changes made by the act; amending s. 718.121, F.S.; providing when the installation of a natural gas fuel station may be the basis of a lien; amending s. 718.1255, F.S.; authorizing parties to initiate presuit mediation under certain circumstances; specifying when arbitration is binding on the parties; providing requirements for presuit mediation; amending s. 718.202, F.S.; revising use of certain withdrawn escrow funds by developers; amending s. 718.303, F.S.; revising requirements for certain actions for failure to comply with specified provisions; revising requirements for certain fines; amending s. 718.501, F.S.; defining the term "financial issue"; authorizing the Division of Condominiums, Timeshares, and Mobile Homes to adopt rules; amending s. 718.5014, F.S.; revising where the principal office of the Office of the Condominium Ombudsman must be maintained; amending s. 719.103, F.S.; revising the definition of the term "unit" to specify that an interest in a cooperative unit is an interest in real property; amending s. 719.104, F.S.; prohibiting an association from requiring certain actions relating to the inspection of records; amending s. 719.106, F.S.; revising provisions relating to a quorum and voting rights for members remotely participating in meetings; amending procedure to challenge a board member recall; authorizing cooperative associations to extinguish discriminatory restrictions; amending s. 720.303, F.S.; authorizing an association to adopt procedures for electronic meeting notices; revising the documents that constitute the official records of an association; revising when a specified statement must be included in an association's financial report; revising requirements for such statement; revising when an association is deemed to have provided for reserve accounts; amending procedure to challenge a board member recall; amending s. 720.304, F.S.; authorizing a homeowner to display certain flags; amending s. 720.305, F.S.; providing requirements for certain fines; amending s. 720.306, F.S.; revising requirements for providing certain notices; providing limitations on associations when a parcel owner attempts to rent or lease his or her parcel; amending the procedure for election disputes; amending s. 720.311, F.S.; amending the procedure for election disputes; amending s. 720.3075, F.S.; authorizing homeowners' associations to extinguish discriminatory restrictions; providing an effective date.

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

HB 7019—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides an exemption from public records requirements for certain criminal intelligence and criminal investigative information that reveals the identity of a victim of certain human trafficking offenses; removing the scheduled repeal of the exemption; amending s. 943.0583, F.S., which provides an exemption from public records requirements for criminal intelligence and criminal investigative information revealing the identity of a victim of human trafficking whose criminal history record has been ordered expunged; removing the scheduled repeal of the exemption; providing an effective date.

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

CS/CS/HB 715—A bill to be entitled An act relating to reclaimed water; amending s. 403.064, F.S.; requiring certain domestic wastewater utilities to submit plans for eliminating nonbeneficial surface water discharges to the Department of Environmental Protection and to implement such plans by specified dates; providing plan requirements; requiring the department to approve plans that meet certain requirements and to make determinations regarding such plans within a specified timeframe; requiring certain domestic wastewater utilities to submit updated annual plans until certain conditions are met; requiring the department to submit an annual report to the Legislature by a specified date; providing applicability; providing construction; creating s. 403.8531, F.S.; providing legislative intent; providing definitions; requiring the Department of Environmental Protection to adopt specified rules; requiring the department and the water management districts to develop and execute, by a specified date, a memorandum of agreement for the coordinated review of specified permits; providing that potable reuse projects by private entities are eligible for certain expedited permitting and funding priorities; providing construction; creating s. 403.892; providing definitions; requiring counties, municipalities, and special districts to authorize graywater technologies under certain circumstances and to provide incentives for the implementation of such technologies; providing requirements for such incentives; requiring the department to convene at least one technical advisory group for specified purposes; providing for the composition of the technical advisory group; requiring the department to review reclaimed water, potable reuse, drinking water, and aquifer recharge rules and revise such rules as necessary; providing applicability of specified reclaimed water aquifer storage and recovery system requirements; providing a directive to the Division of Law Revision; providing a declaration of important state interest; providing an effective date.

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

Consideration of **CS/CS/HB 1181** was temporarily postponed.

Consideration of **CS/CS/CS/HB 391** was temporarily postponed.

CS/CS/HB 921—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 316.520, F.S.; revising application of agricultural load securing requirements; amending s. 570.07, F.S.; revising the functions, powers, and duties of the Department of Agriculture and Consumer Services to authorize the department to purchase private insurance policies for a specified purpose; amending s. 570.441, F.S.; extending the scheduled expiration for the Department of Agriculture and Consumer Services' use of funds from the Pest Control Trust Fund for certain duties of the department; amending s. 590.02, F.S.; directing the Florida Forest Service to develop a training curriculum for wildland firefighters; providing requirements for such training; amending s. 597.003, F.S.; authorizing the Department of Agriculture and Consumer Services to revoke an aquaculture certificate of registration under certain conditions; amending s. 633.408, F.S.; providing wildland firefighter training and certification for certain firefighters and volunteer firefighters; providing an effective date.

—was read the second time by title.

Representative Brannan offered the following:

(Amendment Bar Code: 749531)

Amendment 1 (with title amendment)—Remove lines 36-43

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

Remove lines 5-9 and insert:
requirements; amending s. 570.441, F.S.;

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

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

CS/HB 941—A bill to be entitled An act relating to treatment-based drug court programs; amending s. 397.334, F.S.; authorizing a court to offer an option for verification of participation in self-help groups or activities to certain defendants; providing an effective date.

—was read the second time by title.

Representative Buchanan offered the following:

(Amendment Bar Code: 399711)

Amendment 1 (with title amendment)—Between lines 22 and 23, insert:
Section 2. Subsection (3) of section 397.403, Florida Statutes, is amended to read:
397.403 License application.—
(3) Applications for licensure renewal must include proof of application for accreditation for each licensed service component providing clinical treatment by an accrediting organization that is acceptable to the department for the first renewal, and proof of accreditation for any subsequent renewals. This subsection does not apply to any offender ~~inmate~~ substance abuse program operated by or under an exclusive contract with a jail or the Department of Corrections.

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

Remove line 6 and insert:
certain defendants; amending s. 397.403, F.S.; revising a provision relating to the applicability of certain licensure renewal requirements to certain substance abuse programs; providing an effective date.

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

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

CS/CS/HB 279—A bill to be entitled An act relating to local government public construction works; amending s. 218.80, F.S.; providing disclosure requirements for certain documents and contracts under the Public Bid Disclosure Act; amending s. 255.20, F.S.; revising provisions relating to estimating public construction works project costs; requiring such costs to include employee compensation and benefits and other specified direct and indirect costs; requiring the governing bodies of local governments to annually review certain reports; providing reporting requirements; requiring the Auditor General to review such reports as part of his or her audits of local governments; amending s. 336.41, F.S.; revising provisions relating to estimating total construction project costs; requiring such costs to include employee compensation and benefits and other specified direct and indirect costs; providing an effective date.

—was read the second time by title.

Representative Smith, D. offered the following:

(Amendment Bar Code: 217229)

Amendment 1 (with title amendment)—Remove everything after the enacting clause and insert:
Section 1. Subsection (3) of section 218.80, Florida Statutes, is amended to read:
218.80 Public Bid Disclosure Act.—
(3) Bidding documents or other request for proposal issued for bids by a local governmental entity, or any public contract entered into between a local governmental entity and a contractor shall disclose each permit or fee which the contractor will have to pay before or during construction, ~~and shall include~~ the dollar amount or the percentage method or the unit method of all permits or fees which may be required by the local government as a part of the contract and a listing of all other governmental entities that may have additional permits or fees generated by the project. If the request for proposal does not require the response to include a final fixed price, the local governmental entity is not required to disclose any fees or assessments in the request for proposal. However, at least 10 days prior to requiring the contractor to submit a final fixed price for the project, the local governmental entity shall make the disclosures required in this section. Any of the local governmental entity's permits or fees that ~~which~~ are not disclosed in the bidding documents, other request for proposal, or a contract between a local government and a contractor shall not be assessed or collected after the contract is let. No local government shall halt construction under any public contract or delay completion of the contract in order to collect any permits or fees which were not provided for or specified in the bidding documents, other request for proposal, or the contract.
Section 2. Subsection (1) of section 255.20, Florida Statutes, is amended to read:
255.20 Local bids and contracts for public construction works; specification of state-produced lumber.—
(1) A county, municipality, special district as defined in chapter 189, or other political subdivision of the state seeking to construct or improve a public building, structure, or other public construction works must competitively award to an appropriately licensed contractor each project that is estimated ~~in accordance with generally accepted cost-accounting principles~~ to cost more than $300,000. For electrical work, the local government must competitively award to an appropriately licensed contractor each project that is estimated ~~in accordance with generally accepted cost-accounting principles~~ to cost more than $75,000. As used in this section, the term "competitively award" means to award contracts based on the submission of sealed bids,

proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation. This subsection expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable municipal or county ordinance, by district resolution, or by state law. For purposes of this section, cost includes employee compensation and benefits ~~the cost of all labor~~, except inmate labor, ~~and~~ the cost of equipment and maintenance, insurance costs, and the cost of direct materials to be used in the construction of the project, including materials purchased by the local government, and other direct costs, plus a factor of 20 percent for management, overhead, and other indirect costs. Subject to the provisions of subsection (3), the county, municipality, special district, or other political subdivision may establish, by municipal or county ordinance or special district resolution, procedures for conducting the bidding process.

(a) Notwithstanding any other law, a governmental entity seeking to construct or improve bridges, roads, streets, highways, or railroads, and services incidental thereto, at a cost in excess of $250,000 may require that persons interested in performing work under contract first be certified or qualified to perform such work. A contractor may be considered ineligible to bid if the contractor is behind by 10 percent or more on completing an approved progress schedule for the governmental entity at the time of advertising the work. A prequalified contractor considered eligible by the Department of Transportation to bid to perform the type of work described under the contract is presumed to be qualified to perform the work described. The governmental entity may provide an appeal process to overcome that presumption with de novo review based on the record below to the circuit court.

(b) For contractors who are not prequalified by the Department of Transportation, the governmental entity shall publish prequalification criteria and procedures prior to advertisement or notice of solicitation. Such publications must include notice of a public hearing for comment on such criteria and procedures prior to adoption. The procedures must provide for an appeal process within the authority for making objections to the prequalification process with de novo review based on the record below to the circuit court within 30 days.

(c) The provisions of this subsection do not apply:

1. If the project is undertaken to replace, reconstruct, or repair an existing public building, structure, or other public construction works damaged or destroyed by a sudden unexpected turn of events such as an act of God, riot, fire, flood, accident, or other urgent circumstances, and such damage or destruction creates:

a. An immediate danger to the public health or safety;

b. Other loss to public or private property which requires emergency government action; or

c. An interruption of an essential governmental service.

2. If, after notice by publication in accordance with the applicable ordinance or resolution, the governmental entity does not receive any responsive bids or proposals.

3. To construction, remodeling, repair, or improvement to a public electric or gas utility system if such work on the public utility system is performed by personnel of the system.

4. To construction, remodeling, repair, or improvement by a utility commission whose major contracts are to construct and operate a public electric utility system.

5. If the project is undertaken as repair or maintenance of an existing public facility. For the purposes of this paragraph, the term "repair" means a corrective action to restore an existing public facility to a safe and functional condition and the term "maintenance" means a preventive or corrective action to maintain an existing public facility in an operational state or to preserve the facility from failure or decline. Repair or maintenance includes activities that are necessarily incidental to repairing or maintaining the facility. Repair or maintenance does not include the construction of any new building, structure, or other public construction works or any substantial addition, extension, or upgrade to an existing public facility. Such additions, extensions, or upgrades shall be considered substantial if the estimated cost of the additions, extensions, or upgrades included as part of the repair or maintenance project exceeds the threshold amount in subsection (1) and exceeds 20 percent of the estimated total cost of the repair or maintenance project ~~using generally accepted cost-accounting principles that~~ fully accounting ~~account~~ for all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs, and the cost of direct materials to be used in the construction of the project, including materials purchased by the local government, and other direct costs, plus a factor of 20 percent for management, overhead, and other indirect costs. An addition, extension, or upgrade shall not be considered substantial if it is undertaken pursuant to the conditions specified in subparagraph 1. Repair and maintenance projects and any related additions, extensions, or upgrades may not be divided into multiple projects for the purpose of evading the requirements of this subparagraph.

6. If the project is undertaken exclusively as part of a public educational program.

7. If the funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent.

8. If the local government competitively awarded a project to a private sector contractor and the contractor abandoned the project before completion or the local government terminated the contract.

9. If the governing board of the local government complies with all of the requirements of this subparagraph, conducts a public meeting under s. 286.011 after public notice, and finds by majority vote of the governing board that it is in the public's best interest to perform the project using its own services, employees, and equipment. The public notice must be published at least 21 days before the date of the public meeting at which the governing board takes final action. The notice must identify the project, the components and scope of the work, and the estimated cost of the project ~~using generally accepted cost-accounting principles that~~ fully accounting ~~account~~ for all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs, and the cost of direct materials to be used in the construction of the project, including materials purchased by the local government, and other direct costs, plus a factor of 20 percent for management, overhead, and other indirect costs. The notice must specify that the purpose for the public meeting is to consider whether it is in the public's best interest to perform the project using the local government's own services, employees, and equipment. Upon publication of the public notice and for 21 days thereafter, the local government shall make available for public inspection, during normal business hours and at a location specified in the public notice, a detailed itemization of each component of the estimated cost of the project and documentation explaining the methodology used to arrive at the estimated cost. At the public meeting, any qualified contractor or vendor who could have been awarded the project had the project been competitively bid shall be provided with a reasonable opportunity to present evidence to the governing board regarding the project and the accuracy of the local government's estimated cost of the project. In deciding whether it is in the public's best interest for the local government to perform a project using its own services, employees, and equipment, the governing board must consider the estimated cost of the project fully accounting for all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs, and the cost of direct materials to be used in the construction of the project, including materials purchased by the local government, and other direct costs, plus a factor of 20 percent for management, overhead, and other indirect costs, and the accuracy of the estimated cost in light of any other information that may be presented at the public meeting and whether the project requires an increase in the number of government employees or an increase in capital expenditures for public facilities, equipment, or other capital assets. The local government may further consider the impact on local economic development, the impact on small and minority business owners, the impact on state and local tax revenues, whether the private sector contractors provide health insurance and other benefits equivalent to those provided by the local government, and any other factor relevant to what is in the public's best interest. A report summarizing completed projects constructed by the local government

pursuant to this subsection shall be publicly reviewed each year by the governing body of the local government. The report shall detail the estimated costs and the actual costs of the projects constructed by the local government pursuant to this subsection. The report shall be made available for review by the public. The Auditor General shall review the report as part of his or her audits of local governments.

10. If the governing board of the local government determines upon consideration of specific substantive criteria that it is in the best interest of the local government to award the project to an appropriately licensed private sector contractor pursuant to administrative procedures established by and expressly set forth in a charter, ordinance, or resolution of the local government adopted before July 1, 1994. The criteria and procedures must be set out in the charter, ordinance, or resolution and must be applied uniformly by the local government to avoid awarding a project in an arbitrary or capricious manner. This exception applies only if all of the following occur:

a. The governing board of the local government, after public notice, conducts a public meeting under s. 286.011 and finds by a two-thirds vote of the governing board that it is in the public's best interest to award the project according to the criteria and procedures established by charter, ordinance, or resolution. The public notice must be published at least 14 days before the date of the public meeting at which the governing board takes final action. The notice must identify the project, the estimated cost of the project, and specify that the purpose for the public meeting is to consider whether it is in the public's best interest to award the project using the criteria and procedures permitted by the preexisting charter, ordinance, or resolution.

b. The project is to be awarded by any method other than a competitive selection process, and the governing board finds evidence that:

(I) There is one appropriately licensed contractor who is uniquely qualified to undertake the project because that contractor is currently under contract to perform work that is affiliated with the project; or

(II) The time to competitively award the project will jeopardize the funding for the project, materially increase the cost of the project, or create an undue hardship on the public health, safety, or welfare.

c. The project is to be awarded by any method other than a competitive selection process, and the published notice clearly specifies the ordinance or resolution by which the private sector contractor will be selected and the criteria to be considered.

d. The project is to be awarded by a method other than a competitive selection process, and the architect or engineer of record has provided a written recommendation that the project be awarded to the private sector contractor without competitive selection, and the consideration by, and the justification of, the government body are documented, in writing, in the project file and are presented to the governing board prior to the approval required in this paragraph.

11. To projects subject to chapter 336.

(d) If the project:

1. Is to be awarded based on price, the contract must be awarded to the lowest qualified and responsive bidder in accordance with the applicable county or municipal ordinance or district resolution and in accordance with the applicable contract documents. The county, municipality, or special district may reserve the right to reject all bids and to rebid the project, or elect not to proceed with the project. This subsection is not intended to restrict the rights of any local government to reject the low bid of a nonqualified or nonresponsive bidder and to award the contract to any other qualified and responsive bidder in accordance with the standards and procedures of any applicable county or municipal ordinance or any resolution of a special district.

2. Uses a request for proposal or a request for qualifications, the request must be publicly advertised and the contract must be awarded in accordance with the applicable local ordinances.

3. Is subject to competitive negotiations, the contract must be awarded in accordance with s. 287.055.

(e) If a construction project greater than $300,000, or $75,000 for electrical work, is started after October 1, 1999, is to be performed by a local government using its own employees in a county or municipality that issues registered contractor licenses, and the project would require a contractor licensed under chapter 489 if performed by a private sector contractor, the local government must use a person appropriately registered or certified under chapter 489 to supervise the work.

(f) If a construction project greater than $300,000, or $75,000 for electrical work, is started after October 1, 1999, is to be performed by a local government using its own employees in a county that does not issue registered contractor licenses, and the project would require a contractor licensed under chapter 489 if performed by a private sector contractor, the local government must use a person appropriately registered or certified under chapter 489 or a person appropriately licensed under chapter 471 to supervise the work.

(g) Projects performed by a local government using its own services and employees must be inspected in the same manner required for work performed by private sector contractors.

(h) A construction project provided for in this subsection may not be divided into more than one project for the purpose of evading this subsection.

(i) This subsection does not preempt the requirements of any small-business or disadvantaged-business enterprise program or any local-preference ordinance.

(j) A county, municipality, special district as defined in s. 189.012, or any other political subdivision of the state that owns or operates a public-use airport as defined in s. 332.004 is exempt from this section when performing repairs or maintenance on the airport's buildings, structures, or public construction works using the local government's own services, employees, and equipment.

(k) A local government that owns or operates a port identified in s. 403.021(9)(b) is exempt from this section when performing repairs or maintenance on the port's buildings, structures, or public construction works using the local government's own services, employees, and equipment.

(l) A local government that owns or operates a public transit system as defined in s. 343.52, a public transportation system as defined in s. 343.62, or a mass transit system described in s. 349.04(1)(b) is exempt from this section when performing repairs or maintenance on the buildings, structures, or public construction works of the public transit system, public transportation system, or mass transit system using the local government's own services, employees, and equipment.

(m) Any contractor may be considered ineligible to bid by the governmental entity if the contractor has been found guilty by a court of any violation of federal labor or employment tax laws regarding subjects such as safety, tax withholding, workers' compensation, reemployment assistance or unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past 5 years.

Section 3. Subsection (4) of section 336.41, Florida Statutes, is amended to read:

336.41 Counties; employing labor and providing road equipment; accounting; when competitive bidding required.—

(4) All construction and reconstruction of roads and bridges, including resurfacing, full scale mineral seal coating, and major bridge and bridge system repairs, to be performed utilizing the proceeds of the 80-percent portion of the surplus of the constitutional gas tax shall be let to contract to the lowest responsible bidder by competitive bid, except for:

(a) Construction and maintenance in emergency situations, and

(b) In addition to emergency work, construction and reconstruction, including resurfacing, mineral seal coating, and bridge repairs, having a total cumulative annual value not to exceed 5 percent of its 80-percent portion of the constitutional gas tax or $400,000, whichever is greater, and

(c) Construction of sidewalks, curbing, accessibility ramps, or appurtenances incidental to roads and bridges if each project is estimated ~~in accordance with generally accepted cost accounting principles~~ to have total construction project costs of less than $400,000 or as adjusted by the percentage change in the Construction Cost Index from January 1, 2008,

for which the county may utilize its own forces. Estimated total construction project costs must include all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs, and the cost of direct materials to be used in the construction of the project, including materials purchased by the local government, and other direct costs, plus a factor of 20 percent for

management, overhead, and other indirect costs. However, if, after proper advertising, no bids are received by a county for a specific project, the county may use its own forces to construct the project, notwithstanding the limitation of this subsection. Nothing in this section shall prevent the county from performing routine maintenance as authorized by law.

Section 4. This act shall take effect July 1, 2020.

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 local government public construction works; amending s. 218.80, F.S.; revising disclosure requirements for bidding documents and other requests for proposals issued for bids by a local governmental entity and public contracts entered into between local governmental entities and contractors; amending s. 255.20, F.S.; revising the term cost to include specified information; requiring the governing board of a local government to consider estimated costs of certain projects that account for specified costs when the board is making a specified determination; requiring that a local government that performs projects using its own services, employees, and equipment provide a report to the local governing board with certain information; requiring that the Auditor General review the report as part of his or her audits of local governments; amending s. 336.41, F.S.; requiring estimated total construction project costs for certain projects to include specified costs; providing an effective date.

Rep. D. Smith moved the adoption of the amendment, which was adopted.

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

CS/CS/HB 733—A bill to be entitled An act relating to the Marketable Record Title Act; amending s. 712.03, F.S.; revising rights that are not affected or extinguished by marketable record titles; amending s. 712.04, F.S.; revising what types of interests are extinguished by a marketable record title; providing construction; creating s. 712.065, F.S.; defining the term "discriminatory restriction"; providing that discriminatory restrictions are unlawful, unenforceable, and declared null and void; providing that certain discriminatory restrictions are extinguished and severed from recorded title transactions; specifying that the recording of certain notices does not reimpose or preserve a discriminatory restriction; providing requirements for a parcel owner to remove a discriminatory restriction from a covenant or restriction; amending s. 712.12, F.S.; revising the definition of the term "covenant or restriction"; providing applicability; requiring persons with certain interests in land which may be extinguished by this act to file a specified notice to preserve such interests; providing a directive to the Division of Law Revision; providing an effective date.

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

CS/CS/HB 731—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 383.327, F.S.; requiring birth centers to report certain deaths and stillbirths to the Agency for Health Care Administration; removing a requirement that a certain report be submitted annually to the agency; authorizing the agency to prescribe by rule the frequency at which such report is submitted; amending s. 395.003, F.S.; removing a requirement that specified information be listed on licenses for certain facilities; amending s. 395.1055, F.S.; requiring the agency to adopt specified rules related to ongoing quality improvement programs for certain cardiac programs; amending s. 395.602, F.S.; extending a certain date relating to the designation of certain rural hospitals; repealing s. 395.7015, F.S., relating to an annual assessment on health care entities; amending s. 395.7016, F.S.; conforming a provision to changes made by the act; amending s. 400.19, F.S.; revising provisions requiring the agency to conduct licensure inspections of nursing homes; requiring the agency to conduct biannual licensure surveys under certain circumstances; revising a provision requiring the agency to assess a specified fine for such surveys; amending s. 400.462, F.S.; revising definitions; amending s. 400.464, F.S.; revising provisions relating to exemptions from licensure requirements for home health agencies; exempting certain persons from such licensure requirements; amending ss. 400.471, 400.492, 400.506, and 400.509, F.S.; revising provisions relating to licensure requirements for home health agencies to conform to changes made by the act; amending s. 400.605, F.S.; removing a requirement that the agency conduct specified inspections of certain licensees; amending s. 400.60501, F.S.; removing an obsolete date and a requirement that the agency develop a specified annual report; amending s. 400.9905, F.S.; revising the definition of the term "clinic"; amending s. 400.991, F.S.; conforming provisions to changes made by the act; removing the option for health care clinics to file a surety bond under certain circumstances; amending s. 400.9935, F.S.; requiring certain clinics to publish and post a schedule of charges; amending s. 408.033, F.S.; conforming a provision to changes made by the act; amending s. 408.05, F.S.; requiring the agency to publish an annual report identifying certain health care services by a specified date; amending s. 408.061, F.S.; revising provisions requiring health care facilities to submit specified data to the agency; amending s. 408.0611, F.S.; requiring the agency to annually publish a report on the progress of implementation of electronic prescribing on its Internet website; amending s. 408.062, F.S.; requiring the agency to annually publish certain information on its Internet website; removing a requirement that the agency submit certain annual reports to the Governor and Legislature; amending s. 408.063, F.S.; removing a requirement that the agency annually publish certain reports; amending ss. 408.802, 408.820, 408.831, and 408.832, F.S.; conforming provisions to changes made by the act; amending s. 408.803, F.S.; conforming a provision to changes made by the act; providing a definition of the term "low-risk provider"; amending s. 408.806, F.S.; exempting certain low-risk providers from a specified inspection; amending s. 408.808, F.S.; authorizing the issuance of a provisional license to certain applicants; amending s. 408.809, F.S.; revising provisions relating to background screening requirements for certain licensure applicants; removing an obsolete date and provisions relating to certain rescreening requirements; amending s. 408.811, F.S.; authorizing the agency to exempt certain low-risk providers from inspections and conduct unannounced licensure inspections of such providers under certain circumstances; authorizing the agency to adopt rules to waive routine inspections and grant extended time periods between relicensure inspections under certain conditions; amending s. 408.821, F.S.; revising provisions requiring licensees to have a specified plan; providing requirements for the submission of such plan; amending s. 408.909, F.S.; removing a requirement that the agency and Office of Insurance Regulation evaluate a specified program; amending s. 408.9091, F.S.; removing a requirement that the agency and office jointly submit a specified annual report to the Governor and Legislature; amending s. 409.905, F.S.; providing construction for a provision that requires the agency to discontinue its hospital retrospective review program under certain circumstances; providing legislative intent; amending s. 409.907, F.S.; requiring that a specified background screening be conducted through the agency on certain persons and entities; amending s. 409.908, F.S.; revising provisions related to the prospective payment methodology for certain Medicaid provider reimbursements; amending s. 409.913, F.S.; revising a requirement that the agency and the Medicaid Fraud Control Unit of the Department of Legal Affairs submit a specified report to the Legislature; authorizing the agency to recover specified costs associated with an audit, investigation, or enforcement action relating to provider fraud under the Medicaid program; amending s. 409.920, F.S.; revising provisions related to prohibited referral practices under the Medicaid program; providing applicability; amending ss. 409.967 and 409.973, F.S.; revising the length of managed care plan and Medicaid prepaid dental health program contracts, respectively, procured by the agency beginning during a specified timeframe; requiring the agency to extend the term of certain existing contracts until a specified date; amending s. 429.11, F.S.; removing an authorization for the issuance of a provisional license to certain facilities; amending s. 429.19, F.S.; removing requirements that the agency develop and disseminate a specified list and the Department of Children and Families disseminate such list to certain providers; amending ss. 429.35, 429.905, and 429.929, F.S.; revising provisions requiring a biennial inspection cycle for specified facilities and centers, respectively; repealing part I of chapter 483, F.S., relating to The Florida Multiphasic

Health Testing Center Law; amending ss. 627.6387, 627.6648, and 641.31076, F.S.; revising the definition of the term "shoppable health care service"; revising duties of certain health insurers and health maintenance organizations; amending ss. 20.43, 381.0034, 456.001, 456.057, 456.076, and 456.47, F.S.; conforming cross-references; providing effective dates.

—was read the second time by title.

Representative Perez offered the following:

(Amendment Bar Code: 455657)

Amendment 1—Remove line 719 and insert:
an entity issued a certificate of authority under chapter 624 or chapter 641

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

Representative Perez offered the following:

(Amendment Bar Code: 399477)

Amendment 2—Remove lines 1384-1392 and insert:
the Florida Medicaid program by way of rendering services to Medicaid recipients or having direct access to Medicaid recipients or recipient living areas, or who supervises the delivery of goods or services to a Medicaid recipient. This subparagraph does not impose additional screening requirements on any providers licensed under part II of chapter 408.
4. Nonemergency transportation drivers who are employed or contracted with transportation companies, transportation network companies, or

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

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

Consideration of **CS/CS/HB 1011** was temporarily postponed.

HB 833—A bill to be entitled An act relating to the Program of All-Inclusive Care for the Elderly; creating s. 430.84, F.S.; providing definitions; authorizing the Agency for Health Care Administration, in consultation with the Department of Elderly Affairs, to approve entities applying to deliver PACE services in the state; requiring notice of applications in the Florida Administrative Register; providing specified application requirements for such prospective PACE organizations; requiring existing PACE organizations to meet specified requirements under certain circumstances; requiring prospective PACE organizations to submit a complete application to the agency and the Centers for Medicare and Medicaid Services within a specified period; requiring that PACE organizations meet certain federal quality and performance standards; requiring the agency to oversee and monitor the PACE program and organizations; providing that a PACE organization is exempt from certain requirements; providing an effective date.

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

CS/CS/HB 1039—A bill to be entitled An act relating to transportation network companies; amending s. 627.748, F.S.; revising and providing definitions; deleting for-hire vehicles from the list of vehicles that are not considered TNC carriers or are not exempt from certain registration; providing that insurance maintained by TNC vehicle owners may satisfy required insurance coverages; authorizing TNC drivers or their designees to contract with companies to install TNC digital advertising devices on TNC vehicles; providing requirements and restrictions for such devices; providing immunity from certain liability for TNC drivers, TNC vehicle owners, owners and operators of TNC digital advertising devices, and certain TNCs; providing exceptions; providing construction relating to such devices; authorizing entities to elect to be regulated as luxury ground TNCs by notifying the Department of Financial Services; providing requirements for luxury ground TNCs; providing for preemption over local law on the governance of luxury ground TNCs, luxury ground TNC drivers, and luxury ground TNC vehicles; providing that TNCs are not liable for certain harm to persons or property if certain conditions are met; providing construction relating to insurance coverage and liability; providing an effective date.

—was read the second time by title.

Representative Rommel offered the following:

(Amendment Bar Code: 276525)

Amendment 1 (with title amendment)—Remove lines 159-169 and insert:
(i)1. A TNC, TNC driver, or TNC vehicle owner, or an owner or operator of a TNC digital advertising device that displays or disseminates an advertisement on behalf of another, does not violate this subsection and, under s. 501.212(2), is not subject to the Florida Deceptive and Unfair Trade Practices Act as a result of the display of an advertisement on a TNC digital advertising device, unless the TNC, TNC driver, or TNC vehicle owner, or the owner or operator of the TNC digital advertising device, respectively, has actual knowledge that the advertisement violates this subsection or the Florida Deceptive and Unfair Trade Practices Act.

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

Remove lines 13-15 and insert:
liability for TNCs, TNC drivers, TNC vehicle owners, and owners and operators of TNC digital advertising devices; providing exceptions; providing

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

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

CS/CS/HB 977—A bill to be entitled An act relating to motor vehicle dealers; providing legislative findings; amending s. 324.021, F.S.; revising the definition of the term "rental company" to exclude certain motor vehicle dealers, for the purpose of determining minimum insurance coverage requirements; providing that specified motor vehicle dealers and their affiliates are immune to causes of action and not vicariously or directly liable for harm to persons or property under certain circumstances; providing that specified motor vehicle dealers and their affiliates are not adjudged liable in civil proceedings or guilty in criminal proceedings under certain circumstances; providing exceptions; providing an effective date.

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

HJR 7093—A joint resolution proposing an amendment to Section 3 of Article XI of the State Constitution to increase the threshold requirements needed to amend the State Constitution by initiative.

—was read the second time by title.

THE SPEAKER PRO TEMPORE IN THE CHAIR

Representative Webb offered the following:

(Amendment Bar Code: 008425)

Amendment 1 (with title amendment)—Remove line 25 and insert:
the state, and of the state as a whole, equal to four ~~eight~~ percent

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

Remove line 3 and insert:
of Article XI of the State Constitution to revise

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

Representative Webb offered the following:

(Amendment Bar Code: 158015)

Amendment 2 (with ballot and title amendments)—Remove line 25 and insert:
the state equal to two percent, and of the state as a whole~~,~~ equal to five ~~eight~~ percent

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B A L L O T A M E N D M E N T

Remove line 37 and insert:
congressional district and the state as a whole to place an initiative on the ballot.

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

Remove line 3 and insert:
of Article XI of the State Constitution to revise

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

Representative Eskamani offered the following:

(Amendment Bar Code: 157705)

Amendment 3 (with ballot amendment)

B A L L O T A M E N D M E N T

Remove line 34 and insert:
BALLOT INITIATIVES FOR BILLIONAIRES.—

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

Representative Rommel offered the following:

(Amendment Bar Code: 066033)

Amendment 4 (with ballot amendment)

B A L L O T A M E N D M E N T

Remove lines 34-37 and insert:
PROCEDURE FOR CITIZEN INITIATIVES; SIGNATURES OF CITIZENS IN EACH DISTRICT RATHER THAN HALF OF DISTRICTS.—Proposing an amendment to the State Constitution to require a petition for a citizen initiative to receive signatures from a certain percentage of electors in each congressional district, instead of one half of the congressional districts, before it can be placed on the ballot. The State Constitution also currently requires a percentage of signatures of electors from the state as a whole and that percentage would remain unchanged.

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

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

Consideration of **CS/HB 741** was temporarily postponed.

CS/CS/HB 241—A bill to be entitled An act relating to domestic violence injunctions; amending s. 741.30, F.S.; authorizing a court to take certain actions regarding the care, possession, or control of an animal in domestic violence actions; providing applicability; providing an effective date.

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

CS/HB 687—A bill to be entitled An act relating to services for veterans and their families; creating s. 394.9087, F.S.; authorizing the Department of Veterans' Affairs to establish the Florida Veterans' Care Coordination Program to provide for veterans and their families behavioral health care referral and care coordination services; authorizing the department to contract with a certain nonprofit entity to enter into agreements with Florida 211 Network participants to provide such services; providing program goals; providing for the statewide delivery of specified services by program teams; requiring Florida 211 Network participants to collect program implementation data and to submit such data to the department; requiring the department to submit a report to the Governor and Legislature by a specified date; providing requirements for the report; providing an effective date.

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

CS/CS/HB 787—A bill to be entitled An act relating to driver licenses and identification cards; amending s. 322.08, F.S.; requiring application forms for original, renewal, and replacement driver licenses and identification cards to include language allowing a voluntary contribution to the Live Like Bella Childhood Cancer Foundation; amending s. 322.14, F.S.; authorizing a person with specified disabilities to have the capital letter "D" placed on his or her driver license under certain circumstances; providing requirements for the placement of such letter on, or the removal of such letter from, a person's driver license; providing an effective date.

—was read the second time by title.

Representative Tomkow offered the following:

(Amendment Bar Code: 594085)

Amendment 1—Remove line 91 and insert:
(t) Notwithstanding s. 322.081(1), a voluntary contribution of $1 or more per applicant

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

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

CS/CS/HB 789—A bill to be entitled An act relating to driver license fees; amending s. 322.14, F.S.; providing fees for the placement of a specified letter on, or the removal of such letter from, the driver license of a person who has a developmental disability; providing a contingent effective date.

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

CS/CS/HB 1105—A bill to be entitled An act relating to child welfare; amending s. 25.385, F.S.; requiring the Florida Court Educational Council to establish certain standards for instruction of circuit and county court judges for dependency cases; requiring the council to provide such instruction on a periodic and timely basis; creating s. 39.01304, F.S.; authorizing circuit courts to create early childhood court programs; providing requirements for such programs; requiring the Office of the State Courts Administrator to contract with certain university-based centers to evaluate the early childhood court programs; authorizing the Office of the State Courts Administrator to provide, or contract for the provision of, certain training and assistance; amending s. 39.0138, F.S.; requiring the Department of Children and Families to complete certain records checks within a specified timeframe; amending s. 39.301, F.S.; requiring the department to notify the court of certain reports; authorizing the department to file specified petitions under certain circumstances; amending s. 39.522, F.S.; requiring the court to consider specified factors when making certain determinations; requiring a child's case plan to be amended if the court changes the permanency goal; amending s. 39.6011, F.S.; revising and providing requirements for case plan descriptions; amending s. 39.701, F.S.; requiring the court to retain jurisdiction over a child under certain circumstances; requiring specified parties to disclose

certain information to the court; providing for certain caregiver recommendations to the court; requiring the court and citizen review panel to determine whether certain parties have developed a productive relationship; amending s. 63.092, F.S.; requiring that certain preliminary home studies be completed within a specified timeframe; creating s. 63.093, F.S.; providing requirements and processes for the adoption of children from the child welfare system; providing applicability; creating s. 409.1415, F.S.; providing legislative findings and intent; requiring the department and community-based care lead agencies to develop and support relationships between caregivers and birth or legal parents of certain children; providing responsibilities for caregivers, birth or legal parents, the department, and community-based care lead agency staff; requiring employees of residential group homes to meet specified requirements; requiring the department to adopt rules; amending s. 409.145, F.S.; removing certain responsibilities of caregivers, the department, community-based care lead agency staff, and other agency staff; removing requirements relating to transitions, information sharing, and certain caregivers; amending s. 409.175, F.S.; revising requirements for the licensure of family foster homes; requiring certain entities to complete a licensing study within a specified timeframe; requiring the department to issue determinations for family foster home licenses within a specified timeframe; providing an exception; amending s. 409.988, F.S.; authorizing a lead agency to provide more than 35 percent of all child welfare services under certain conditions; requiring a specified local community alliance, or specified representatives in certain circumstances, to review and recommend approval or denial of the lead agency's request for a specified exemption; amending ss. 39.302, 39.6225, 393.065, and 409.1451, F.S.; conforming cross-references to changes made by the act; providing an effective date.

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

CS/CS/HB 1111—A bill to be entitled An act relating to government accountability; creating s. 11.421, F.S.; creating the Florida Integrity Office under the Auditor General; providing definitions; providing duties and powers of the Florida Integrity Officer and the Auditor General; amending s. 11.45, F.S.; providing a definition; providing and revising Auditor General reporting requirements; amending s. 14.32, F.S.; providing definitions; providing investigative duties of the Chief Inspector General and agency inspectors general; requiring such inspectors general to provide a report to the Chief Financial Officer within a specified timeframe in certain circumstances; providing liability for certain officials, contractors, and persons in certain circumstances; amending s. 17.04, F.S.; authorizing the Chief Financial Officer to commence an investigation based on certain complaints or referrals; authorizing state agency employees and state contractors to report certain information to the Chief Financial Officer; amending s. 17.325, F.S.; requiring certain records to be sent to the Florida Integrity Officer within a specified timeframe; amending s. 20.055, F.S.; requiring agency inspectors general to make certain determinations and reports; amending s. 110.1245, F.S.; providing requirements for awards given to employees who report under the Whistle-blower's Act; authorizing expenditures for such awards; amending s. 112.3187, F.S.; revising a definition; conforming provisions to changes made by the act; providing a directive to the Division of Law Revision to create part IX of ch. 112, F.S.; creating s. 112.89, F.S.; providing legislative findings and purpose; defining terms; establishing standards for the fiduciary duty of care for appointed public officials and executive officers of specified governmental entities; requiring training on board governance beginning on a specified date; requiring the Department of Business and Professional Regulation to contract for or approve such training programs or publish a list of approved training providers; specifying requirements for such training; authorizing training to be provided by in-house counsel for certain governmental entities; requiring appointed public officials and executive officers to certify their completion of the training; requiring the department to adopt rules; providing exceptions to the training requirement; specifying requirements for the appointment of executive officers and general counsels of governmental entities; specifying standards for legal counsel; creating s. 216.1366, F.S.; providing requirements for certain public agency contracts; amending s. 287.057, F.S.; revising provisions relating to contractual services and commodities that are not subject to competitive-solicitation requirements; prohibiting certain state employees from participating in the negotiation or award of state contracts; creating s. 288.00001, F.S.; prohibiting tax incentives from being awarded or paid to a state contractor or subcontractor; amending s. 1001.20, F.S.; requiring the Office of Inspector General of the Department of Education to conduct investigations relating to waste, fraud, abuse, or mismanagement against a district school board or Florida College System institution; authorizing the Office of the Auditor General to use carryforward funds to fund the Florida Integrity Office; amending ss. 112.3188, 112.3189, and 112.31895, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Representative Polo offered the following:

(Amendment Bar Code: 570581)

Amendment 1 (with title amendment)—Between lines 230 and 231, insert:

(11) For purposes of this section, any payments of expenses under s. 11.13 are considered appropriations.

(12)(a) The President of the Senate and the Speaker of the House of Representatives must notify the Florida Integrity Officer if he or she receives a complaint alleging that a member of the Legislature has violated the Legislature's workplace harassment policy.

(b) Upon receiving such notification, the Florida Integrity Officer shall investigate the complaint to determine if any funds paid as expenses under s. 11.13 were used in connection with the member's violation of such policy.

(c) If the Florida Integrity Officer determines that a member used such funds in violation of such policy, the member is subject to s. 14.32(7)(c).

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

Remove line 6 and insert:

Officer and the Auditor General; providing applicability; requiring the President of the Senate and the Speaker of the House of Representatives to notify the Florida Integrity Officer upon receipt of a complaint alleging a certain policy violation by a member of the Legislature; requiring an investigation by the officer; providing that such member is subject to certain penalties; amending s. 11.45,

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

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

CS/HB 1257—A bill to be entitled An act relating to community associations; amending s. 194.011, F.S.; providing that certain associations may represent, prosecute, or defend owners in certain proceedings; providing applicability; requiring specified notice be provided to unit or parcel owners in a specified way; amending s. 194.181, F.S.; providing and revising the parties considered as the defendant in a tax suit; requiring certain notice to be provided to unit owners in a specified way; providing unit owners options for defending a tax suit; imposing certain actions for unit owners who fail to respond to a specified notice; amending s. 514.0115, F.S.; providing that certain property association pools are exempt from Department of Health regulations; amending s. 718.111, F.S.; providing that a condominium association may take certain actions relating to a challenge to ad valorem taxes in its own name or on behalf of unit owners; providing applicability; requiring an association to provide a checklist to certain persons requesting records; requiring that the checklist be signed by a specified person or the association to provide an affidavit attesting to the veracity of the checklist; providing a timeframe for maintaining such checklist and affidavit; creating a rebuttable presumption; amending s. 718.501, F.S.; defining the term "financial issue"; authorizing the Division of Condominiums, Timeshares, and Mobile Homes to adopt rules; amending s. 720.306, F.S.; providing that certain amendments to governing documents apply only to certain parcel

owners; providing exceptions; specifying that a change of ownership does not occur under certain circumstances; defining the term "affiliated entity"; requiring an affiliated entity to provide specified documents to an association in order for a conveyance to be recognized; providing an effective date.

—was read the second time by title.

Representative Tomkow offered the following:

(Amendment Bar Code: 512527)

Amendment 1 (with title amendment)—Remove lines 76-224 and insert: homeowners' association, as defined in s. 720.301 ~~s. 723.075~~, with approval of its board of administration or directors, may file with the value adjustment board a single joint petition on behalf of any association members who own units or parcels of property which the property appraiser determines are substantially similar with respect to location, proximity to amenities, number of rooms, living area, and condition. The condominium association, cooperative association, or homeowners' association ~~as defined in s. 723.075~~ shall provide the unit or parcel owners with notice of its intent to petition the value adjustment board by hand delivery or certified mail, return receipt requested, except that such notice may be electronically transmitted to a unit or parcel owner who has expressly consented in writing to receiving notices by electronic transmission. If the association is a condominium or cooperative association, the notice must also be posted conspicuously on the condominium or cooperative property in the same manner as notice of board meetings under ss. 718.112(2) and 719.106(1). Such notice must ~~and shall~~ provide at least 14 ~~20~~ days for a unit or parcel owner to elect, in writing, that his or her unit or parcel not be included in the petition.

2. A condominium association, as defined in s. 718.103, a cooperative association, as defined in s. 719.103, or a homeowners' association, as defined in s. 720.301, that has filed a single joint petition under this subsection may continue to represent, prosecute, and defend the unit or parcel owners through any related subsequent proceeding in any tribunal, including judicial review under part II of this chapter and any appeals. This subparagraph is intended to clarify existing law and applies to cases pending on July 1, 2020.

Section 2. Subsection (2) of section 194.181, Florida Statutes, is amended to read:

194.181 Parties to a tax suit.—

(2)(a) In any case brought by a ~~the~~ taxpayer or a condominium, cooperative, or homeowners' association, as defined in ss. 718.103, 719.103, and 720.301 respectively, on behalf of some or all unit or parcel owners, contesting the assessment of any property, the county property appraiser is the ~~shall be~~ party defendant.

(b) In any case brought by the property appraiser under ~~pursuant to~~ s. 194.036(1)(a) or (b), the taxpayer is the ~~shall be~~ party defendant.

(c)1. In any case brought by the property appraiser under s. 194.036(1)(a) or (b) concerning a value adjustment board decision on a single joint petition filed by a condominium, cooperative, or homeowners' association under s. 194.011(3), the association and all unit or parcel owners included in the single joint petition are the party defendants.

2. The condominium, cooperative, or homeowners' association must provide unit or parcel owners with notice of its intent to respond to or answer the property appraiser's complaint and advise the unit or parcel owners that they may elect to:

a. Retain their own counsel to defend the appeal;

b. Choose not to defend the appeal; or

c. Be represented together with other unit or parcel owners by the association.

3. The notice required in subparagraph 2. must be hand delivered or sent by certified mail, return receipt requested, to the unit or parcel owners, except that such notice may be electronically transmitted to a unit or parcel owner who has expressly consented in writing to receiving notices through electronic transmission. Additionally, the notice must be posted conspicuously on the condominium or cooperative property, if applicable, in the same manner as notice of board meetings under ss. 718.112(2) and 719.106(1). The association must provide at least 14 days for a unit or parcel owner to respond to the notice. Any unit or parcel owner who does not respond to the association's notice will be represented by the association.

(d) In any case brought by the property appraiser under ~~pursuant to~~ s. 194.036(1)(c), the value adjustment board is the ~~shall be~~ party defendant.

Section 3. Paragraph (a) of subsection (2) of section 514.0115, Florida Statutes, is amended to read:

514.0115 Exemptions from supervision or regulation; variances.—

(2)(a) Pools serving condominium, cooperative, and homeowners' associations, as well as other property associations, which have no more than 32 ~~condominium or cooperative~~ units or parcels and which are not operated as ~~a~~ public lodging establishments are ~~establishment shall be~~ exempt from supervision under this chapter, except for water quality.

Section 4. Paragraph (a) of subsection (1), subsection (3), and paragraphs (a), (b), (c), and (f) of subsection (12) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(1) CORPORATE ENTITY.—

(a) The operation of the condominium shall be by the association, which must be a Florida corporation for profit or a Florida corporation not for profit. However, any association which was in existence on January 1, 1977, need not be incorporated. The owners of units shall be shareholders or members of the association. The officers and directors of the association have a fiduciary relationship to the unit owners. It is the intent of the Legislature that nothing in this paragraph shall be construed as providing for or removing a requirement of a fiduciary relationship between any manager employed by the association and the unit owners. An officer, director, or manager may not solicit, offer to accept, or accept any thing or service of value or kickback 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. Any such officer, director, or manager who knowingly so solicits, offers to accept, or accepts any thing or service of value or kickback is subject to a civil penalty under s. 718.501(2)(d) ~~pursuant to s. 718.501(1)(d)~~ and, if applicable, a criminal penalty as provided in paragraph (d). However, this paragraph does not prohibit an officer, director, or manager from accepting services or items received in connection with trade fairs or education programs. An association may operate more than one condominium.

(3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT, SUE, AND BE SUED; CONFLICT OF INTEREST.—

(a) The association may contract, sue, or be sued with respect to the exercise or nonexercise of its powers. For these purposes, the powers of the association include, but are not limited to, the maintenance, management, and operation of the condominium property.

(b) After control of the association is obtained by unit owners other than the developer, the association may:

1. Institute, maintain, settle, or appeal actions or hearings in its name on behalf of all unit owners concerning matters of common interest to most or all unit owners, including, but not limited to, the common elements; the roof and structural components of a building or other improvements; mechanical, electrical, and plumbing elements serving an improvement or a building; representations of the developer pertaining to any existing or proposed commonly used facilities;

2. Protest ~~and protesting~~ ad valorem taxes on commonly used facilities and on units; ~~and may~~

3. Defend actions pertaining to ad valorem taxation of commonly used facilities or units or related to ~~in~~ eminent domain; or

4. Bring inverse condemnation actions.

(c) If the association has the authority to maintain a class action, the association may be joined in an action as representative of that class with reference to litigation and disputes involving the matters for which the association could bring a class action.

(d) The association, in its own name or on behalf of some or all unit owners, may institute, file, protest, maintain, or defend any administrative challenge, lawsuit, appeal, or other challenge to ad valorem taxes assessed on units, commonly used facilities, or common elements. Other than as provided in s. 194.181(2)(c)1., the affected association members are not necessary or

indispensable parties to such actions. This paragraph is intended to clarify existing law and applies to cases pending on July 1, 2020.

(e) Nothing herein limits any statutory or common-law right of any individual unit owner or class of unit owners to bring any action without participation by the association which may otherwise be available.

(f) An association may not hire an attorney who represents the management company of the association.

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

Remove lines 7-12 and insert:

in a specified way; specifying a timeframe for a unit or parcel owner to respond; amending s. 194.181, F.S.; providing and revising the parties considered as the defendant in a tax suit; requiring certain notice to be provided to unit or parcel owners in a specified way; providing unit or parcel owners options for defending a tax suit; specifying a timeframe for a unit or parcel owner to respond; imposing certain actions for unit or parcel owners who

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

Representative DiCeglie offered the following:

(Amendment Bar Code: 355827)

Amendment 2 (with title amendment)—Between lines 443 and 444, insert:

Section 5. Paragraph (i) of subsection (2) of section 718.112, Florida Statutes, is amended to read:

718.112 Bylaws.—

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

(i) Transfer fees.—No charge shall be made by the association or any body thereof in connection with the sale, mortgage, lease, sublease, or other transfer of a unit unless the association is required to approve such transfer and a fee for such approval is provided for in the declaration, articles, or bylaws. Any such fee may be preset, but in no event may such fee exceed $150 ~~$100~~ per applicant other than husband/wife or parent/dependent child, which are considered one applicant. However, if the lease or sublease is a renewal of a lease or sublease with the same lessee or sublessee, no charge shall be made. The fees specified in this paragraph shall be adjusted every 5 years in an amount equal to the total of the annual increases for that 5-year period in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items. The Department of Business and Professional Regulation shall periodically calculate the fees, rounded to the nearest dollar, and publish the amounts, as adjusted, on its website. The

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

Remove line 26 and insert:

affidavit; creating a rebuttable presumption; amending s. 718.112, F.S.; revising the amount of the fee an association may charge for transfers; providing for the adjustment of the fee after a specified time; requiring the Department of Business and Professional Regulation to publish the fee on its website; amending

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

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

CS/HB 1335—A bill to be entitled An act relating to Florida virtual education; amending s. 1002.33, F.S.; conforming provisions to changes made by the act; amending s. 1002.37, F.S.; providing that certain employees of the Florida Virtual School are entitled to sovereign immunity; revising the students given priority by the Florida Virtual School; revising the number of members appointed to the board of trustees of the Florida Virtual School; providing term limits for members of such board; providing that the board are governed by a specified code of ethics; prohibiting members of the board and any member of a governing body for a direct-support organization or supplemental organization associated with the Florida Virtual School from holding specified business relationships or interest in the Florida Virtual School; requiring the board to appoint an executive director; providing duties of the executive director; requiring the board of trustees to meet at the call of the executive director; authorizing, rather than requiring, the board of trustees to participate in specified marketing activities; authorizing the Florida Virtual School to accrue supplemental revenue from a specified organization; requiring the board of trustees to be responsible for all internal funds of the school; requiring the executive director of the Florida Virtual School to review and approve specified expenditures; deleting a provision authorizing such executive director to override such expenditures under certain circumstances; deleting provisions authorizing the board of trustees to adopt rules and procedures; providing that all Florida Virtual School employees are subject to specified policies; revising requirements for the use of certain employment contracts; deleting a requirement that the board of trustees distribute certain procedures to high schools in the state; requiring student records held by the school to meet specified provisions; providing requirements for meetings of the board of trustees; revising the requirements for a specified plan; deleting a requirements that the Florida Virtual School board of trustees submit specified information to certain entities for the Florida Virtual School Global; requiring the board to establish an Office of Inspector General within the school; providing duties and responsibilities of such office; amending s. 1002.45, F.S.; deleting a requirement that certain school districts provide a specified number of virtual instruction options; authorizing a virtual charter school to provide part-time instruction under certain circumstances; authorizing the Department of Education to conditionally approve a virtual instruction provider for 2 years, rather than 1 year; revising requirements for the termination of a provider contract; providing an effective date.

—was read the second time by title.

Representative LaMarca offered the following:

(Amendment Bar Code: 371821)

Amendment 1 (with title amendment)—Remove lines 325-380 and insert:

The inspector general shall be under the general supervision of the board of trustees for administrative purposes, but shall report to the Department of Education's inspector general for all other duties.

Section 3. Paragraphs (b) and (d) of subsection (1), paragraph (a) of subsection (2), and paragraph (d) of subsection (8) of section 1002.45, Florida Statutes, are amended to read:

1002.45 Virtual instruction programs.—

(1) PROGRAM.—

(b) Each school district ~~that is eligible for the sparsity supplement pursuant to s. 1011.62(7)(a) and (b)~~ shall provide all enrolled public school students within its boundaries the option of participating in part-time and full-time virtual instruction programs and~~. Each school district that is not eligible for the sparsity supplement pursuant to s. 1011.62(7)(a) and (b) shall provide at least three options for part-time and full-time virtual instruction. All school districts~~ must provide parents with timely written notification of at least one open enrollment period for full-time students of 90 days or more which ends 30 days before the first day of the school year. The purpose of the program is to make quality virtual instruction available to students using online and distance learning technology in the nontraditional classroom. A school district virtual instruction program shall consist of the following:

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

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

(d) A virtual charter school may provide full-time virtual instruction for students in kindergarten through grade 12 if the virtual charter school has a charter approved pursuant to s. 1002.33 authorizing full-time virtual instruction. A virtual charter school may provide part-time virtual instruction for such students if the school has provided full-time instruction for at least 1 school year. A virtual charter school may:

1. Contract with the Florida Virtual School.

2. Contract with an approved provider under subsection (2).

3. Enter into an agreement with a school district to allow the participation of the virtual charter school's students in the school district's virtual instruction program. The agreement must indicate a process for reporting of student enrollment and the transfer of funds required by paragraph (7)(e).

(2) PROVIDER QUALIFICATIONS.—

(a) The department shall annually publish online a list of providers approved to offer virtual instruction programs. To be approved by the department, a provider must document that it:

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

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

3. Is authorized to conduct business in the state by the Department of State, agrees to resolve any dispute regarding or related to virtual educational services for a student residing in the state with the venue located in the state and relying exclusively upon federal and state law, ~~Locates an administrative office or offices in this state,~~ requires its administrative staff to be state residents, requires all instructional staff to be Florida-certified teachers under chapter 1012, and conducts background screenings

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

Remove lines 45-51 and insert:

Inspector General within the school; providing duties, requirements, and responsibilities of such office; amending s. 1002.45, F.S.; deleting a requirement that certain school districts provide a specified number of virtual instruction options; authorizing a virtual charter school to provide part-time instruction under certain circumstances; revising requirements for virtual instruction providers; authorizing the Department of Education

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

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

Consideration of **CS/CS/HB 7051** was temporarily postponed.

Consideration of **CS/HB 579** was temporarily postponed.

CS/CS/HB 7079—A bill to be entitled An act relating to education; amending s. 1001.23, F.S.; authorizing the Department of Education to hold patents, copyrights, trademarks, and service marks; authorizing the department to take specified actions to enforce its rights under certain circumstances; requiring the department to notify the Department of State under certain circumstances; requiring certain proceeds to be deposited into a specified trust fund; amending s. 1003.33, F.S.; requiring final report cards to be issued within a specified timeframe; providing an exception; amending s. 1003.4156, F.S.; conforming provisions to changes made by the act; amending s. 1003.4282, F.S.; deleting obsolete language; requiring certain students to take a specified assessment relating to civic literacy; providing that such assessment meets certain postsecondary requirements under specified circumstances; amending s. 1003.4285, F.S.; revising the requirements for earning the scholar designation on a standard high school diploma; amending s. 1006.33, F.S.; authorizing the department to establish timeframes for specified purposes relating to instructional materials for a certain adoption cycle; amending s. 1007.25, F.S.; requiring postsecondary students to complete a civic literacy course and pass a specified assessment to demonstrate competency in civic literacy; authorizing students to meet the assessment requirements in high school; amending s. 1007.35, F.S.; requiring the Florida Partnership for Minority and Underrepresented Student Achievement to provide specified information to students relating to transitioning to postsecondary education; revising certain reporting requirements; amending s. 1008.212, F.S.; conforming cross-references to changes made by the act; amending s. 1008.22, F.S.; deleting obsolete language; discontinuing a specified English Language Arts assessment at a certain time; requiring certain statewide, standardized assessments to be administered in a paper-based format; requiring school districts to provide the SAT or ACT to grade 11 students beginning in a specified school year; requiring school districts to choose which assessment to administer; deleting specified reporting requirements; authorizing the commissioner to discontinue the geometry end-of-course assessment under certain circumstances; deleting a requirement that the Commissioner of Education maintain a specified item bank; deleting specified requirements for the date of the administration of specified assessments; revising a deadline for the publication of certain assessments; amending s. 1008.25, F.S.; revising which assessments a high school must use to advise students of specified deficiencies; amending s. 1008.33, F.S.; revising requirements for certain intervention and support strategies; providing requirements for the State Board of Education to allow a school an additional year of implementation of a district-managed turnaround plan; revising the requirements for turnaround options for specified schools; revising the criteria for a school to implement such options; revising the components of such turnaround options; authorizing a school district to request a new turnaround option; providing requirements for certain schools that reenter the turnaround system beginning in a specified school year; authorizing the state board to revoke a turnaround plan under certain circumstances; providing requirements for such revocation; amending s. 1008.34, F.S.; revising definitions; revising school grade calculations to include specified assessment results beginning in a specified school year; amending s. 1008.3415, F.S.; conforming a cross-reference to changes made by the act; amending s. 1011.62, F.S.; revising the eligibility criteria for the turnaround school supplemental services allocation; revising the required contents for a specified plan; requiring the department to provide final approval of specified plans; providing an appropriation; providing effective dates.

—was read the second time by title.

Representative Aloupis offered the following:

(Amendment Bar Code: 863257)

Amendment 1—Remove lines 106-107 and insert:

be issued no later than 1 week after the last day of school or 2 weeks after receipt of assessment results for students enrolled

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

Representative Aloupis offered the following:

(Amendment Bar Code: 957307)

Amendment 2—Remove lines 195-197 and insert:

grade. Beginning with the 2020-2021 school year, all students shall take the assessment of civic literacy identified by the State Board of Education under s. 1007.25(4) by grade 12. A student

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

Representative Aloupis offered the following:

(Amendment Bar Code: 177341)

Amendment 3—Remove line 415 and insert:

students in grades 3 through 10. However, the grade 9 ELA

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

Representative Aloupis offered the following:

(Amendment Bar Code: 456069)

Amendment 4—Remove lines 486-495 and insert:

(c) Nationally recognized high school assessments.—After submission of the request for approval by the department pursuant to paragraph (h), each school district shall, by the 2021-2022 school year and subject to appropriation, select either the SAT or ACT for districtwide administration to each public school student in grade 11, including students attending public high schools, alternative schools, and centers of the Department of Juvenile Justice.

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

Representative Aloupis offered the following:

(Amendment Bar Code: 141393)

Amendment 5 (with title amendment)—Remove lines 810-972 and insert:

two consecutive grades of "D" or a grade of "F." In the first full school year after a school initially earns two consecutive grades of "D" or a grade of "F," the school district must immediately implement intervention and support strategies prescribed in rule under paragraph (3)(c) and, by September 1, provide the department with the memorandum of understanding negotiated pursuant to s. 1001.42(21) and, by October 1, a district-managed turnaround plan for approval by the state board. The district-managed turnaround plan may include a proposal for the district to implement an extended school day, a summer program, or a combination of an extended school day and a summer program. A school district may submit for approval by the state board a district-managed turnaround plan for a school that earns a grade of "D". Upon approval by the state board, the school district must implement the plan for the remainder of the school year and continue the plan for 1 full school year. The state board may allow a school an additional year of implementation before the school must implement a turnaround option required under paragraph (b) if it determines that the school is likely to improve to a grade of "C" or higher after the first full school year of implementation, and will sustain the improvement beyond the next school year.

(b) Unless an additional year of implementation is provided pursuant to paragraph (a), a school that completes a district-managed turnaround plan cycle and does not improve to at least a grade of ~~earns three consecutive grades below a~~ "C" or higher must implement one of the following:

1. Upon the recommendation of the Commissioner of Education, the state board may allow the school district close the school and reassign students to another school with a school grade of "C" or higher, provide additional services to reassigned students that are designed to address deficiencies and improve performance, and monitor the progress of each reassigned student for 3 school years;

2. Repurpose ~~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; or

3. Enter into a performance contract with an external operator ~~outside entity~~ that has a demonstrated record of effectiveness to operate the school. The contract must allow unilateral cancellation by the school district upon revocation of the turnaround plan. An external operator ~~outside entity~~ may include a provider authorized by the State University System or Florida College System or a district-managed charter school 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.

(c) During the implementation of a turnaround option, the district may request a new turnaround option. Implementation of the turnaround option is no longer required if the school improves to a grade of "C" or higher.

(d) If a school ~~earning two consecutive grades of "D" or a grade of "F"~~ does not improve to a grade of "C" or higher after 2 school years of implementing the turnaround option selected by the school district under paragraph (b), the school district must implement another turnaround option. Implementation of the turnaround option must begin the school year following the implementation period of the existing turnaround option, unless the state board determines that the school is likely to improve to a grade of "C" or higher if additional time is provided to implement the existing turnaround option.

(e) Beginning with the 2023-2024 school year, if a school earns two grades of "D" or a grade of "F" within 3 years after improving to a "C" or higher, the school must select and implement a turnaround option under paragraph (b). The state board may waive the requirements of this paragraph once for any school that earns a grade higher than "C" during the three year period and explains the reason for the decline in student performance.

Section 13. Paragraphs (a) and (b) of subsection (1) of section 1008.34, Florida Statutes, are amended to read:

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

(1) DEFINITIONS.—For purposes of the statewide, standardized assessment program and school grading system, the following terms are defined:

(a) "Achievement level," "student achievement," or "achievement" describes the level of content mastery a student has acquired in a particular subject as measured by a statewide, standardized assessment administered pursuant to s. 1008.22(3)(a) and (b). There are five achievement levels. Level 1 is the lowest achievement level, level 5 is the highest achievement level, and level 3 indicates satisfactory performance. A student passes an assessment if the student achieves a level 3, level 4, or level 5. For purposes of the Florida Alternate Assessment administered pursuant to s. 1008.22(3)(d) ~~s. 1008.22(3)(c)~~, the state board shall provide, in rule, the number of achievement levels and identify the achievement levels that are considered passing.

(b) "Learning Gains~~,~~" ~~"annual learning gains,"~~ or "student learning gains" means the degree of student learning growth occurring over time ~~from one school year to the next~~ as required by state board rule for purposes of calculating school grades under this section.

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

Remove lines 61-71 and insert:

to implement such options; authorizing a school district to request a new turnaround option; providing requirements for certain schools that reenter the turnaround system beginning in a specified school year; authorizing the state board to revoke a turnaround plan under certain circumstances; amending s. 1008.34, F.S.; revising definitions; amending s.

Rep. Aloupis moved the adoption of the amendment.

Representative Aloupis offered the following:

(Amendment Bar Code: 480151)

Amendment 1 to Amendment 5 (141393)—Between lines 74 and 75 of the amendment, insert:

(f) The state board may revoke a turnaround plan if a school district fails to follow the terms and conditions of its approved plan. Before revoking a turnaround plan, the state board shall consider any curative action taken or proposed by the school district and the feasibility of improving performance under the plan during the remainder of the approval period. Upon revocation of a turnaround plan, a school district must submit a new turnaround plan or select a new turnaround option.

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

Question recurred on **Amendment 5** as amended, which was adopted.

Representative Aloupis offered the following:

(Amendment Bar Code: 903163)

Amendment 6 (with title amendment)—Remove lines 986-1087 and insert:

Section 15. Paragraphs (c) and (d) of subsection (9) subsection (21) of section 1011.62, Florida Statutes, are amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

(c) Funds allocated under this subsection must be used to provide a system of comprehensive reading instruction to students enrolled in the K-12 programs, which may include the following:

1. An additional hour per day of evidence-based intensive reading instruction to students in the 300 lowest-performing elementary schools by teachers and reading specialists who have demonstrated effectiveness in teaching reading as required in paragraph (a).

2. Kindergarten through grade 5 evidence-based ~~reading intervention teachers to provide~~ intensive reading interventions provided by reading intervention teachers ~~intervention~~ during the school day and in the required extra hour for students identified as having a reading deficiency.

3. Highly qualified reading coaches to specifically support teachers in making instructional decisions based on student data, and improve teacher delivery of effective reading instruction, intervention, and reading in the content areas based on student need.

4. Professional development for school district teachers in scientifically based reading instruction, including strategies to teach reading in content areas and with an emphasis on technical and informational text, to help school district teachers earn a certification or an endorsement in reading.

5. Summer reading camps, using only teachers or other district personnel who are certified or endorsed in reading consistent with s. 1008.25(7)(b)3., for all students in kindergarten through grade 2 who demonstrate a reading deficiency as determined by district and state assessments, and students in grades 3 through 5 who score at Level 1 on the statewide, standardized English Language Arts assessment.

6. Scientifically researched and evidence-based supplemental instructional materials ~~that are grounded in scientifically based reading research~~ as identified by the Just Read, Florida! Office pursuant to s. 1001.215(8).

7. Evidence-based intensive interventions for students in kindergarten through grade 12 who have been identified as having a reading deficiency or who are reading below grade level as determined by the statewide, standardized English Language Arts assessment.

(d)1. Annually, by a date determined by the Department of Education but before May 1, school districts shall submit a K-12 comprehensive reading plan for the specific use of the research-based reading instruction allocation in the format prescribed by the department for review and approval by the Just Read, Florida! Office created pursuant to s. 1001.215. ~~The plan annually submitted by school districts shall be deemed approved unless the department rejects the plan on or before June 1.~~ If a school district and the Just Read, Florida! Office cannot reach agreement on the contents of the plan, the school district may appeal to the State Board of Education for resolution. School districts shall be allowed reasonable flexibility in designing their plans and shall be encouraged to offer reading intervention through innovative methods, including career academies. The plan format shall be developed with input from school district personnel, including teachers and principals, and shall provide for intensive reading interventions through integrated curricula, provided that, beginning with the 2020-2021 school year, the interventions are delivered by a teacher who is certified or endorsed in reading. Such interventions must incorporate evidence-based strategies identified by the Just Read, Florida! Office pursuant to s. 1001.215(8). No later than July 1 annually, the department shall release the school district's allocation of appropriated funds to those districts having approved plans. ~~A school district that spends 100 percent of this allocation on its approved plan shall be deemed to have been in compliance with the plan.~~ The department may withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan. The department shall monitor and track the implementation of each district plan, including conducting site visits and collecting specific data on expenditures and reading improvement results. By February 1 of each year, the department shall report its findings to the Legislature.

2. Each school district that has a school designated as one of the 300 lowest-performing elementary schools as specified in paragraph (a) shall specifically delineate in the comprehensive reading plan, or in an addendum to the comprehensive reading plan, the implementation design and reading intervention strategies that will be used for the required additional hour of reading instruction. The term "reading intervention" includes evidence-based strategies frequently used to remediate reading deficiencies and also includes individual instruction, tutoring, mentoring, or the use of technology that targets specific reading skills and abilities.

For purposes of this subsection, the term "evidence-based" means demonstrating a statistically significant effect on improving student outcomes or other relevant outcomes, as provided in 20 U.S.C. s. 8101(21)(A)(i).

(21) TURNAROUND SCHOOL SUPPLEMENTAL SERVICES ALLOCATION.—The turnaround school supplemental services allocation is created to provide district-managed turnaround schools, as identified in s. 1008.33(4)(a), schools implementing a charter school under s. 1008.33(4)(b)2., schools implementing an external operator turnaround option under s. 1008.33(4)(b)3. ~~that earn three consecutive grades below a "C," as identified in s. 1008.33(4)(b)3.~~, and schools that have improved to a "C" or higher and are no longer in turnaround status, as identified in s. 1008.33(4)(c), with funds to supplement ~~offer~~ services designed to improve the overall academic and community welfare of the schools' students and their families.

(a)1. Services funded by the allocation may include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and an extended school day and school year. In addition, services may include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, and inspire character development.

2. A school district may enter into a formal agreement with a nonprofit organization that has tax-exempt status under s. 501(c)(3) of the Internal Revenue Code to implement an integrated student support service model that provides students and families with access to wrap-around services, including, but not limited to, health services, after-school programs, drug prevention programs, college and career readiness programs, and food and clothing banks.

(b) Before distribution of the allocation, the school district shall develop and submit a plan for implementation to its school board for approval no later than August 1 of each fiscal year and submit the approved plan to the commissioner by September 1 of each fiscal year for final approval by the department.

(c) At a minimum, the plan required under paragraph (b) must:

1. Include a memorandum of agreement with a charter school or an external operator when a school has completed the first year of district-managed turnaround.

2.~~1.~~ Establish comprehensive support services that develop family and community partnerships.~~;~~

3.~~2.~~ Establish clearly defined and measurable high academic and character standards.~~;~~

4.~~3.~~ Increase parental involvement and engagement in the child's education.~~;~~

5.~~4.~~ Describe how instructional personnel will be identified, recruited, retained, and rewarded using results from the commissioner-approved formulas to measure student learning growth under s. 1012.34(7)(a) and, for instructional personnel with teaching assignments that do not include courses associated with the commissioner-approved formulas to measure student learning growth under s. 1012.34(7)(a), using fair and reliable alternative measures of student learning growth or achievement, as appropriate.~~;~~

6.~~5.~~ Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards.~~;~~

7.~~6.~~ Provide focused instruction to improve student academic proficiency, which may include additional instruction time beyond the normal school day or school year.~~; and~~

8.~~7.~~ Include a strategy for continuing to provide services after the school is no longer in turnaround status by virtue of achieving a grade of "C" or higher.

~~(d) Each school district shall submit its approved plans to the commissioner by September 1 of each fiscal year.~~

(d)~~(c)~~ Subject to legislative appropriation, each school district's allocation must be based on the unweighted FTE student enrollment at the eligible schools and a per-FTE funding amount of $500 or as provided in the General Appropriations Act. The supplement provided in the General Appropriations Act shall be based on the most recent school grades and shall serve as a proxy for the official calculation. Once school grades are available for the school year immediately preceding the fiscal year coinciding with the appropriation, the supplement shall be recalculated for the official participating schools as part of the subsequent FEFP calculation. The commissioner may prepare a preliminary calculation so that districts may proceed with timely planning and use of the funds. If the calculated funds for the statewide allocation exceed the funds appropriated, the allocation of funds to each school district must be prorated based on each school district's share of the total unweighted FTE student enrollment for the eligible schools.

(e)~~(f)~~ Subject to legislative appropriation, each school shall remain eligible for the allocation for a maximum of 4 continuous fiscal years while implementing a turnaround option pursuant to s. 1008.33(4). In addition, a school that improves to a grade of "C" or higher shall remain eligible to receive the allocation for a maximum of 2 continuous fiscal years after exiting turnaround status if the plan approved by the department demonstrates that the improvement will be sustained for each year that funds are provided.

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

Remove lines 74-78 and insert:

revising provisions relating to the research-based reading instruction allocation; revising provisions relating to a specified reading plan; revising the eligibility criteria for the turnaround school supplemental services allocation; revising the required contents for a specified plan; requiring the department to provide final approval of specified plans; providing effective

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

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

CS/CS/HB 6501—A bill to be entitled An act for the relief of Dontrell Stephens through Evett L. Simmons, as guardian of his property, by the Palm Beach County Sheriff's Office; providing for an appropriation to compensate him for personal injuries and damages sustained as the result of the negligence of a deputy of the office; providing a limitation on the payment of compensation, fees, and costs; providing an effective date.

—was read the second time by title.

Representative Fernandez-Barquin offered the following:

(Amendment Bar Code: 038235)

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

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. The Palm Beach County Sheriff's Office is authorized and directed to appropriate from funds of the Palm Beach County Sheriff's Office not otherwise encumbered and to draw a warrant in the sum of $4,500,000, payable as follows: $3,375,000 payable at the direction of Evett L. Simmons, as guardian of the property of Dontrell Stephens, to fund the future care of Dontrell Stephens and as compensation for injuries and damages sustained, and attorney fees, lobbying fees, and costs relating to this claim shall not exceed 25 percent of the amount awarded.

Section 3. Except as provided in section 4 of this act, the amount paid by the Palm Beach County Sheriff's Office pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in this act which resulted in injuries suffered by Dontrell Stephens. The total amount paid for attorney fees relating to this claim may not exceed 25 percent of the amount awarded under this act.

Section 4. Excluding the federal portions of any liens, Medicaid or otherwise, which the claimant must pay, it is the intent of the Legislature that the lien interests relating to the treatment and care of Dontrell Stephens are hereby waived and extinguished. To the extent such lien interests are not extinguished, it shall be the responsibility of the Palm Beach County Sheriff's Office to compromise or satisfy such liens up to the amount of $1,500,000 and to indemnify and hold harmless Dontrell Stephens and Evett L. Simmons, as guardian of the property of Dontrell Stephens, from any liability, cost, or expense which may arise in connection with such liens, except for any obligation exceeding the total of $1,500,000, if any, which shall remain the responsibility of Dontrell Stephens and Evett L. Simmons, as guardian of the property of Dontrell Stephens, to compromise or satisfy.

Section 5. This act shall take effect upon becoming a law.

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

Remove lines 7-9 and insert:

of a deputy of the office; providing for payment of compensation, fees, and costs; providing a limitation on the payment of attorney fees, lobbying fees, and costs; providing for the waiver and extinguishment of certain liens; providing that certain unextinguished lien interest shall be the responsibility of the Palm Beach County Sheriff's Office; providing a limitation on the payment of such liens; providing an effective date.

Rep. Fernandez-Barquin moved the adoption of the amendment, which was adopted.

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

Consideration of **CS/HB 7057** was temporarily postponed.

Consideration of **CS/HB 7059** was temporarily postponed.

CS/HB 783—A bill to be entitled An act relating to the Uniform Commercial Real Estate Receivership Act; creating chapter 714, F.S., relating to the Uniform Commercial Real Estate Receivership Act; providing a short title; defining terms; prohibiting a court from issuing certain orders unless certain requirements are met; providing requirements for certain court orders; providing construction and applicability; specifying that a court has exclusive jurisdiction to direct receivers and determine controversies under certain circumstances; providing requirements and authorizations relating to the appointment of a receiver; authorizing certain parties to move to dissolve or modify certain orders; requiring that such motions be heard within a specified timeframe; specifying when a person is or is not disqualified from appointment as a receiver; authorizing certain persons to nominate someone to serve as a receiver; specifying that the court is not bound by such nomination; requiring a receiver to post a bond with the court which meets certain requirements; providing an exception; prohibiting a claim against a receiver's bond or alternative security from being made after a certain time; providing that an appointed receiver has certain statuses of a lien creditor; providing that certain property is subject to specified security agreements; providing requirements relating to the collection and turnover of receivership property; providing for powers and duties of a receiver; authorizing the court to expand, modify, or limit such powers and duties; providing for duties of an owner; authorizing a court to take certain actions if a person knowingly fails to perform a duty; authorizing a court to take certain actions relating to stays and injunctions; providing requirements for certain injunctions; authorizing certain persons to apply for relief from a stay or injunction; requiring that certain motions be heard within a specified timeframe; specifying when an order does not operate as a stay or injunction; authorizing receivers to engage and compensate certain professionals under certain circumstances; requiring certain persons to file an itemized statement with the court; requiring a

receiver to pay an amount approved by the court; defining the term "good faith"; authorizing a receiver to use or transfer receivership property other than in the ordinary course of business under certain circumstances; providing for the service of notice to lienholders who are not parties to the action; defining the term "timeshare interest"; authorizing a receiver to adopt or reject an executory contract of the owner relating to receivership property under certain circumstances; requiring that a claim of damages for rejection of a contract be submitted within a specified timeframe; authorizing a purchaser to take certain actions if a receiver rejects an executory contract under certain circumstances; prohibiting a receiver from rejecting unexpired leases of certain property under certain circumstances; providing for defenses and immunities of a receiver; providing requirements for interim reports filed by a receiver; providing requirements relating to notices of appointment; authorizing the court to enter certain orders if the court concludes that receivership property is likely to be insufficient to satisfy certain claims; providing requirements for certain distributions of receivership property; authorizing a court to award fees and expenses; authorizing a court to order certain persons to pay fees and expenses; providing for the removal and replacement of a receiver and the termination of a court's administration of the receivership property under certain circumstances; requiring a receiver to file a final report containing certain information upon completion of the receiver's duties; specifying that a receiver is discharged if certain requirements are met; authorizing a court to appoint ancillary receivers under certain circumstances; providing for rights, powers, and duties of an ancillary receiver; specifying that certain requests, appointments, and applications by a mortgagee do not have certain effects; providing construction and applicability; providing an effective date.

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

Consideration of **CS/CS/CS/HB 65** was temporarily postponed.

CS/HB 549—A bill to be entitled An act relating to public records; creating s. 379.1026, F.S.; providing an exemption from public records requirements for the site-specific location information of certain endangered and threatened species; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

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

CS/CS/HB 569—A bill to be entitled An act relating to diesel exhaust fluid; creating s. 330.401, F.S.; requiring the governing body of each public airport that meets certain criteria to create a diesel exhaust fluid safety mitigation and exclusion plan for submission to the Department of Transportation; providing plan requirements; requiring an annual certification of compliance; providing an effective date.

—was read the second time by title.

Representative Overdorf offered the following:

(Amendment Bar Code: 837157)

Amendment 1—Remove lines 28-46 and insert:

exclusion plan for each fixed-base operator that performs onsite treatment of aviation fuel with a fuel system icing inhibitor.

(b) The plan must include, at a minimum:

1. A full inventory of all the operator's diesel exhaust fluid on the premises of the airport.

2. Designation of specific areas where the operator's diesel exhaust fluid may be stored on the premises of the airport. To the extent practicable, such areas may not be located within or on a vehicle operated for the fueling or servicing of aircraft or at any aviation fuel transfer facility or bulk aviation fuel storage facility.

3. Designation of specific areas where diesel exhaust fluid may be added to vehicles. Such areas may not be located in aircraft operating areas.

4. Incorporation of best practices for ensuring the proper labeling and storage of diesel exhaust fluid.

5. Incorporation of training in the proper use and storage of diesel exhaust fluid for all employees of the fixed-base operator who may come in contact with such fluid in the ordinary course of their duties.

6. Designation of specific areas where the operator's fuel system icing inhibitor may be stored on the premises of the airport.

7. Incorporation of best practices for ensuring the proper labeling and storage of the operator's fuel system icing inhibitor.

8. Incorporation of training in the proper use and storage of fuel system icing inhibitors for all employees of the fixed-base operator who may come in contact with fuel system icing inhibitors in the ordinary course of their duties.

9. Physical measures to secure fuel system icing inhibitor fill points on the operator's aircraft fuel delivery vehicles. Such measures shall prevent the addition of any fluid to the fuel system icing inhibitor fill point by unauthorized personnel.

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

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

CS/CS/HB 967—A bill to be entitled An act relating to clerks of the court; amending s. 40.29, F.S.; requiring the clerks of court to submit a request for reimbursement for jury-related costs to the Florida Clerks of Court Operations Corporation within specified timeframes; requiring the corporation to review the requests for reimbursement; requiring the corporation to submit certain information to the Justice Administrative Commission; requiring the commission to review the information and submit a request for payment to the Chief Financial Officer under certain circumstances; removing a provision authorizing the commission to apportion funds among the counties for certain purposes; providing an effective date.

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

CS/CS/HB 1143—A bill to be entitled An act relating to the Department of Health; amending s. 381.0041, F.S.; providing that it is a felony for certain persons living with human immunodeficiency virus to donate human tissue to persons who are not living with such virus; providing an exception; amending s. 394.463, F.S.; authorizing a psychiatric nurse performing within the framework of a protocol with a psychiatrist to approve the release of a patient from certain community health centers; amending s. 408.809, F.S.; providing that battery on a specified victim is a disqualifying offense for licensure as a health care practitioner; amending s. 456.0135, F.S.; providing that battery on a specified victim is a disqualifying offense for licensure as a health care practitioner; creating s. 456.4501, F.S.; implementing the Interstate Medical Licensure Compact in this state; providing for an interstate medical licensure process; providing requirements for multistate practice; creating s. 456.4502, F.S.; establishing that a formal hearing before the Division of Administrative Hearings must be held if there are any disputed issues of material fact when the licenses of certain physicians and osteopathic physicians are suspended or revoked by this state under the compact; requiring the department to notify the division of a petition for a formal hearing within a specified timeframe; requiring the administrative law judge to issue a recommended order; requiring the Board of Medicine or the Board of Osteopathic Medicine, as applicable, to determine and issue final orders in certain cases; providing the department with standing to seek judicial review of any final order of the boards; creating s. 456.4503, F.S.; requiring the Interstate Medical Licensure Compact Commissioners to ensure that the Interstate Medical Licensure Compact Commission complies with specified public records and public meetings laws; creating s. 456.4504, F.S.; authorizing the department to adopt rules; creating s. 458.3129, F.S.; establishing that a physician licensed under the Interstate Medical Licensure

Compact is deemed to be licensed as a physician under ch. 458, F.S.; amending s. 458.3145, F.S.; revising the list of individuals who may be issued a medical faculty certificate without examination; creating s. 459.074, F.S.; establishing that an osteopathic physician licensed under the Interstate Medical Licensure Compact is deemed to be licensed as an osteopathic physician under ch. 459, F.S.; amending s. 464.019, F.S.; authorizing the Board of Nursing to adopt specified rules; authorizing certain nursing education programs to apply for an extension of an accreditation deadline within a specified timeframe; providing limitations on and eligibility criteria for the extension; providing a specific timeframe for an extension to be tolled; amending s. 465.003, F.S.; revising a definition; amending s. 465.1893, F.S.; authorizing a pharmacist who meets certain requirements to administer certain extended-release medications; amending s. 466.017, F.S.; authorizing a licensed dentist to order physical impression materials for self-administration by a patient for a specified purpose; amending s. 466.031, F.S.; making technical changes; authorizing an employee or independent contractor of a dental laboratory, acting as an agent of that dental laboratory, to engage in onsite consultation with a licensed dentist during a dental procedure; amending s. 466.036, F.S.; requiring dental laboratories to be inspected at least once each biennial registration period; renaming ch. 480, F.S., as "Massage Therapy Practice"; amending s. 480.031, F.S.; conforming a provision to changes made by the act; amending s. 480.032, F.S.; revising the purpose of ch. 480, F.S.; amending s. 480.033, F.S.; revising definitions; amending s. 480.041, F.S.; revising requirements for licensure as a massage therapist; conforming provisions to changes made by the act; providing applicability for persons who were issued a license as an apprentice before a specified date; repealing s. 480.042, F.S., relating to examinations; amending s. 491.003, F.S.; providing definitions; amending s. 491.004, F.S.; deleting an obsolete provision; amending s. 491.0045, F.S.; authorizing the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling to make a one-time exception to intern registration requirements under certain circumstances; amending s. 491.005, F.S.; revising the licensure requirements for clinical social workers, marriage and family therapists, and mental health counselors; amending s. 491.0057, F.S.; requiring that an applicant for dual licensure as a marriage and family therapist pass an examination designated by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling; amending s. 491.006, F.S.; revising requirements for licensure or certification by endorsement for certain professions; amending s. 491.007, F.S.; deleting a provision providing certified master social workers an exemption from continuing education requirements; deleting a provision requiring the board to establish a procedure for the biennial renewal of intern registrations; amending s. 491.009, F.S.; revising who may enter an order denying licensure or imposing penalties against an applicant for licensure under certain circumstances; amending s. 491.012, F.S.; providing that using the title "certified master social worker" without a valid, active license is unlawful; amending s. 491.0145, F.S.; requiring the department to license an applicant for designation as a certified master social worker under certain circumstances; providing that applicants for designation as a certified master social worker submit their application to the board; deleting a provision relating to the nonrefundable fee for examination set by department rule; authorizing the board to adopt rules; amending s. 491.0149, F.S.; requiring the use of applicable professional titles by specified licensees and registrants on social media and other specified materials; repealing s. 491.015, F.S., relating to duties of the department relating to certified master social workers; amending s. 514.0115, F.S.; providing that certain surf pools are exempt from supervision under certain circumstances; providing construction; defining the term "surf pool"; amending s. 768.28, F.S.; designating the state commissioners of the Interstate Medical Licensure Compact Commission and other members or employees of the commission as state agents for the purpose of applying sovereign immunity and waivers of sovereign immunity; requiring the commission to pay certain claims or judgments; authorizing the commission to maintain insurance coverage to pay such claims or judgments; amending ss. 414.065, 477.013, 477.0135, 477.0265, 480.034, 480.035, 480.043, 480.046, 480.0465, 480.047, 480.052, 480.0535, 553.77, 627.6407, 627.6619, 627.736, and 641.31, F.S.; conforming cross-references and provisions to changes made by the act; making technical changes; providing effective dates.

—was read the second time by title.

Representative Gregory offered the following:

(Amendment Bar Code: 153923)

Amendment 1—Remove line 225 and insert:
plea of nolo contendere or guilty to, and must not have been

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

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

CS/HB 1089—A bill to be entitled An act relating to trusts; creating s. 736.08145, F.S.; authorizing trustees of certain trusts to reimburse persons being treated as the owner of the trust for specified amounts and in a specified manner; prohibiting certain policies, values, and proceeds from being used for such reimbursement; providing applicability; prohibiting certain trustees from taking specified actions relating to trusts; requiring that specified powers be granted to certain persons if the terms of the trust require a trustee to act at the direction or with the consent of such persons or that specified decisions be made directly by such persons; providing construction; providing an effective date.

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

CS/CS/CS/HB 395—A bill to be entitled An act relating to transportation; amending s. 20.23, F.S.; revising the organization of the Department of Transportation; revising and providing for the delegation of certain responsibilities; revising provisions relating to the operation of a rail enterprise; amending s. 201.15, F.S.; revising uses for distributions made under the State Transportation Trust Fund in specified fiscal years; providing for the expiration of a specified provision; beginning in a specified fiscal year, requiring the allocation of a certain of amount of funds to the State Transportation Trust Fund to be used for rail safety; amending s. 206.46, F.S.; revising a limitation on an annual transfer from the State Transportation Trust Fund to the Right-of-Way Acquisition and Bridge Construction Trust Fund; amending ss. 206.606, 206.608, and 212.0501, F.S.; removing a requirement for deduction of certain service charges before the distribution of certain moneys; amending s. 288.0656, F.S.; conforming provisions to changes made by the act; amending s. 311.101, F.S.; deleting the scheduled expiration of funding for the Intermodal Logistics Center Infrastructure Support Program; amending s. 316.003, F.S.; revising definitions; amending s. 316.126, F.S.; requiring the operator of a motor vehicle to take certain actions under certain circumstances when certain vehicles are on the roadside; amending s. 316.2397, F.S.; authorizing certain vehicles to show or display certain lights under certain circumstances; amending s. 316.520, F.S.; revising application of agricultural load securing requirements; amending s. 316.613, F.S.; increasing the age of children for whom operators of motor vehicles must provide protection by using a crash-tested, federally approved child restraint device; increasing the age of children for whom a separate carrier, an integrated child seat, or a child booster seat may be used; amending s. 319.32, F.S.; removing a requirement for deduction of certain service charges before depositing certain fees into the State Transportation Trust Fund; amending s. 322.12, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to waive certain commercial motor vehicle testing requirements for specified persons under certain circumstances; amending ss. 324.031 and 324.032, F.S.; revising the manner of providing financial responsibility for owners, operators, or lessees of certain for-hire passenger transportation vehicles; amending s. 327.33, F.S.; specifying the operation of a vessel at slow speed, minimum wake in certain circumstances; providing requirements for flags displayed from vessels and barges actively engaged in construction operations; defining the term "slow speed, minimum wake"; amending s. 327.4107, F.S.; prohibiting the

anchoring or mooring of certain vessels in specified locations; authorizing law enforcement to relocate specified vessels if certain conditions exist; amending s. 327.59, F.S.; prohibiting certain vessels from remaining in certain marinas that have been deemed unsuitable for refuge during a hurricane; authorizing removal of such vessels under certain circumstances; limiting liability for certain damages; providing construction; providing for penalties; amending s. 333.03, F.S.; requiring airport protection zoning regulations to require certain permit applicants to submit a final valid determination from the Federal Aviation Administration; amending s. 337.14, F.S.; requiring certain contractors to be certified by the Department of Transportation as qualified; revising the financial statements required to accompany an application for certification; prohibiting the department from considering certain financial information; requiring the contractor to submit interim financial statements under certain circumstances; providing requirements for such statements; authorizing a single entity to provide certain contracted services for airport projects wholly or partially funded by the department; amending s. 337.25, F.S.; requiring the department to afford a right of first refusal to certain individuals under specified circumstances; providing requirements and procedures for the right of first refusal; amending s. 337.401, F.S.; specifying permit application timeframes required for the installation, location, or relocation of utilities within rights-of-way; creating s. 338.236, F.S.; authorizing the department to plan, design, and construct staging areas as part of the turnpike system for the intended purpose of staging supplies for prompt provision of assistance to the public in a declared state of emergency; requiring the department, in consultation with the Division of Emergency Management, to select sites for such areas; providing factors to be considered in selecting sites; requiring the department to give priority consideration to placement of such staging areas in specified counties; authorizing the department to acquire property necessary for such staging areas; authorizing the department to authorize certain other uses of staging areas; requiring staging area projects to be included in the department's work program; amending ss. 339.08 and 339.135, F.S.; conforming provisions to changes made by the act; amending s. 339.175, F.S.; revising the date by which a metropolitan planning organization must submit a list of project priorities to the appropriate department district; repealing s. 339.2821, F.S., relating to economic development transportation projects; amending s. 341.302, F.S.; revising the maximum amount of liability insurance the department may purchase; revising department responsibilities regarding rail systems; amending s. 341.303, F.S.; revising department funding authority regarding rail systems; conforming provisions to changes made by the act; repealing s. 341.8201, F.S., relating to the "Florida Rail Enterprise Act" short title; amending s. 341.8203, F.S.; revising definitions; amending s. 341.822, F.S.; requiring the department, rather than the Florida Rail Enterprise, to locate, plan, design, finance, construct, maintain, own, operate, administer, and manage the high-speed rail system in the state; amending ss. 341.825, 341.836, 341.838, 341.839, 341.840, and 343.58, F.S.; conforming provisions to changes made by the act; amending s. 349.04, F.S.; increasing the authorized duration of a lease by the Jacksonville Transportation Authority; amending s. 377.809, F.S.; conforming provisions to changes made by the act; reenacting s. 327.73(1)(h) and (aa), F.S., relating to careless operation of vessels and at-risk vessels, respectively, to incorporate amendments made by the act; requiring reports to the Governor and Legislature from the department and various authorities regarding toll collections; providing a declaration of important state interest; providing effective dates.

—was read the second time by title.

Representative Andrade offered the following:

(Amendment Bar Code: 523409)

Amendment 1 (with directory and title amendments)—Remove lines 450-460

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

Remove lines 447-448 and insert:

Section 11. Subsection (7) of section 316.2397, Florida Statutes, is amended to read:

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

Remove lines 29-30 and insert:
316.2397, F.S.; authorizing vehicles to show or display flashing lights under certain circumstances;

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

Representative Andrade offered the following:

(Amendment Bar Code: 340243)

Amendment 2 (with title amendment)—Remove lines 473-482

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

Remove lines 31-32 and insert:
amending s.

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

Representative Andrade offered the following:

(Amendment Bar Code: 597379)

Amendment 3 (with title amendment)—Between lines 566 and 567, insert:

Section 16. Paragraphs (g) and (h) of Subsection (1) of section 322.61, Florida Statutes, are amended and paragraphs (i) and (j) are added to that subsection, to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(1) A person who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations or any combination thereof, arising in separate incidents committed in a commercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days. A holder of a commercial driver license or commercial learner's permit who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations, or any combination thereof, arising in separate incidents committed in a noncommercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days if such convictions result in the suspension, revocation, or cancellation of the licenseholder's driving privilege:

(g) Driving a commercial vehicle without the proper class of commercial driver license or commercial learner's permit or without the proper endorsement; ~~or~~

(h) Driving a commercial vehicle without a commercial driver license or commercial learner's permit in possession, as required by s. 322.03;

(i) Texting while driving a commercial motor vehicle as prohibited by 49 C.F.R. s. 392.80; or

(j) Using a hand-held mobile telephone while driving a commercial motor vehicle as prohibited by 49 C.F.R. s. 392.82.

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

Remove line 45 and insert:
persons under certain circumstances; amending s. 322.61, F.S.; providing that specified offenses require disqualification from a commercial driver license; amending ss.

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

Representative Andrade offered the following:

(Amendment Bar Code: 270167)

Amendment 4 (with title amendment)—Between lines 2081 and 2082, insert:

Section 44. Paragraph (e) of subsection (1) of section 627.748, Florida Statutes, is amended to read:

627.748 Transportation network companies.—

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

(e) "Transportation network company" or "TNC" means an entity operating in this state pursuant to this section using a digital network to connect a rider to a TNC driver, who provides prearranged rides. A TNC is not deemed to own, control, operate, direct, or manage the TNC vehicles or TNC drivers that connect to its digital network, except where agreed to by written contract, and is not a taxicab association or a bus transit system or for-hire vehicle owner. An individual, corporation, partnership, sole proprietorship, or other entity that arranges medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with the state or a managed care organization is not a TNC. This section does not prohibit a TNC from providing prearranged rides to individuals who qualify for Medicaid or Medicare if it meets the requirements of this section.

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

Remove line 128 and insert:

changes made by the act; amending s. 627.748, F.S.; providing that a bus transit system is not a transportation network company; reenacting s. 327.73(1)(h)

Rep. Andrade moved the adoption of the amendment

Representative Andrade offered the following:

(Amendment Bar Code: 327873)

Substitute Amendment 1 for Amendment 4 (270167) (with title amendment)—Between lines 2128 and 2129, insert:

Section 46. Subsection (2) of section 627.748, Florida Statutes, is amended to read:

627.748 Transportation network companies.—

(2) NOT OTHER CARRIERS.—A TNC or TNC driver is not a common carrier, contract carrier, or motor carrier and does not provide taxicab or for-hire vehicle service. In addition, a TNC driver is not required to register the vehicle that the TNC driver uses to provide prearranged rides as a commercial motor vehicle. In addition, a TNC driver is not required to meet any requirements for transit bus system drivers that exceed those in s. 627.748 in order to provide prearranged rides through a digital network or a for-hire vehicle.

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

Remove line 134 and insert:

collections; amending s. 627.748, F.S.; providing that a TNC driver is not required to meet certain requirements in order to provide prearranged rides through a digital network; providing a declaration of important

Rep. Andrade moved the adoption of the substitute amendment, which was adopted.

THE SPEAKER IN THE CHAIR

Remarks

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

THE SPEAKER PRO TEMPORE IN THE CHAIR

Representative Andrade offered the following:

(Amendment Bar Code: 062889)

Amendment 5 (with title amendment)—Between lines 2128 and 2129, insert:

Section 46. Paragraph (c) is added to subsection (2) of section 319.32, Florida Statutes, to read:

319.32 Fees; service charges; disposition.—

(2)

(c) In exercising his or her authority to contract with a license plate agent, the tax collector shall determine the additional service charges to be collected by privately owned license plate agents approved by the tax collector. Additional service charges must be itemized and disclosed to the person paying the service charges to the license plate agent. The license plate agent shall enter into a contract with the tax collector regarding the disclosure of additional service charges.

Section 47. Subsection (5) of section 320.03, Florida Statutes, is amended to read:

320.03 Registration; duties of tax collectors; International Registration Plan.—

(5) In addition to the fees required under s. 320.08, a fee of 50 cents shall be charged on every license registration sold to cover the costs of the Florida Real Time Vehicle Information System. The fees collected shall be deposited into the Highway Safety Operating Trust Fund to be used exclusively to fund the system. The fee may only be used to fund the system equipment, software, personnel associated with the maintenance and programming of the system, and networks used in the offices of the county tax collectors as agents of the department and the ancillary technology necessary to integrate the system with other tax collection systems. Other tax collection systems may include technology systems provided by vendors contracted with the tax collector for in-person transactions of motor vehicle and mobile home registration certificates, registration license plates, and validation stickers and online motor vehicle and mobile home registration renewals and validation stickers. Upon a tax collector's request, the department shall provide the tax collector and its approved vendors with the same data access and interface functionality that other third parties receive from the department, including, but not limited to, bulk data for vehicle registrations and each applicant's current residential address and electronic mail address collected pursuant to s. 320.95. Such data and functionality shall be used only for purposes of fulfilling the tax collector's statutory duties under this chapter and may not be resold or used for any other purpose. For purposes of this subsection, other tax collection systems do not include electronic filing systems pursuant to s. 320.03. The department shall administer this program upon consultation with the Florida Tax Collectors, Inc., to ensure that each county tax collector's office is technologically equipped and functional for the operation of the Florida Real Time Vehicle Information System. The department and each county tax collector's approved vendor shall enter into a memorandum of understanding, which includes protection of consumer privacy and data collection. Each county tax collector and its approved license plate agents shall enter into a memorandum of understanding with the department regarding use of the Florida Real Time Vehicle Information System in accordance with paragraph (4)(b). Any designated revenue collected to support functions of the county tax collectors and not used in a given year must remain exclusively in the trust fund as a carryover to the following year.

Section 48. Subsection (3) of section 320.04, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section to read:

320.04 Registration service charge.—

(3) In exercising his or her authority to contract with a license plate agent, the tax collector shall determine the additional service charges to be collected by privately owned license plate agents approved by the tax collector. Additional service charges must be itemized and disclosed to the person paying the service charges to the license plate agent. The license plate agent

shall enter into a contract with the tax collector regarding the disclosure of additional service charges.

Section 49. Subsection (7) of section 328.72, Florida Statutes, is amended to read:

328.72 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(7) SERVICE FEE.—

(a) In addition to other registration fees, the vessel owner shall pay the tax collector a $2.25 service fee for each registration issued, replaced, or renewed. Except as provided in subsection (15), all fees, other than the service charge, collected by a tax collector must be remitted to the department not later than 7 working days following the last day of the week in which the money was remitted. Vessels may travel in salt water or fresh water.

(b) In exercising his or her authority to contract with a license plate agent, the tax collector shall determine the additional service charges to be collected by privately owned license plate agents approved by the tax collector. Additional service charges must be itemized and disclosed to the person paying the service charges to the license plate agent. The license plate agent shall enter into a contract with the tax collector regarding the disclosure of additional service charges.

Section 50. Subsection (1) of section 328.73, Florida Statutes, is amended to read:

328.73 Registration; duties of tax collectors.—

(1) The tax collectors in the counties of the state, as authorized agents of the department, shall issue registration certificates and vessel numbers and decals to applicants, subject to the requirements of law and in accordance with rules of the department. Other tax collection systems may include technology systems provided by vendors contracted with the tax collector for in-person and online vessel registration certificates and vessel numbers and decals. Upon a tax collector's request, the department shall provide the tax collector and its approved vendors with the same data access and interface functionality that other third parties receive from the department, including, but not limited to, bulk data for vessel registrations and each applicant's current residential address and electronic mail address collected pursuant to s. 328.30. Such data and functionality shall be used only for purposes of fulfilling the tax collector's statutory duties under this chapter and may not be resold or used for any other purpose. The department and each county tax collector's approved vendor shall enter into a memorandum of understanding, which includes protection of consumer privacy and data collection.

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

Remove line 134 and insert:

collections; amending s. 319.32, F.S.; requiring the tax collector to determine service charges collected by privately owned license plate agents for motor vehicle titles; requiring a license plate agent to enter into a contract with the tax collector; amending s. 320.03, F.S.; specifying tax collection systems for which certain fees may be used for integration with the Florida Real Time Vehicle Information System; requiring the Department of Highway Safety and Motor Vehicles to provide tax collectors and their approved vendors with the same data access and interface functionality as is provided to other third parties; specifying authorized uses for such data and functionality; providing construction; requiring tax collectors and their vendors and approved license plate agents to enter into a memorandum of understanding with the department; amending s. 320.04, F.S.; requiring the tax collector to determine service charges collected by privately owned license plate agents for motor vehicle registrations; requiring a license plate agent to enter into a contract with the tax collector; amending s. 328.72, F.S.; requiring the tax collector to determine service charges collected by privately owned license plate agents for vessel registrations and titles; requiring a license plate agent to enter into a contract with the tax collector; amending s. 328.73, F.S.; requiring the department to provide tax collectors and their approved vendors with the same data access and interface functionality as is provided to other third parties; specifying authorized uses for such data and functionality; requiring tax collectors and their vendors to enter into a memorandum of understanding with the department; providing a declaration of important

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

Representative Andrade offered the following:

(Amendment Bar Code: 226511)

Amendment 6 (with title amendment)—Between lines 2130 and 2131, insert:

Section 47. Paragraph (c) of subsection (1) of section 348.754, Florida Statutes, is amended to read:

348.754 Purposes and powers.—

(1)

(c) Notwithstanding any other provision of this section to the contrary, to ensure the continued financial feasibility of the portion of the Wekiva Parkway to be constructed by the department, the authority may not, without the prior consultation ~~consent~~ of the secretary of the department, construct any extensions, additions, or improvements to the expressway system in Lake County.

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

Remove line 135 and insert:

state interest; amending s. 348.754, F.S.; revising requirements for the construction of any extensions, additions, or improvements to the expressway system in Lake County; providing effective dates.

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

Representative Andrade offered the following:

(Amendment Bar Code: 492309)

Amendment 7 (with title amendment)—Between lines 2130 and 2131, insert:

Section 47. Subsections (25) through (47) of section 322.01, Florida Statutes, are renumbered as subsections (26) through (48), respectively, and a new subsection (25) is added to that section, to read:

322.01 Definitions.—As used in this chapter:

(25) "Human trafficking" shall have the same meaning as provided in s. 787.06(2)(d) or 22 U.S.C. s. 7102(11).

Section 48. Subsections (7) through (11) of section 322.05, Florida Statutes, are renumbered as subsections (8) through (12), respectively, and a new subsection (7) is added to that section, to read:

322.05 Persons not to be licensed.—The department may not issue a license:

(7) To any person, as a commercial motor vehicle operator, who has been convicted of, or has entered a plea of guilty or nolo contendere to, regardless of whether adjudication was withheld, any felony involving human trafficking involving the use of a commercial motor vehicle.

Section 49. Subsection (7) is added to section 322.25, Florida Statutes, to read:

322.25 When court to forward license to department and report convictions.—

(7) Each clerk of court shall promptly report to the department each conviction for human trafficking.

Section 50. Subsections (4) through (7) of section 322.28, Florida Statutes, are renumbered as subsections (5) through (8), respectively, and subsection (4) is added to that section, to read:

322.28 Period of suspension or revocation.—

(4) The court shall permanently revoke the commercial driver license of a person who uses a commercial motor vehicle in the commission of any felony involving human trafficking.

Section 51. Paragraph (e) of subsection (2) of section 316.027, Florida Statutes, is amended to read:

316.027 Crash involving death or personal injuries.—

(2)

(e) A driver who violates paragraph (a), paragraph (b), or paragraph (c) shall have his or her driver license revoked for at least 3 years as provided in s. 322.28(5) ~~s. 322.28(4)~~.

1. A person convicted of violating paragraph (a), paragraph (b), or paragraph (c) shall, before his or her driving privilege may be reinstated, present to the department proof of completion of a victim's impact panel session in a judicial circuit if such a panel exists, or if such a panel does not exist, a department-approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway as provided in s. 322.0261(2).

2. The department may reinstate an offender's driving privilege after he or she satisfies the 3-year revocation period as provided in s. 322.28(5) ~~s. 322.28(4)~~ and successfully completes either a victim's impact panel session or a department-approved driver improvement course relating to the rights of vulnerable road users relative to vehicles on the roadway as provided in s. 322.0261(2).

3. For purposes of this paragraph, an offender's driving privilege may be reinstated only after the department verifies that the offender participated in and successfully completed a victim's impact panel session or a department-approved driver improvement course.

Section 52. Subsection (2) and paragraph (b) of subsection (6) of section 322.34, Florida Statutes, are amended to read:

322.34 Driving while license suspended, revoked, canceled, or disqualified.—

(2) Any person whose driver license or driving privilege has been canceled, suspended, or revoked as provided by law, or who does not have a driver license or driving privilege but is under suspension or revocation equivalent status as defined in s. 322.01(42) ~~s. 322.01(41)~~, except persons defined in s. 322.264, who, knowing of such cancellation, suspension, revocation, or suspension or revocation equivalent status, drives any motor vehicle upon the highways of this state while such license or privilege is canceled, suspended, or revoked, or while under suspension or revocation equivalent status, commits:

(a) A misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b)1. A misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, upon a second or subsequent conviction, except as provided in paragraph (c).

2. A person convicted of a third or subsequent conviction, except as provided in paragraph (c), must serve a minimum of 10 days in jail.

(c) A felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, upon a third or subsequent conviction if the current violation of this section or the most recent prior violation of the section is related to driving while license canceled, suspended, revoked, or suspension or revocation equivalent status resulting from a violation of:

1. Driving under the influence;
2. Refusal to submit to a urine, breath-alcohol, or blood alcohol test;
3. A traffic offense causing death or serious bodily injury; or
4. Fleeing or eluding.

The element of knowledge is satisfied if the person has been previously cited as provided in subsection (1); or the person admits to knowledge of the cancellation, suspension, or revocation, or suspension or revocation equivalent status; or the person received notice as provided in subsection (4). There shall be a rebuttable presumption that the knowledge requirement is satisfied if a judgment or order as provided in subsection (4) appears in the department's records for any case except for one involving a suspension by the department for failure to pay a traffic fine or for a financial responsibility violation.

(6) Any person who operates a motor vehicle:

(b) While his or her driver license or driving privilege is canceled, suspended, or revoked pursuant to s. 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) or (5) ~~s. 322.28(2) or (4)~~,

and who by careless or negligent operation of the motor vehicle causes the death of or serious bodily injury to another human being commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

Section 53. Subsections (7) through (10) of section 322.61, Florida Statutes, are renumbered as subsections (8) through (11), respectively, and subsection (7) is added to that section, to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(7) Notwithstanding subsections (3), (4), and (5), any person who uses a commercial motor vehicle in the commission of any felony involving an act or practice of human trafficking shall, upon conviction of such felony, be permanently disqualified from operating a commercial motor vehicle. The penalty provided in this subsection is in addition to any other applicable penalty.

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

Remove line 135 and insert:

state interest; amending s. 322.01, F.S.; defining the term "human trafficking"; amending s. 322.05, F.S.; providing that certain commercial motor vehicle operators are not eligible for a driver license; amending s. 322.25, F.S.; requiring each clerk of court to report to the Department of Highway Safety and Motor Vehicles certain convictions; amending s. 322.28, F.S.; requiring the court to permanently revoke the commercial driver license of persons convicted of a specified felony using a commercial motor vehicle; amending ss. 316.027, 322.34 and 322.61, F.S.; conforming cross-references; providing effective dates.

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

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

CS/HB 7045—A bill to be entitled An act relating to prescription drug price transparency; amending s. 110.12315, F.S.; requiring the Department of Management Services to contract for an annual audit of any pharmacy benefit vendor contracted under the state employees' prescription drug program; providing requirements for such audit; amending s. 499.012, F.S.; providing that permits for prescription drug manufacturers and nonresident prescription drug manufacturers are subject to specified requirements; creating s. 499.026, F.S.; providing definitions; requiring prescription drug manufacturers to provide notification of drug price increases to insurers; providing requirements for such notification; requiring prescription drug manufacturers to provide an annual report on drug price increases to the Department of Business and Professional Regulation and the Office of Insurance Regulation; providing reporting requirements; creating s. 624.491, F.S.; providing timelines and documentation requirements for pharmacy audits conducted by certain health insurers, health maintenance organizations, or their agents; providing that such requirements do not apply to audits in which certain conditions are met; creating s. 627.42394, F.S.; requiring certain health insurers to establish a single point of contact for manufacturers to report drug price increases; requiring the Office of Insurance Regulation to maintain and publish a list of such contacts; requiring certain health insurers to provide written notice to insureds in advance of formulary changes resulting from manufacturer drug price increases; providing applicability; amending s. 627.64741, F.S.; providing definitions; requiring reporting requirements in contracts between health insurers and pharmacy benefit managers; requiring health insurers to submit an annual report to the office; requiring the office to publish such reports and analyses of specified information; revising applicability; amending s. 627.6572, F.S.; providing definitions; requiring reporting requirements in contracts between health insurers and pharmacy benefit managers; requiring health insurers to submit an annual report to the office; requiring the office to publish such reports and analyses of specified information; revising applicability; creating s. 641.3131, F.S.; requiring certain health maintenance organizations to establish a single point of contact for manufacturers to report drug price increases; requiring the office to maintain and publish a list of such contacts; requiring certain health maintenance organizations to provide written notice to subscribers in advance of formulary changes resulting from manufacturer drug price increases; providing applicability; amending s. 641.314, F.S.; providing definitions; requiring reporting requirements in contracts between health maintenance organizations and pharmacy benefit managers; requiring health

maintenance organizations to submit an annual report to the office; requiring the office to publish such reports and analyses of specified information; revising applicability; requiring the Agency for Health Care Administration to contract for an independent analysis of pharmacy benefit management practices under the Statewide Medicaid Managed Care program; providing requirements for such audit; providing definitions; requiring the agency to submit the analysis to the Governor and the Legislature; requiring the agency to conduct an analysis and analyze the composition of managed care plan pharmacy networks under the program; providing requirements for such analysis; providing definitions; requiring the agency to submit the analysis to the Governor and the Legislature; providing an effective date.

—was read the second time by title.

REPRESENTATIVE RASCHEIN IN THE CHAIR

Representative Andrade offered the following:

(Amendment Bar Code: 966721)

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

Section 1. Subsection (11) is added to section 110.12315, Florida Statutes, to read:

110.12315 Prescription drug program.—The state employees' prescription drug program is established. This program shall be administered by the Department of Management Services, according to the terms and conditions of the plan as established by the relevant provisions of the annual General Appropriations Act and implementing legislation, subject to the following conditions:

(11) The department shall contract for an annual audit of any pharmacy benefit vendor contracted under the program. At a minimum, the audit shall determine whether state funds are expended in accordance with the terms of the vendor contract and shall include an assessment of compliance with contract terms. The audit shall identify any noncompliance and make recommendations for corrective action by a pharmacy benefit vendor. Specifically, the audit shall examine whether a pharmacy benefit vendor is compliant with contract provisions related to pass-through of pharmaceutical rebates and spread pricing, as set forth in a contract between the department and such a vendor.

Section 2. Subsection (16) is added to section 499.012, Florida Statutes, to read:

499.012 Permit application requirements.—

(16) A permit for a prescription drug manufacturer or a nonresident prescription drug manufacturer is subject to the requirements of s. 499.026.

Section 3. Section 499.026, Florida Statutes, is created to read:

499.026 Prescription drug price increases.—

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

(a) "Drug price increase" means:

1. A single manufacturer price increase equal to or greater than 15 percent of the price of a drug, or a single manufacturer price increase that results in a cumulative price increase of more than 25 percent in the preceding 12-month period, for a brand-name prescription drug with a wholesale acquisition cost of $50 or more for a 30-day supply; or

2. A single manufacturer price increase equal to or greater than 25 percent of the price of a drug, or a single manufacturer price increase that results in a cumulative price increase of more than 35 percent in the preceding 12-month period, for a generic or biosimilar prescription drug with a wholesale acquisition cost of $25 or more for a 30-day supply.

(b) "Health insurer" means a health insurer issuing major medical coverage through an individual or group policy or a health maintenance organization issuing major medical coverage through an individual or group contract, regulated under chapter 627 or chapter 641.

(c) "Manufacturer" means any person holding a prescription drug manufacturer permit or a nonresident prescription drug manufacturer permit under s. 499.01.

(d) "Wholesale acquisition cost" has the same meaning as defined in 42 U.S.C. s. 1395w-3a.

(2) At least 60 days before the effective date of any drug price increase, a manufacturer must provide notification of the upcoming drug price increase and the amount of the drug price increase to every health insurer that covers the drug. A manufacturer must make the notification using the contact list published by the Office of Insurance Regulation pursuant to ss. 627.42394 and 641.3131. Notification shall be presumed to occur on the date that a manufacturer attempts to communicate with the applicable point of contact published by the Office of Insurance Regulation.

(3) By April 1 of each year, a manufacturer must submit a report to the department and the Office of Insurance Regulation on each drug price increase made during the previous calendar year. At a minimum, the report shall include:

(a) A list of all drugs affected by the drug price increase and both the dollar amount of each drug price increase and the percentage increase of each drug price increase, relative to the previous price of the drug.

(b) A complete description of the factors contributing to the drug price increase.

Section 4. Section 624.491, Florida Statutes, is created to read:

624.491 Pharmacy audits.—

(1) A health insurer or health maintenance organization providing pharmacy benefits through a major medical individual or group health policy or health maintenance contract, respectively, shall comply with the requirements of this section when the insurer or health maintenance organization or any entity acting on behalf of the insurer or health maintenance organization, including, but not limited to, a pharmacy benefit manager, audits the records of a pharmacy licensed under chapter 465. This section does not apply to audits in which suspected fraudulent activity or other intentional or willful misrepresentation is evidenced by a physical review, review of claims data or statements, or other investigative methods; audits of claims paid for by federally funded programs; or concurrent reviews or desk audits that occur within 3 business days of transmission of a claim and where no chargeback or recoupment is demanded. An entity that audits a pharmacy located within a Health Care Fraud Prevention and Enforcement Action Team (HEAT) Task Force area designated by the United States Department of Health and Human Services and the United States Department of Justice may dispense with the notice requirements of subsection (2) if such pharmacy has been a member of a credentialed provider network for less than 12 months.

(2) An entity conducting a pharmacy audit shall:

(a) Notify a pharmacy at least 7 calendar days before the initial onsite audit for each audit cycle.

(b) Ensure the audit is not initiated during the first 3 calendar days of a month unless the pharmacist consents otherwise.

(c) Limit the scope of the audit period to no more than 24 months after the date a claim is submitted to or adjudicated by the entity.

(d) Ensure that an audit requiring clinical or professional judgment is conducted by or in consultation with a pharmacist.

(e) Permit a pharmacy to use the written and verifiable records of a hospital, physician, or other authorized practitioner, which are transmitted by any means of communication, to validate the pharmacy records in accordance with state and federal law.

(f) Ensure that a pharmacy is reimbursed for a claim that was retroactively denied for a clerical error, typographical error, scrivener's error, or computer error if the prescription was properly and correctly dispensed, unless a pattern of such errors exists, fraudulent billing is alleged, or the error results in actual financial loss to the entity.

(g) Provide a preliminary audit report to a pharmacy within 120 days after the conclusion of the audit.

(h) Permit a pharmacy to produce documentation to address a discrepancy or audit finding within 10 business days after the preliminary audit report is delivered to the pharmacy.

(i) Provide a final audit report to a pharmacy within 6 months after having provided the preliminary audit report.

(j) Calculate any recoupment or penalties based on actual overpayments and not according to the accounting practice of extrapolation.

(3) After receipt of the final audit report issued by a health insurer or health maintenance organization, a pharmacy may appeal the findings of the final audit as to whether a claim payment is due or the amount of a claim payment using the dispute resolution program established by s. 408.7057.

Section 5. Section 627.42394, Florida Statutes, is created to read:

627.42394 Formulary changes resulting from drug price increases.—

(1) A health insurer issuing a major medical individual or group policy shall submit, and update as necessary, contact information for a single point of contact for use by prescription drug manufacturers to comply with s. 499.026. The office shall maintain and publish a list of such points of contact.

(2) A health insurer issuing a major medical individual or group policy must provide written notice to affected insureds at least 30 days in advance of making a drug formulary change resulting from a drug price increase reported pursuant to s. 499.026.

(3) This section applies to policies entered into or renewed on or after January 1, 2021.

Section 6. Section 627.64741, Florida Statutes, is amended to read:

627.64741 Pharmacy benefit manager contracts.—

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

(a) "Administrative fee" means a fee or payment under a contract between a health insurer and a pharmacy benefit manager associated with the pharmacy benefit manager's administration of the insurer's prescription drug benefit programs that is paid by the insurer to the pharmacy benefit manager.

(b)~~(a)~~ "Maximum allowable cost" means the per-unit amount that a pharmacy benefit manager reimburses a pharmacist for a prescription drug, excluding dispensing fees, prior to the application of copayments, coinsurance, and other cost-sharing charges, if any.

(c)~~(b)~~ "Pharmacy benefit manager" means a person or entity doing business in this state which contracts to administer or manage prescription drug benefits on behalf of a health insurer to residents of this state.

(d) "Rebate" means all discounts and other negotiated price concessions based on utilization of a prescription drug and paid by the pharmaceutical manufacturer or other entity, other than an insured, to the pharmacy benefit manager after the claim has been adjudicated at the pharmacy.

(e) "Spread pricing" means any amount a pharmacy benefit manager charges or receives from a health insurer for payment of a prescription drug or pharmacy service that is greater than the amount the pharmacy benefit manager paid to the pharmacist or pharmacy that filled the prescription or provided the pharmacy service.

(2) A contract between a health insurer and a pharmacy benefit manager must require that the pharmacy benefit manager:

(a) Update maximum allowable cost pricing information at least every 7 calendar days.

(b) Maintain a process that will, in a timely manner, eliminate drugs from maximum allowable cost lists or modify drug prices to remain consistent with changes in pricing data used in formulating maximum allowable cost prices and product availability.

(3) A contract between a health insurer and a pharmacy benefit manager must prohibit the pharmacy benefit manager from limiting a pharmacist's ability to disclose whether the cost-sharing obligation exceeds the retail price for a covered prescription drug, and the availability of a more affordable alternative drug, pursuant to s. 465.0244.

(4) A contract between a health insurer and a pharmacy benefit manager must prohibit the pharmacy benefit manager from requiring an insured to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(a) The applicable cost-sharing amount; or

(b) The retail price of the drug in the absence of prescription drug coverage.

(5) A contract between a health insurer and a pharmacy benefit manager must require the pharmacy benefit manager to report annually the following to the insurer:

(a) The aggregate number of prescriptions that were dispensed.

(b) The number and percentage of all prescriptions that were provided through retail pharmacies compared to mail-order pharmacies. This paragraph applies to pharmacies licensed under chapter 465 which dispense drugs to the general public and which were paid by the health insurer or pharmacy benefit manager under the contract.

(c) For retail pharmacies and mail-order pharmacies described in paragraph (b), the general dispensing rate, which is the number and percentage of prescriptions for which a generic drug was available and dispensed.

(d) The aggregate amount of rebates the pharmacy benefit manager received in association with claims administered on behalf of the insurer and the aggregate amount of such rebates the pharmacy benefit manager received that were not passed through to the insurer.

(e) The aggregate amount of administrative fees paid to the pharmacy benefit manager by the insurer for the administration of the insurer's prescription drug benefit programs.

(f) The types and aggregate amounts of any fees or remittances paid to the pharmacy benefit manager by pharmacies. The pharmacy benefit manager shall distinguish between fees paid by covered entities, as defined in 42 U.S.C. s. 256b, and fees paid by pharmacies that are not covered entities.

(g) The aggregate amount of revenue generated by the pharmacy benefit manager through the use of spread pricing in association with the administration of the insurer's pharmacy benefit programs.

(h) The type and aggregate amount of any other fees collected by the pharmacy benefit manager in association with claims administered on behalf of the insurer.

(6) Not later than June 30, 2021, and annually thereafter, a health insurer shall submit a report to the office that includes the information provided by its contracted pharmacy benefit managers under subsection (5). The office shall publish on its website an analysis of the reported information required to be provided to the insurer under subsection (5) in an aggregated amount for each pharmacy benefit manager.

(7) The office may require a health insurer to submit to the office for review any contract, or amendments to a contract, for the administration or management of prescription drug benefits by a pharmacy benefit manager on behalf of the insurer. After review of a contract, the office may order the insurer to terminate the contract in accordance with the terms of the contract and applicable law if the office determines that the contract does not comply with the Florida Insurance Code or the pharmacy benefit manager is not registered with the office pursuant to s. 624.490.

(8) The commission may adopt rules to administer this section.

(9)~~(5)~~ This section applies to contracts entered into or renewed on or after July 1, 2020 ~~2018~~.

Section 7. Section 627.6572, Florida Statutes, is amended to read:

627.6572 Pharmacy benefit manager contracts.—

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

(a) "Administrative fee" means a fee or payment under a contract between a health insurer and a pharmacy benefit manager associated with the pharmacy benefit manager's administration of the insurer's prescription drug benefit programs that is paid by the insurer to the pharmacy benefit manager.

(b)~~(a)~~ "Maximum allowable cost" means the per-unit amount that a pharmacy benefit manager reimburses a pharmacist for a prescription drug, excluding dispensing fees, prior to the application of copayments, coinsurance, and other cost-sharing charges, if any.

(c)~~(b)~~ "Pharmacy benefit manager" means a person or entity doing business in this state which contracts to administer or manage prescription drug benefits on behalf of a health insurer to residents of this state.

(d) "Rebate" means all discounts and other negotiated price concessions based on utilization of a prescription drug and paid by the pharmaceutical manufacturer or other entity, other than an insured, to the pharmacy benefit manager after the claim has been adjudicated at the pharmacy.

(e) "Spread pricing" means any amount a pharmacy benefit manager charges or receives from a health insurer for payment of a prescription drug or pharmacy service that is greater than the amount the pharmacy benefit manager paid to the pharmacist or pharmacy that filled the prescription or provided the pharmacy service.

(2) A contract between a health insurer and a pharmacy benefit manager must require that the pharmacy benefit manager:

(a) Update maximum allowable cost pricing information at least every 7 calendar days.

(b) Maintain a process that will, in a timely manner, eliminate drugs from maximum allowable cost lists or modify drug prices to remain consistent with changes in pricing data used in formulating maximum allowable cost prices and product availability.

(3) A contract between a health insurer and a pharmacy benefit manager must prohibit the pharmacy benefit manager from limiting a pharmacist's ability to disclose whether the cost-sharing obligation exceeds the retail price for a covered prescription drug, and the availability of a more affordable alternative drug, pursuant to s. 465.0244.

(4) A contract between a health insurer and a pharmacy benefit manager must prohibit the pharmacy benefit manager from requiring an insured to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(a) The applicable cost-sharing amount; or

(b) The retail price of the drug in the absence of prescription drug coverage.

(5) A contract between a health insurer and a pharmacy benefit manager must require the pharmacy benefit manager to report annually the following to the insurer:

(a) The aggregate number of prescriptions that were dispensed.

(b) The number and percentage of all prescriptions that were provided through retail pharmacies compared to mail-order pharmacies. This paragraph applies to pharmacies licensed under chapter 465 which dispense drugs to the general public and which were paid by the health insurer or pharmacy benefit manager under the contract.

(c) For retail pharmacies and mail-order pharmacies described in paragraph (b), the general dispensing rate, which is the number and percentage of prescriptions for which a generic drug was available and dispensed.

(d) The aggregate amount of rebates the pharmacy benefit manager received in association with claims administered on behalf of the insurer and the aggregate amount of such rebates the pharmacy benefit manager received that were not passed through to the insurer.

(e) The aggregate amount of administrative fees paid to the pharmacy benefit manager by the insurer for the administration of the insurer's prescription drug benefit programs.

(f) The types and aggregate amounts of any fees or remittances paid to the pharmacy benefit manager by pharmacies. The pharmacy benefit manager shall distinguish between fees paid by covered entities, as defined in 42 U.S.C. s. 256b, and fees paid by pharmacies that are not covered entities.

(g) The aggregate amount of revenue generated by the pharmacy benefit manager through the use of spread pricing in association with the administration of the insurer's pharmacy benefit programs.

(h) The type and aggregate amount of any other fees collected by the pharmacy benefit manager in association with claims administered on behalf of the insurer.

(6) Not later than June 30, 2021, and annually thereafter, a health insurer shall submit a report to the office that includes the information provided by its contracted pharmacy benefit managers under subsection (5). The office shall publish on its website an analysis of the reported information required to be provided to the insurer under subsection (5) in an aggregated amount for each pharmacy benefit manager.

(7) The office may require a health insurer to submit to the office for review any contract, or amendments to a contract, for the administration or management of prescription drug benefits by a pharmacy benefit manager on behalf of the insurer. After review of a contract, the office may order the insurer to terminate the contract in accordance with the terms of the contract and applicable law if the office determines that the contract does not comply with the Florida Insurance Code or the pharmacy benefit manager is not registered with the office pursuant to s. 624.490.

(8) The commission may adopt rules to administer this section.

(9)~~(5)~~ This section applies to contracts entered into or renewed on or after July 1, 2020 ~~2018~~.

Section 8. Section 641.3131, Florida Statutes, is created to read:

641.3131 Formulary changes resulting from drug price increases.—

(1) A health maintenance organization issuing a major medical or other comprehensive coverage contract shall submit, and update as necessary, contact information for a single point of contact for use by prescription drug manufacturers to comply with s. 499.026. The office shall maintain and publish a list of such points of contact.

(2) A health maintenance organization issuing a major medical or other comprehensive coverage contract must provide written notice to affected subscribers at least 30 days in advance of making a drug formulary change resulting from a drug price increase reported pursuant to s. 499.026.

(3) This section applies to contracts entered into or renewed on or after January 1, 2021.

Section 9. Section 641.314, Florida Statutes, is amended to read:

641.314 Pharmacy benefit manager contracts.—

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

(a) "Administrative fee" means a fee or payment under a contract between a health maintenance organization and a pharmacy benefit manager associated with the pharmacy benefit manager's administration of the health maintenance organization's prescription drug benefit programs that is paid by the health maintenance organization to the pharmacy benefit manager.

(b)~~(a)~~ "Maximum allowable cost" means the per-unit amount that a pharmacy benefit manager reimburses a pharmacist for a prescription drug, excluding dispensing fees, prior to the application of copayments, coinsurance, and other cost-sharing charges, if any.

(c)~~(b)~~ "Pharmacy benefit manager" means a person or entity doing business in this state which contracts to administer or manage prescription drug benefits on behalf of a health maintenance organization to residents of this state.

(d) "Rebate" means all discounts and other negotiated price concessions based on utilization of a prescription drug and paid by the pharmaceutical manufacturer or other entity, other than a subscriber, to the pharmacy benefit manager after the claim has been adjudicated at the pharmacy.

(e) "Spread pricing" means any amount a pharmacy benefit manager charges or receives from a health maintenance organization for payment of a prescription drug or pharmacy service that is greater than the amount the pharmacy benefit manager paid to the pharmacist or pharmacy that filled the prescription or provided the pharmacy service.

(2) A contract between a health maintenance organization and a pharmacy benefit manager must require that the pharmacy benefit manager:

(a) Update maximum allowable cost pricing information at least every 7 calendar days.

(b) Maintain a process that will, in a timely manner, eliminate drugs from maximum allowable cost lists or modify drug prices to remain consistent with changes in pricing data used in formulating maximum allowable cost prices and product availability.

(3) A contract between a health maintenance organization and a pharmacy benefit manager must prohibit the pharmacy benefit manager from limiting a pharmacist's ability to disclose whether the cost-sharing obligation exceeds the retail price for a covered prescription drug, and the availability of a more affordable alternative drug, pursuant to s. 465.0244.

(4) A contract between a health maintenance organization and a pharmacy benefit manager must prohibit the pharmacy benefit manager from requiring a subscriber to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(a) The applicable cost-sharing amount; or

(b) The retail price of the drug in the absence of prescription drug coverage.

(5) A contract between a health maintenance organization and a pharmacy benefit manager must require the pharmacy benefit manager to report annually the following to the insurer:

(a) The aggregate number of prescriptions that were dispensed.

(b) The number and percentage of all prescriptions that were provided through retail pharmacies compared to mail-order pharmacies. This paragraph applies to pharmacies licensed under chapter 465 which dispense drugs to the general public and which were paid by the health maintenance organization or pharmacy benefit manager under the contract.

(c) For retail pharmacies and mail-order pharmacies described in paragraph (b), the general dispensing rate, which is the number and percentage of prescriptions for which a generic drug was available and dispensed.

(d) The aggregate amount of rebates the pharmacy benefit manager received in association with claims administered on behalf of the health maintenance organization and the aggregate amount of such rebates the pharmacy benefit manager received that were not passed through to the health maintenance organization.

(e) The aggregate amount of administrative fees paid to the pharmacy benefit manager by the health maintenance organization for the administration of the health maintenance organization's prescription drug benefit programs.

(f) The types and aggregate amounts of any fees or remittances paid to the pharmacy benefit manager by pharmacies. The pharmacy benefit manager shall distinguish between fees paid by covered entities, as defined in 42 U.S.C. s. 256b, and fees paid by pharmacies that are not covered entities.

(g) The aggregate amount of revenue generated by the pharmacy benefit manager through the use of spread pricing in association with the administration of the health maintenance organization's pharmacy benefit programs.

(h) The type and aggregate amount of any other fees collected by the pharmacy benefit manager in association with claims administered on behalf of the health maintenance organization.

(6) Not later than June 30, 2021, and annually thereafter, a health maintenance organization shall submit a report to the office that includes the information provided by its contracted pharmacy benefit managers under subsection (5). The office shall publish on its website an analysis of the reported information required to be provided to the health maintenance organization under subsection (5) in an aggregated amount for each pharmacy benefit manager.

(7) The office may require a health maintenance organization to submit to the office for review any contract, or amendments to a contract, for the administration or management of prescription drug benefits by a pharmacy benefit manager on behalf of the health maintenance organization. After review of a contract, the office may order the health maintenance organization to terminate the contract in accordance with the terms of the contract and applicable law if the office determines that the contract does not comply with the Florida Insurance Code or the pharmacy benefit manager is not registered with the office pursuant to s. 624.490.

(8) The commission may adopt rules to administer this section.

(9)~~(5)~~ This section applies to contracts entered into or renewed on or after July 1, 2020 ~~2018~~.

Section 10. (1) The Agency for Health Care Administration shall contract for an independent analysis of pharmacy benefit management practices under the Statewide Medicaid Managed Care program. The analysis shall outline the types of pharmacy benefit pricing contracts in place between managed care plans and contracted pharmacy benefit managers and between managed care plans or pharmacy benefit managers and pharmacies. At a minimum, the analysis shall include:

(a) An examination of the fees paid to each contracted pharmacy benefit manager by each managed care plan.

(b) An examination of the fees charged to pharmacies by each managed care plan or contracted pharmacy benefit manager.

(c) A determination of spread pricing revenues retained by each managed care plan or contracted pharmacy benefit manager.

(2) For purposes of this section, the term "pharmacy benefit manager" means a person or entity doing business in this state which contracts to administer or manage prescription drug benefits on behalf of a managed care plan.

(3) For purposes of this section, the term "spread pricing" refers to any amount a managed care plan or pharmacy benefit manager received from the Medicaid program for payment of a prescription drug that is greater than that paid to the pharmacist or pharmacy that filled a prescription for that prescription drug.

(4) The agency shall submit the completed analysis to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2020.

Section 11. (1) The Agency for Health Care Administration shall conduct an analysis of managed care plan pharmacy networks under the Statewide Medicaid Managed Care program to ensure that enrollees have sufficient choice of pharmacies within established geographic parameters. The agency must also analyze the composition of each managed care plan pharmacy network to determine the market share of large chain pharmacies, small chain pharmacies, and independent pharmacies, respectively. The analysis shall include:

(a) An examination of the pharmacy contracting patterns by each managed care plan or contracted pharmacy benefit manager.

(b) An examination of any financial relationship between a managed care provider or contracted pharmacy benefit manager and its contracted pharmacies. The analysis shall examine whether a managed care plan or pharmacy benefit manager establishes a network that favors pharmacies in which the managed care plan or pharmacy benefit manager owns a controlling or substantial financial interest.

(2) For purposes of this section, the term "pharmacy benefit manager" means a person or entity doing business in this state which contracts to administer or manage prescription drug benefits on behalf of a managed care plan.

(3) The agency shall submit the completed analysis to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2020.

Section 12. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or its application, and to this end the provisions of this act are severable.

Section 13. This act shall take effect upon becoming a law.

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

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to prescription drug price transparency; amending s. 110.12315, F.S.; requiring the Department of Management Services to contract for an annual audit of any pharmacy benefit vendor contracted under the state employees' prescription drug program; providing requirements for such audit; amending s. 499.012, F.S.; providing that permits for prescription drug manufacturers and nonresident prescription drug manufacturers are subject to specified requirements; creating s. 499.026, F.S.; providing definitions; requiring prescription drug manufacturers to provide notification of drug price increases to insurers; providing requirements for such notification; requiring prescription drug manufacturers to provide an annual report on drug price increases to the Department of Business and Professional Regulation and the Office of Insurance Regulation; providing reporting requirements; creating s. 624.491, F.S.; providing timelines and documentation requirements for pharmacy audits conducted by certain health insurers, health maintenance organizations, or their agents; providing that such requirements do not apply to audits in which certain conditions are met; creating s. 627.42394, F.S.; requiring certain health insurers to establish a single point of contact for manufacturers to report drug price increases; requiring the Office of Insurance Regulation to maintain and publish a list of such contacts; requiring certain health insurers to provide written notice to insureds in advance of formulary changes resulting from manufacturer drug price increases; providing applicability; amending ss. 627.64741 and 627.6572, F.S.; providing definitions; requiring reporting requirements in contracts between health insurers and pharmacy benefit managers; requiring health insurers to submit an annual report to the office; requiring the office to publish such reports and analyses of specified information; authorizing the office to review contracts; authorizing the office to order health insurers to terminate contracts with pharmacy benefit managers under certain circumstances; providing rulemaking authority; revising applicability; creating s. 641.3131, F.S.; requiring certain health maintenance organizations to establish a single point of contact for manufacturers to report drug price increases; requiring the office to maintain and publish a list of such contacts; requiring certain health maintenance organizations to provide written notice to subscribers in advance of formulary changes resulting from manufacturer drug price increases; providing applicability; amending s. 641.314, F.S.; providing definitions; requiring reporting requirements in contracts between health maintenance organizations and pharmacy benefit managers; requiring health

maintenance organizations to submit an annual report to the office; requiring the office to publish such reports and analyses of specified information; authorizing the office to review contracts; authorizing the office to order health maintenance organizations to terminate contracts with pharmacy benefit managers under certain circumstances; providing rulemaking authority; revising applicability; requiring the Agency for Health Care Administration to contract for an independent analysis of pharmacy benefit management practices under the Statewide Medicaid Managed Care program; providing requirements for such analysis; providing definitions; requiring the agency to submit the analysis to the Governor and the Legislature; requiring the agency to conduct an analysis of managed care plan pharmacy networks and to analyze the composition of the networks under the Statewide Medicaid Managed Care program; providing requirements for such analysis; providing definitions; requiring the agency to submit the analysis to the Governor and the Legislature; providing severability; providing severability; providing an effective date.

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

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

CS/CS/CS/HB 689—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 210.09, F.S.; requiring that certain reports relating to the transportation or possession of cigarettes be filed with the Division of Alcoholic Beverages and Tobacco through the division's electronic data submission system; authorizing certain records to be kept in an electronic or paper format; amending s. 210.55, F.S.; requiring that certain entities file reports, rather than returns, relating to tobacco products with the division; providing requirements for such reports; amending s. 210.60, F.S.; authorizing certain records to be kept in an electronic or paper format; amending s. 326.002, F.S.; revising the definition of the term "yacht"; amending s. 548.003, F.S.; renaming the Florida State Boxing Commission as the Florida Athletic Commission; amending s. 548.043, F.S.; revising rulemaking requirements for the commission relating to gloves; amending s. 561.01, F.S.; deleting the definition of the term "permit carrier"; amending s. 561.17, F.S.; revising a requirement related to the filing of fingerprints with the division; requiring that applications be accompanied by certain information relating to right of occupancy; providing requirements relating to contact information for licensees and permittees; amending s. 561.20, F.S.; conforming cross-references; revising requirements for issuing special licenses to certain food service establishments; amending s. 561.42, F.S.; requiring the division, and authorizing vendors, to use electronic mail to give certain notice; amending s. 561.55, F.S.; revising requirements for reports relating to alcoholic beverages; amending s. 562.455, F.S.; removing grains of paradise from the list of specified substances subject to penalties relating to adulterating liquor; amending s. 718.112, F.S.; providing the circumstances under which a person is delinquent in the payment of an assessment in the context of eligibility for membership on certain condominium boards; requiring that an annual budget be proposed to unit owners and adopted by the board before a specified time; amending s. 718.501, F.S.; authorizing the Division of Florida Condominiums, Timeshares, and Mobile Homes to adopt rules regarding the submission of complaints against a condominium association; amending s. 718.5014, F.S.; revising the location requirements for the principal office of the condominium ombudsman; amending s. 721.15, F.S.; providing requirements for subordinate lienholder related timeshare estates; amending ss. 455.219, 548.002, 548.05, 548.071, and 548.077, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Representative Shoaf offered the following:

(Amendment Bar Code: 983661)

Amendment 1 (with title amendment)—Remove lines 159-1030 and insert:

Section 4. Paragraph (e) of subsection (3) of section 194.011, Florida Statutes, is amended to read:

194.011 Assessment notice; objections to assessments.—

(3) A petition to the value adjustment board must be in substantially the form prescribed by the department. Notwithstanding s. 195.022, a county officer may not refuse to accept a form provided by the department for this purpose if the taxpayer chooses to use it. A petition to the value adjustment board must be signed by the taxpayer or be accompanied at the time of filing by the taxpayer's written authorization or power of attorney, unless the person filing the petition is listed in s. 194.034(1)(a). A person listed in s. 194.034(1)(a) may file a petition with a value adjustment board without the taxpayer's signature or written authorization by certifying under penalty of perjury that he or she has authorization to file the petition on behalf of the taxpayer. If a taxpayer notifies the value adjustment board that a petition has been filed for the taxpayer's property without his or her consent, the value adjustment board may require the person filing the petition to provide written authorization from the taxpayer authorizing the person to proceed with the appeal before a hearing is held. If the value adjustment board finds that a person listed in s. 194.034(1)(a) willfully and knowingly filed a petition that was not authorized by the taxpayer, the value adjustment board shall require such person to provide the taxpayer's written authorization for representation to the value adjustment board clerk before any petition filed by that person is heard, for 1 year after imposition of such requirement by the value adjustment board. A power of attorney or written authorization is valid for 1 assessment year, and a new power of attorney or written authorization by the taxpayer is required for each subsequent assessment year. A petition shall also describe the property by parcel number and shall be filed as follows:

(e)1. A condominium association, as defined in s. 718.103, a cooperative association, as defined in s. 719.103, or any homeowners' association, as defined in s. 720.301 ~~s. 723.075~~, with approval of its board of administration or directors, may file with the value adjustment board a single joint petition on behalf of any association members who own units or parcels of property which the property appraiser determines are substantially similar with respect to location, proximity to amenities, number of rooms, living area, and condition. The condominium association, cooperative association, or homeowners' association ~~as defined in s. 723.075~~ shall provide the unit or parcel owners with notice of its intent to petition the value adjustment board by hand delivery or certified mail, return receipt requested, except that such notice may be electronically transmitted to a unit owner or parcel owner who has expressly consented in writing to receiving such notices by electronic transmission. If the association is a condominium or cooperative association, the notice must also be posted conspicuously on the condominium or cooperative property in the same manner as notice of board meetings under ss. 718.112(2) and 719.106(1). Such notice must ~~and shall~~ provide at least 14 ~~20~~ days for a unit or parcel owner to elect, in writing, that his or her unit or parcel not be included in the petition.

2. A condominium association, as defined in s. 718.103, a cooperative association, as defined in s. 719.103, or a homeowners' association as defined in s. 720.301, that has filed a single joint petition under this subsection may continue to represent, prosecute, and defend the unit owners through any related subsequent proceeding in any tribunal, including judicial review under part II of this chapter and any appeals. This subparagraph is intended to clarify existing law and applies to cases pending on July 1, 2020.

Section 5. Subsection (2) of section 194.181, Florida Statutes, is amended to read:

194.181 Parties to a tax suit.—

(2)(a) In any case brought by a ~~the~~ taxpayer or a condominium, cooperative, or homeowners' association, as defined in ss. 718.103, 719.103, and 720.301, respectively, on behalf of some or all unit owners, contesting the assessment of any property, the county property appraiser is the ~~shall be~~ party defendant.

(b) In any case brought by the property appraiser under ~~pursuant to~~ s. 194.036(1)(a) or (b), the taxpayer is the ~~shall be~~ party defendant.

(c)1. In any case brought by the property appraiser under s. 194.036(1)(a) or (b) concerning a value adjustment board decision on a single joint petition filed by a condominium, cooperative, or homeowners' association under s.

194.011(3), the association and all unit or parcel owners included in the single joint petition are the party defendants.

2. The condominium, cooperative, or homeowners' association must provide unit or parcel owners with notice of its intent to respond to or answer the property appraiser's complaint and advise the unit or parcel owners that they may elect to:

a. Retain their own counsel to defend the appeal;

b. Choose not to defend the appeal; or

c. Be represented together with other unit or parcel owners by the association.

3. The notice required in subparagraph 2. must be hand delivered or sent by certified mail, return receipt requested, to the unit or parcel owners, except that such notice may be electronically transmitted to a unit or parcel owner who has expressly consented in writing to receiving notices through electronic transmission. Additionally, the notice must be posted conspicuously on the condominium or cooperative property, if applicable, in the same manner as notice of board meetings under ss. 718.112(2) and 719.106(1). The association must provide at least 14 days for a unit or parcel owner to respond to the notice. Any unit or parcel owner who does not respond to the association's notice will be represented by the association.

(d) In any case brought by the property appraiser under ~~pursuant to~~ s. 194.036(1)(c), the value adjustment board is the ~~shall be~~ party defendant.

Section 6. Paragraph (a) of subsection (2) of section 514.0115, Florida Statutes, is amended to read:

514.0115 Exemptions from supervision or regulation; variances.—

(2)(a) Pools serving condominium, cooperative, and homeowners' associations, as well as other property associations, which have no more than 32 ~~condominium or cooperative~~ units or parcels and which are not operated as ~~a~~ public lodging establishments are ~~establishment shall be~~ exempt from supervision under this chapter, except for water quality.

Section 7. Section 548.003, Florida Statutes, is amended to read:

548.003 Florida Athletic ~~State Boxing~~ Commission.—

(1) The Florida Athletic ~~State Boxing~~ Commission is created and is assigned to the Department of Business and Professional Regulation for administrative and fiscal accountability purposes only. The ~~Florida State Boxing~~ commission shall consist of five members appointed by the Governor, subject to confirmation by the Senate. One member must be a physician licensed pursuant to chapter 458 or chapter 459, who must maintain an unencumbered license in good standing, and who must, at the time of her or his appointment, have practiced medicine for at least 5 years. Upon the expiration of the term of a commissioner, the Governor shall appoint a successor to serve for a 4-year term. A commissioner whose term has expired shall continue to serve on the commission until such time as a replacement is appointed. If a vacancy on the commission occurs before ~~prior to~~ the expiration of the term, it shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(2) The ~~Florida State Boxing~~ commission, as created by subsection (1), shall administer the provisions of this chapter. The commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and to implement each of the duties and responsibilities conferred upon the commission, including, but not limited to:

(a) Development of an ethical code of conduct for commissioners, commission staff, and commission officials.

(b) Facility and safety requirements relating to the ring, floor plan and apron seating, emergency medical equipment and services, and other equipment and services necessary for the conduct of a program of matches.

(c) Requirements regarding a participant's apparel, bandages, handwraps, gloves, mouthpiece, and appearance during a match.

(d) Requirements relating to a manager's participation, presence, and conduct during a match.

(e) Duties and responsibilities of all licensees under this chapter.

(f) Procedures for hearings and resolution of disputes.

(g) Qualifications for appointment of referees and judges.

(h) Qualifications for and appointment of chief inspectors and inspectors and duties and responsibilities of chief inspectors and inspectors with respect to oversight and coordination of activities for each program of matches regulated under this chapter.

(i) Designation and duties of a knockdown timekeeper.

(j) Setting fee and reimbursement schedules for referees and other officials appointed by the commission or the representative of the commission.

(k) Establishment of criteria for approval, disapproval, suspension of approval, and revocation of approval of amateur sanctioning organizations for amateur boxing, kickboxing, and mixed martial arts held in this state, including, but not limited to, the health and safety standards the organizations use before, during, and after the matches to ensure the health, safety, and well-being of the amateurs participating in the matches, including the qualifications and numbers of health care personnel required to be present, the qualifications required for referees, and other requirements relating to the health, safety, and well-being of the amateurs participating in the matches. The commission may adopt by rule, or incorporate by reference into rule, the health and safety standards of USA Boxing as the minimum health and safety standards for an amateur boxing sanctioning organization, the health and safety standards of the International Sport Kickboxing Association as the minimum health and safety standards for an amateur kickboxing sanctioning organization, and the minimum health and safety standards for an amateur mixed martial arts sanctioning organization. The commission shall review its rules for necessary revision at least every 2 years and may adopt by rule, or incorporate by reference into rule, the then-existing current health and safety standards of USA Boxing and the International Sport Kickboxing Association. The commission may adopt emergency rules to administer this paragraph.

(3) The commission shall maintain an office in Tallahassee. At the first meeting of the commission after June 1 of each year, the commission shall select a chair and a vice chair from among its membership. Three members shall constitute a quorum and the concurrence of at least three members is necessary for official commission action.

(4) Three consecutive unexcused absences or absences constituting 50 percent or more of the commission's meetings within any 12-month period shall cause the commission membership of the member in question to become void, and the position shall be considered vacant. The commission shall, by rule, define unexcused absences.

(5) Each commission member shall be accountable to the Governor for the proper performance of duties as a member of the commission. The Governor shall cause to be investigated any complaint or unfavorable report received by the Governor or the department concerning an action of the commission or any member and shall take appropriate action thereon. The Governor may remove from office any member for malfeasance, unethical conduct, misfeasance, neglect of duty, incompetence, permanent inability to perform official duties, or pleading guilty or nolo contendere to or being found guilty of a felony.

(6) Each member of the commission shall be compensated at the rate of $50 for each day she or he attends a commission meeting and shall be reimbursed for other expenses as provided in s. 112.061.

(7) The commission shall be authorized to join and participate in the activities of the Association of Boxing Commissions (ABC).

(8) The department shall provide all legal and investigative services necessary to implement this chapter. The department may adopt rules as provided in ss. 120.536(1) and 120.54 to carry out its duties under this chapter.

Section 8. Subsection (3) of section 548.043, Florida Statutes, is amended to read:

548.043 Weights and classes, limitations; gloves.—

(3) The commission shall establish by rule the need for gloves, if any, and the weight of any such gloves to be used in each pugilistic match ~~the appropriate weight of gloves to be used in each boxing match; however, all participants in boxing matches shall wear gloves weighing not less than 8 ounces each and participants in mixed martial arts matches shall wear gloves weighing 4 to 8 ounces each~~. Participants shall wear such protective devices as the commission deems necessary.

Section 9. Subsection (20) of section 561.01, Florida Statutes, is amended to read:

561.01 Definitions.—As used in the Beverage Law:

~~(20) "Permit carrier" means a licensee authorized to make deliveries as provided in s. 561.57.~~

Section 10. Subsections (1) and (2) of section 561.17, Florida Statutes, are amended, and subsection (5) is added to that section, to read:

561.17 License and registration applications; approved person.—

(1) Any person, before engaging in the business of manufacturing, bottling, distributing, selling, or in any way dealing in alcoholic beverages, shall file, with the district licensing personnel of the district of the division in which the place of business for which a license is sought is located, a sworn application in the format prescribed by the division. The applicant must be a legal or business entity, person, or persons and must include all persons, officers, shareholders, and directors of such legal or business entity that have a direct or indirect interest in the business seeking to be licensed under this part. However, the applicant does not include any person that derives revenue from the license solely through a contractual relationship with the licensee, the substance of which contractual relationship is not related to the control of the sale of alcoholic beverages. Before any application is approved, the division may require the applicant to file a set of fingerprints electronically through an approved electronic fingerprinting vendor or on ~~regular United States Department of Justice~~ forms prescribed by the Florida Department of Law Enforcement for herself or himself and for any person or persons interested directly or indirectly with the applicant in the business for which the license is being sought, when required by the division. If the applicant or any person who is interested with the applicant either directly or indirectly in the business or who has a security interest in the license being sought or has a right to a percentage payment from the proceeds of the business, either by lease or otherwise, is not qualified, the division shall deny the application. However, any company regularly traded on a national securities exchange and not over the counter; any insurer, as defined in the Florida Insurance Code; or any bank or savings and loan association chartered by this state, another state, or the United States which has an interest, directly or indirectly, in an alcoholic beverage license is not required to obtain the division's approval of its officers, directors, or stockholders or any change of such positions or interests. A shopping center with five or more stores, one or more of which has an alcoholic beverage license and is required under a lease common to all shopping center tenants to pay no more than 10 percent of the gross proceeds of the business holding the license to the shopping center, is not considered as having an interest, directly or indirectly, in the license. A performing arts center, as defined in s. 561.01, which has an interest, directly or indirectly, in an alcoholic beverage license is not required to obtain division approval of its volunteer officers or directors or of any change in such positions or interests.

(2) All applications for any alcoholic beverage license must be accompanied by proof of the applicant's right of occupancy for the entire premises sought to be licensed. All applications for alcoholic beverage licenses for consumption on the premises shall be accompanied by a certificate of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation, the Department of Agriculture and Consumer Services, the Department of Health, the Agency for Health Care Administration, or the county health department that the place of business wherein the business is to be conducted meets all of the sanitary requirements of the state.

(5) Any person or entity licensed or permitted by the division must provide an electronic mail address to the division to function as the primary contact for all communication by the division to the licensee or permittees. Licensees and permittees are responsible for maintaining accurate contact information on file with the division.

Section 11. Paragraph (a) of subsection (2) of section 561.20, Florida Statutes, is amended to read:

561.20 Limitation upon number of licenses issued.—

(2)(a) The limitation of the number of licenses as provided in this section does not prohibit the issuance of a special license to:

1. Any bona fide hotel, motel, or motor court of not fewer than 80 guest rooms in any county having a population of less than 50,000 residents, and of not fewer than 100 guest rooms in any county having a population of 50,000 residents or greater; or any bona fide hotel or motel located in a historic structure, as defined in s. 561.01(20) ~~s. 561.01(21)~~, with fewer than 100 guest rooms which derives at least 51 percent of its gross revenue from the rental of hotel or motel rooms, which is licensed as a public lodging establishment by the Division of Hotels and Restaurants; provided, however, that a bona fide hotel or motel with no fewer than 10 and no more than 25 guest rooms which is a historic structure, as defined in s. 561.01(20) ~~s. 561.01(21)~~, in a municipality that on the effective date of this act has a population, according to the University of Florida's Bureau of Economic and Business Research Estimates of Population for 1998, of no fewer than 25,000 and no more than 35,000 residents and that is within a constitutionally chartered county may be issued a special license. This special license shall allow the sale and consumption of alcoholic beverages only on the licensed premises of the hotel or motel. In addition, the hotel or motel must derive at least 60 percent of its gross revenue from the rental of hotel or motel rooms and the sale of food and nonalcoholic beverages; provided that this subparagraph shall supersede local laws requiring a greater number of hotel rooms;

2. Any condominium accommodation of which no fewer than 100 condominium units are wholly rentable to transients and which is licensed under chapter 509, except that the license shall be issued only to the person or corporation that operates the hotel or motel operation and not to the association of condominium owners;

3. Any condominium accommodation of which no fewer than 50 condominium units are wholly rentable to transients, which is licensed under chapter 509, and which is located in any county having home rule under s. 10 or s. 11, Art. VIII of the State Constitution of 1885, as amended, and incorporated by reference in s. 6(e), Art. VIII of the State Constitution, except that the license shall be issued only to the person or corporation that operates the hotel or motel operation and not to the association of condominium owners;

4. A food service establishment that has 2,500 square feet of service area, is equipped to serve meals to 150 persons at one time, and derives at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages during the first 120-day ~~60-day~~ operating period and the first ~~each~~ 12-month operating period thereafter. Subsequent audit timeframes must be based upon the audit percentage established by the most recent audit and conducted on a staggered scale as follows: level 1, 51 percent to 60 percent, every year; level 2, 61 percent to 75 percent, every 2 years; level 3, 76 percent to 90 percent, every 3 years; and level 4, 91 percent to 100 percent, every 4 years. A food service establishment granted a special license on or after January 1, 1958, pursuant to general or special law may not operate as a package store and may not sell intoxicating beverages under such license after the hours of serving or consumption of food have elapsed. Failure by a licensee to meet the required percentage of food and nonalcoholic beverage gross revenues during the covered operating period shall result in revocation of the license or denial of the pending license application. A licensee whose license is revoked or an applicant whose pending application is denied, or any person required to qualify on the special license application, is ineligible to have any interest in a subsequent application for such a license for a period of 120 days after the date of the final denial or revocation;

5. Any caterer, deriving at least 51 percent of its gross food and beverage revenue from the sale of food and nonalcoholic beverages at each catered event, licensed by the Division of Hotels and Restaurants under chapter 509. This subparagraph does not apply to a culinary education program, as defined in s. 381.0072(2), which is licensed as a public food service establishment by the Division of Hotels and Restaurants and provides catering services. Notwithstanding any law to the contrary, a licensee under this subparagraph shall sell or serve alcoholic beverages only for consumption on the premises of a catered event at which the licensee is also providing prepared food, and shall prominently display its license at any catered event at which the caterer is selling or serving alcoholic beverages. A licensee under this subparagraph shall purchase all alcoholic beverages it sells or serves at a catered event from a vendor licensed under s. 563.02(1), s. 564.02(1), or licensed under s. 565.02(1) subject to the limitation imposed in subsection (1), as appropriate. A licensee under this subparagraph may not store any alcoholic beverages to be sold or served at a catered event. Any alcoholic beverages purchased by a licensee under this subparagraph for a catered event that are not used at that event must remain with the customer; provided that if the vendor accepts unopened alcoholic beverages, the licensee may return such alcoholic beverages to the vendor for a credit or reimbursement. Regardless of the county or counties in which the licensee operates, a licensee under this subparagraph shall pay the annual state license tax set forth in s. 565.02(1)(b). A licensee under this subparagraph must maintain for a period of 3 years all records and receipts for each catered event, including all contracts, customers' names, event locations, event dates, food purchases and

sales, alcoholic beverage purchases and sales, nonalcoholic beverage purchases and sales, and any other records required by the department by rule to demonstrate compliance with the requirements of this subparagraph. Notwithstanding any law to the contrary, any vendor licensed under s. 565.02(1) subject to the limitation imposed in subsection (1), may, without any additional licensure under this subparagraph, serve or sell alcoholic beverages for consumption on the premises of a catered event at which prepared food is provided by a caterer licensed under chapter 509. If a licensee under this subparagraph also possesses any other license under the Beverage Law, the license issued under this subparagraph shall not authorize the holder to conduct activities on the premises to which the other license or licenses apply that would otherwise be prohibited by the terms of that license or the Beverage Law. Nothing in this section shall permit the licensee to conduct activities that are otherwise prohibited by the Beverage Law or local law. The Division of Alcoholic Beverages and Tobacco is hereby authorized to adopt rules to administer the license created in this subparagraph, to include rules governing licensure, recordkeeping, and enforcement. The first $300,000 in fees collected by the division each fiscal year pursuant to this subparagraph shall be deposited in the Department of Children and Families' Operations and Maintenance Trust Fund to be used only for alcohol and drug abuse education, treatment, and prevention programs. The remainder of the fees collected shall be deposited into the Hotel and Restaurant Trust Fund created pursuant to s. 509.072; or

6. A culinary education program as defined in s. 381.0072(2) which is licensed as a public food service establishment by the Division of Hotels and Restaurants.

a. This special license shall allow the sale and consumption of alcoholic beverages on the licensed premises of the culinary education program. The culinary education program shall specify designated areas in the facility where the alcoholic beverages may be consumed at the time of application. Alcoholic beverages sold for consumption on the premises may be consumed only in areas designated pursuant to s. 561.01(11) and may not be removed from the designated area. Such license shall be applicable only in and for designated areas used by the culinary education program.

b. If the culinary education program provides catering services, this special license shall also allow the sale and consumption of alcoholic beverages on the premises of a catered event at which the licensee is also providing prepared food. A culinary education program that provides catering services is not required to derive at least 51 percent of its gross revenue from the sale of food and nonalcoholic beverages. Notwithstanding any law to the contrary, a licensee that provides catering services under this sub-subparagraph shall prominently display its beverage license at any catered event at which the caterer is selling or serving alcoholic beverages. Regardless of the county or counties in which the licensee operates, a licensee under this sub-subparagraph shall pay the annual state license tax set forth in s. 565.02(1)(b). A licensee under this sub-subparagraph must maintain for a period of 3 years all records required by the department by rule to demonstrate compliance with the requirements of this sub-subparagraph.

c. If a licensee under this subparagraph also possesses any other license under the Beverage Law, the license issued under this subparagraph does not authorize the holder to conduct activities on the premises to which the other license or licenses apply that would otherwise be prohibited by the terms of that license or the Beverage Law. Nothing in this subparagraph shall permit the licensee to conduct activities that are otherwise prohibited by the Beverage Law or local law. Any culinary education program that holds a license to sell alcoholic beverages shall comply with the age requirements set forth in ss. 562.11(4), 562.111(2), and 562.13.

d. The Division of Alcoholic Beverages and Tobacco may adopt rules to administer the license created in this subparagraph, to include rules governing licensure, recordkeeping, and enforcement.

e. A license issued pursuant to this subparagraph does not permit the licensee to sell alcoholic beverages by the package for off-premises consumption.

However, any license heretofore issued to any such hotel, motel, motor court, or restaurant or hereafter issued to any such hotel, motel, or motor court, including a condominium accommodation, under the general law shall not be moved to a new location, such license being valid only on the premises of such hotel, motel, motor court, or restaurant. Licenses issued to hotels, motels, motor courts, or restaurants under the general law and held by such hotels, motels, motor courts, or restaurants on May 24, 1947, shall be counted in the quota limitation contained in subsection (1). Any license issued for any hotel, motel, or motor court under this law shall be issued only to the owner of the hotel, motel, or motor court or, in the event the hotel, motel, or motor court is leased, to the lessee of the hotel, motel, or motor court; and the license shall remain in the name of the owner or lessee so long as the license is in existence. Any special license now in existence heretofore issued under this law cannot be renewed except in the name of the owner of the hotel, motel, motor court, or restaurant or, in the event the hotel, motel, motor court, or restaurant is leased, in the name of the lessee of the hotel, motel, motor court, or restaurant in which the license is located and must remain in the name of the owner or lessee so long as the license is in existence. Any license issued under this section shall be marked "Special," and nothing herein provided shall limit, restrict, or prevent the issuance of a special license for any restaurant or motel which shall hereafter meet the requirements of the law existing immediately prior to the effective date of this act, if construction of such restaurant has commenced prior to the effective date of this act and is completed within 30 days thereafter, or if an application is on file for such special license at the time this act takes effect; and any such licenses issued under this proviso may be annually renewed as now provided by law. Nothing herein prevents an application for transfer of a license to a bona fide purchaser of any hotel, motel, motor court, or restaurant by the purchaser of such facility or the transfer of such license pursuant to law.

Section 12. Subsection (4) of section 561.42, Florida Statutes, is amended to read:

561.42 Tied house evil; financial aid and assistance to vendor by manufacturer, distributor, importer, primary American source of supply, brand owner or registrant, or any broker, sales agent, or sales person thereof, prohibited; procedure for enforcement; exception.—

(4) Before the division shall so declare and prohibit such sales to such vendor, ~~it shall,~~ within 2 days after receipt of such notice~~,~~ the division shall give ~~written~~ notice to such vendor by electronic mail of the receipt by the division of such notification of delinquency and such vendor shall be directed to forthwith make payment thereof or, upon failure to do so, to show cause before the division why further sales to such vendor shall not be prohibited. Good and sufficient cause to prevent such action by the division may be made by showing payment, failure of consideration, or any other defense which would be considered sufficient in a common-law action. The vendor shall have 5 days after service ~~receipt~~ of such notice via electronic mail within which to show such cause, and he or she may demand a hearing thereon, provided he or she does so in writing within said 5 days, such written demand to be delivered to the division either in person, by electronic mail, or by due course of mail within such 5 days. If no such demand for hearing is made, the division shall thereupon declare in writing to such vendor and to all manufacturers and distributors within the state that all further sales to such vendor are prohibited until such time as the division certifies in writing that such vendor has fully paid for all liquors previously purchased. In the event such prohibition of sales and declaration thereof to the vendor, manufacturers, and distributors is ordered by the division, the vendor may seek review of such decision by the Department of Business and Professional Regulation within 5 days. In the event application for such review is filed within such time, such prohibition of sales shall not be made, published, or declared until final disposition of such review by the department.

Section 13. Subsection (2) of section 561.55, Florida Statutes, is amended to read:

561.55 Manufacturers', distributors', brokers', sales agents', importers', vendors', and exporters' records and reports.—

(2) Each manufacturer, distributor, broker, sales agent, and importer shall make a full and complete report by the 10th day of each month for the previous calendar month. The report must be ~~shall be made out in triplicate; two copies shall be sent to the division, and the third copy shall be retained for the manufacturer's, distributor's, broker's, sales agent's, or importer's record. Reports shall be~~ made on forms prepared ~~and furnished~~ by the division and

filed with the division through the division's electronic data submission system.

Section 14. Section 562.455, Florida Statutes, is amended to read:

562.455 Adulterating liquor; penalty.—Whoever adulterates, for the purpose of sale, any liquor, used or intended for drink, with cocculus indicus, vitriol, ~~grains of paradise,~~ opium, alum, capsicum, copperas, laurel water, logwood, brazil wood, cochineal, sugar of lead, or any other substance which is poisonous or injurious to health, and whoever knowingly sells any liquor so adulterated, commits ~~shall be guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 15. Subsection (4) of section 627.714, Florida Statutes, is amended to read:

627.714 Residential condominium unit owner coverage; loss assessment coverage required.—

(4) Every individual unit owner's residential property policy must contain a provision stating that the coverage afforded by such policy is excess coverage over the amount recoverable under any other policy covering the same property. If a condominium association's insurance policy does not provide rights for subrogation against the unit owners in the association, an insurance policy issued to an individual unit owner located in the association may not provide rights of subrogation against the condominium association.

Section 16. Section 712.065, Florida Statutes, is created to read:

712.065 Extinguishment of discriminatory restrictions.—

(1) As used in this section, the term "discriminatory restriction" means a provision in a title transaction recorded in the state which restricts the ownership, occupancy, or use of any real property in this state by any natural person on the basis of a characteristic that has been held, or is held after July 1, 2020, by the United States Supreme Court or the Florida Supreme Court to be protected against discrimination under the Fourteenth Amendment to the United States Constitution or under s. 2, Art. I of the State Constitution, including race, color, national origin, religion, gender, or physical disability.

(2) A discriminatory restriction is not enforceable in the state, and a discriminatory restriction contained in a title transaction recorded in the state is unlawful, unenforceable, and void. A discriminatory restriction contained in a previously recorded title transaction is extinguished and severed from the recorded title transaction and the remainder of the title transaction remains enforceable and effective. The recording of a notice preserving or protecting interests or rights under s. 712.06 does not reimpose or preserve a discriminatory restriction that is extinguished under this section.

(3) Upon request of a parcel owner, a discriminatory restriction appearing in a covenant or restriction affecting the parcel may be removed from the covenant or restriction by an amendment approved by a majority vote of the board of directors of the respective property owners' association or an owners' association in which all owners may voluntarily join, notwithstanding any other requirements for approval of an amendment of the covenant or restriction. Unless the amendment also changes other provisions of the covenant or restriction, the recording of an amendment removing a discriminatory restriction does not constitute a title transaction occurring after the root of title for purposes of s. 712.03(4).

Section 17. Paragraph (a) of subsection (1), subsection (3), and paragraphs (a), (b), (c), (f), and (g) of subsection (12) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(1) CORPORATE ENTITY.—

(a) The operation of the condominium shall be by the association, which must be a Florida corporation for profit or a Florida corporation not for profit. However, any association which was in existence on January 1, 1977, need not be incorporated. The owners of units shall be shareholders or members of the association. The officers and directors of the association have a fiduciary relationship to the unit owners. It is the intent of the Legislature that nothing in this paragraph shall be construed as providing for or removing a requirement of a fiduciary relationship between any manager employed by the association and the unit owners. An officer, director, or manager may not solicit, offer to accept, or accept any thing or service of value or kickback 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. Any such officer, director, or manager who knowingly so solicits, offers to accept, or accepts any thing or service of value or kickback is subject to a civil penalty pursuant to s. 718.501(2)(d) ~~s. 718.501(1)(d)~~ and, if applicable, a criminal penalty as provided in paragraph (d). However, this paragraph does not prohibit an officer, director, or manager from accepting services or items received in connection with trade fairs or education programs. An association may operate more than one condominium.

(3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT, SUE, AND BE SUED; CONFLICT OF INTEREST.—

(a) The association may contract, sue, or be sued with respect to the exercise or nonexercise of its powers. For these purposes, the powers of the association include, but are not limited to, the maintenance, management, and operation of the condominium property.

(b) After control of the association is obtained by unit owners other than the developer, the association may:

1. Institute, maintain, settle, or appeal actions or hearings in its name on behalf of all unit owners concerning matters of common interest to most or all unit owners, including, but not limited to, the common elements; the roof and structural components of a building or other improvements; mechanical, electrical, and plumbing elements serving an improvement or a building; representations of the developer pertaining to any existing or proposed commonly used facilities;

2. Protest ~~and protesting~~ ad valorem taxes on commonly used facilities and on units; ~~and may~~

3. Defend actions pertaining to ad valorem taxation of commonly used facilities or units or related to ~~in~~ eminent domain; or

4. Bring inverse condemnation actions.

(c) If the association has the authority to maintain a class action, the association may be joined in an action as representative of that class with reference to litigation and disputes involving the matters for which the association could bring a class action.

(d) The association, in its own name or on behalf of some or all unit owners, may institute, file, protest, maintain, or defend any administrative challenge, lawsuit, appeal, or other challenge to ad valorem taxes assessed on units, commonly used facilities, or common elements. Other than as provided in s. 194.181(2)(c)1., the affected association members are not necessary or indispensable parties to such actions.. This paragraph is intended to clarify existing law and applies to cases pending on July 1, 2020.

(e) Nothing herein limits any statutory or common-law right of any individual unit owner or class of unit owners to bring any action without participation by the association which may otherwise be available.

(f) An association may not hire an attorney who represents the management company of the association.

(12) OFFICIAL RECORDS.—

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

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

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

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

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

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

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

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

liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices.

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

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

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

11. Accounting records for the association and separate accounting records for each condominium that the association operates. Any person who knowingly or intentionally defaces or destroys such records, or who knowingly or intentionally fails to create or maintain such records, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty under s. 718.501(2)(d) ~~pursuant to s. 718.501(1)(d)~~. The accounting records must include, but are not limited to:

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

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

c. All audits, reviews, accounting statements, and financial reports of the association or condominium.

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

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

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

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

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

16. A copy of the inspection report as described in s. 718.301(4)(p).

17. Bids for materials, equipment, or services.

(b) The official records specified in subparagraphs (a)1.-6. must be permanently maintained from the inception of the association. Bids for work to be performed or for materials, equipment, or services must be maintained for at least 1 year after receipt of the bid. All other official records must be maintained within the state for at least 7 years, unless otherwise provided by general law. All official records must be maintained in a manner and format determined by the division so that the records are easily accessible for inspection. The records of the association shall be made available to a unit owner within 45 miles of the condominium property or within the county in which the condominium property is located within 10 working days after receipt of a written request by the board or its designee. However, such distance requirement does not apply to an association governing a timeshare condominium. This paragraph may be complied with by having a copy of the official records of the association available for inspection or copying on the condominium property or association property, or the association may offer the option of making the records available to a unit owner electronically via the Internet or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. The association is not responsible for the use or misuse of the information provided to an association member or his or her authorized representative in ~~pursuant to the~~ compliance with ~~requirements of~~ this chapter unless the association has an affirmative duty not to disclose such information under ~~pursuant to~~ this chapter.

(c)1. The official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the member or authorized representative of such member. A renter of a unit only has a right to inspect and copy the declaration of condominium and association's bylaws and rules. The association must provide a checklist to the member or the authorized representative of such member of all records that are made available for inspection and copying in response to a written request. If any or all of the association's official records are not available, such records must be identified on the checklist provided to the person requesting the records. The checklist must be signed by a manager licensed under part VIII of chapter 468 certifying that the checklist is accurate to the best of his or her knowledge and belief or the association must provide the person requesting the records a sworn affidavit attesting to the veracity of the checklist executed by the person responding to the written request on behalf of the association. The association must maintain a copy of the checklist and affidavit, if required, for at least 7 years. Delivery of the checklist and affidavit, if required, to the person requesting the records creates a rebuttable presumption that the association complied with this paragraph. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying, but may not require a member to demonstrate any purpose or state any reason for the inspection. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with this paragraph. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply. Minimum damages are $50 per calendar day for up to 10 days, beginning on the 11th working day after receipt of the written request. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records.

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

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

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

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

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

d. Medical records of unit owners.

e. Social security numbers, driver license numbers, credit card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, addresses of a unit owner other than as provided to fulfill the

association's notice requirements, and other personal identifying information of any person, excluding the person's name, unit designation, mailing address, property address, and any address, e-mail address, or facsimile number provided to the association to fulfill the association's notice requirements. Notwithstanding the restrictions in this sub-subparagraph, an association may print and distribute to unit ~~parcel~~ owners a directory containing the name, unit ~~parcel~~ address, and all telephone numbers of each unit ~~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 sub-subparagraph. The association is not liable for the inadvertent disclosure of information that is protected under this sub-subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

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

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

(f) An outgoing board or committee member must relinquish all official records and property of the association in his or her possession or under his or her control to the incoming board within 5 days after the election. The division shall impose a civil penalty as set forth in s. 718.501(2)(d)6. ~~s. 718.501(1)(d)6.~~ against an outgoing board or committee member who willfully and knowingly fails to relinquish such records and property.

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

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

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

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

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

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

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

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

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

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

d. The rules of the association.

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

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

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

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

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

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

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

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

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

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

Section 18. Paragraphs (d), (i), (j), (k), and (p) of subsection (2) of section 718.112, Florida Statutes, are amended, and paragraph (c) is added to subsection (1) of that section, to read:

718.112 Bylaws.—

(1) GENERALLY.—

(c) The association may extinguish a discriminatory restriction as provided under s. 712.065.

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

(d) Unit owner meetings.—

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

2. Unless the bylaws provide otherwise, a vacancy on the board caused by the expiration of a director's term must be filled by electing a new board member, and the election must be by secret ballot. An election is not required if the number of vacancies equals or exceeds the number of candidates. For purposes of this paragraph, the term "candidate" means an eligible person who has timely submitted the written notice, as described in sub-subparagraph 4.a., of his or her intention to become a candidate. Except in a timeshare or nonresidential condominium, or if the staggered term of a board member does not expire until a later annual meeting, or if all members' terms would otherwise expire but there are no candidates, the terms of all board members expire at the annual meeting, and such members may stand for reelection unless prohibited by the bylaws. Board members may serve terms longer than 1 year if permitted by the bylaws or articles of incorporation. A board member may not serve more than 8 consecutive years unless approved

by an affirmative vote of unit owners representing two-thirds of all votes cast in the election or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. Only board service that occurs on or after July 1, 2018, may be used when calculating a board member's term limit. If the number of board members whose terms expire at the annual meeting equals or exceeds the number of candidates, the candidates become members of the board effective upon the adjournment of the annual meeting. Unless the bylaws provide otherwise, any remaining vacancies shall be filled by the affirmative vote of the majority of the directors making up the newly constituted board even if the directors constitute less than a quorum or there is only one director. In a residential condominium association of more than 10 units or in a residential condominium association that does not include timeshare units or timeshare interests, co-owners of a unit may not serve as members of the board of directors at the same time unless they own more than one unit or unless there are not enough eligible candidates to fill the vacancies on the board at the time of the vacancy. A unit owner in a residential condominium desiring to be a candidate for board membership must comply with sub-subparagraph 4.a. and must be eligible to be a candidate to serve on the board of directors at the time of the deadline for submitting a notice of intent to run in order to have his or her name listed as a proper candidate on the ballot or to serve on the board. A person who has been suspended or removed by the division under this chapter, or who is delinquent in the payment of any monetary obligation due to the association, is not eligible to be a candidate for board membership and may not be listed on the ballot. A person who has been convicted of any felony in this state or in a United States District or Territorial Court, or who has been convicted of any offense in another jurisdiction which would be considered a felony if committed in this state, is not eligible for board membership unless such felon's civil rights have been restored for at least 5 years as of the date such person seeks election to the board. The validity of an action by the board is not affected if it is later determined that a board member is ineligible for board membership due to having been convicted of a felony. This subparagraph does not limit the term of a member of the board of a nonresidential or timeshare condominium.

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

4. The members of the board of a residential condominium shall be elected by written ballot or voting machine. Proxies may not be used in electing the board in general elections or elections to fill vacancies caused by recall, resignation, or otherwise, unless otherwise provided in this chapter. This subparagraph does not apply to an association governing a timeshare condominium.

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

b. Within 90 days after being elected or appointed to the board of an association of a residential condominium, each newly elected or appointed director shall certify in writing to the secretary of the association that he or she has read the association's declaration of condominium, articles of incorporation, bylaws, and current written policies; that he or she will work to uphold such documents and policies to the best of his or her ability; and that he or she will faithfully discharge his or her fiduciary responsibility to the association's members. In lieu of this written certification, within 90 days after being elected or appointed to the board, the newly elected or appointed director may submit a certificate of having satisfactorily completed the educational curriculum administered by a division-approved condominium education provider within 1 year before or 90 days after the date of election or appointment. The written certification or educational certificate is valid and

does not have to be resubmitted as long as the director serves on the board without interruption. A director of an association of a residential condominium who fails to timely file the written certification or educational certificate is suspended from service on the board until he or she complies with this sub-subparagraph. The board may temporarily fill the vacancy during the period of suspension. The secretary shall cause the association to retain a director's written certification or educational certificate for inspection by the members for 5 years after a director's election or the duration of the director's uninterrupted tenure, whichever is longer. Failure to have such written certification or educational certificate on file does not affect the validity of any board action.

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

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

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

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

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

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

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

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

(i) Transfer fees.—An association may not ~~no~~ charge a fee ~~shall be made by the association or any body thereof~~ in connection with the sale, mortgage, lease, sublease, or other transfer of a unit unless the association is required to approve such transfer and a fee for such approval is provided for in the declaration, articles, or bylaws. Any such fee may be preset, but may not ~~in no event may such fee~~ exceed $150 ~~$100~~ per applicant other than spouses or parent and dependent child, who ~~husband/wife or parent/dependent child, which~~ are considered one applicant. However, if the lease or sublease is a renewal of a lease or sublease with the same lessee or sublessee, a charge may not ~~no charge shall~~ be made. Such fees shall be adjusted every 5 years in an amount equal to the total of the annual increases for that 5-year period in the Consumer Price Index for All Urban Consumers, U.S. City Average, All Items. The Department of Business and Professional Regulation shall periodically calculate the fees, rounded to the nearest dollar, and publish the amounts, as adjusted, on its website. The foregoing notwithstanding, an association may, if the authority to do so appears in the declaration, articles, or bylaws, require that a prospective lessee place a security deposit, in an amount not to exceed the equivalent of 1 month's rent, into an escrow account maintained by the association. The security deposit shall protect against damages to the common elements or association property. Payment of interest, claims against the deposit, refunds, and disputes under this paragraph shall be handled in the same fashion as provided in part II of chapter 83.

(j) Recall of board members.—Subject to s. 718.301, any member of the board of administration may be recalled and removed from office with or without cause by the vote or agreement in writing by a majority of all the voting interests. A special meeting of the unit owners to recall a member or members of the board of administration may be called by 10 percent of the voting interests giving notice of the meeting as required for a meeting of unit owners, and the notice shall state the purpose of the meeting. Electronic transmission may not be used as a method of giving notice of a meeting called in whole or in part for this purpose.

1. If the recall is approved by a majority of all voting interests by a vote at a meeting, the recall will be effective as provided in this paragraph. The board shall duly notice and hold a board meeting within 5 full business days after the adjournment of the unit owner meeting to recall one or more board members. Such member or members shall be recalled effective immediately upon conclusion of the board meeting, provided that the recall is facially valid. A recalled member must turn over to the board, within 10 full business days after the vote, any and all records and property of the association in their possession.

2. If the proposed recall is by an agreement in writing by a majority of all voting interests, the agreement in writing or a copy thereof shall be served on the association by certified mail or by personal service in the manner authorized by chapter 48 and the Florida Rules of Civil Procedure. The board of administration shall duly notice and hold a meeting of the board within 5 full business days after receipt of the agreement in writing. Such member or members shall be recalled effective immediately upon the conclusion of the board meeting, provided that the recall is facially valid. A recalled member must turn over to the board, within 10 full business days, any and all records and property of the association in their possession.

3. If the board fails to duly notice and hold a board meeting within 5 full business days after service of an agreement in writing or within 5 full business days after the adjournment of the unit owner recall meeting, the recall is ~~shall be~~ deemed effective and the board members so recalled shall turn over to the board within 10 full business days after the vote any and all records and property of the association.

4. If the board fails to duly notice and hold the required meeting or at the conclusion of the meeting determines that the recall is not facially valid, the unit owner representative may file a petition or court action under ~~pursuant to~~ s. 718.1255 challenging the board's failure to act or challenging the board's determination on facial validity. The petition or action must be filed within 60 days after the expiration of the applicable 5-full-business-day period. The review of a petition or action under this subparagraph is limited to the sufficiency of service on the board and the facial validity of the written agreement or ballots filed.

5. If a vacancy occurs on the board as a result of a recall or removal and less than a majority of the board members are removed, the vacancy may be filled by the affirmative vote of a majority of the remaining directors, notwithstanding any provision to the contrary contained in this subsection. If vacancies occur on the board as a result of a recall and a majority or more of the board members are removed, the vacancies shall be filled in accordance with procedural rules to be adopted by the division, which rules need not be consistent with this subsection. The rules must provide procedures governing

the conduct of the recall election as well as the operation of the association during the period after a recall but before the recall election.

6. A board member who has been recalled may file a petition or court action under ~~pursuant to~~ s. 718.1255 challenging the validity of the recall. The petition or action must be filed within 60 days after the recall. The association and the unit owner representative shall be named as the respondents. The petition or action may challenge the facial validity of the written agreement or ballots filed or the substantial compliance with the procedural requirements for the recall. If the arbitrator or court determines the recall was invalid, the petitioning board member shall immediately be reinstated and the recall is null and void. A board member who is successful in challenging a recall is entitled to recover reasonable attorney fees and costs from the respondents. The arbitrator or court may award reasonable attorney fees and costs to the respondents if they prevail, if the arbitrator or court makes a finding that the petitioner's claim is frivolous.

7. The division or a court of competent jurisdiction may not accept for filing a recall petition or court action, whether filed under ~~pursuant to~~ subparagraph 1., subparagraph 2., subparagraph 4., or subparagraph 6. when there are 60 or fewer days until the scheduled reelection of the board member sought to be recalled or when 60 or fewer days have elapsed since the election of the board member sought to be recalled.

(k) Alternative dispute resolution ~~Arbitration.~~—There must ~~shall~~ be a provision for mandatory alternative dispute resolution ~~nonbinding arbitration~~ as provided for in s. 718.1255 for any residential condominium.

~~(p) Service providers; conflicts of interest.—An association, which is not a timeshare condominium association, may not employ or contract with any service provider that is owned or operated by a board member or with any person who has a financial relationship with a board member or officer, or a relative within the third degree of consanguinity by blood or marriage of a board member or officer. This paragraph does not apply to a service provider in which a board member or officer, or a relative within the third degree of consanguinity by blood or marriage of a board member or officer, owns less than 1 percent of the equity shares.~~

Section 19. Subsection (8) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters and protection; display of religious decorations.—

(8) The Legislature finds that the use of electric and natural gas fuel vehicles conserves and protects the state's environmental resources, provides significant economic savings to drivers, and serves an important public interest. The participation of condominium associations is essential to the state's efforts to conserve and protect the state's environmental resources and provide economic savings to drivers. For purposes of this subsection, the term "natural gas fuel" has the same meaning as in s. 206.9951, and the term "natural gas fuel vehicle" means any motor vehicle, as defined in s. 320.01, that is powered by natural gas fuel. Therefore, the installation of an electric vehicle charging station or natural gas fuel station shall be governed as follows:

(a) A declaration of condominium or restrictive covenant may not prohibit or be enforced so as to prohibit any unit owner from installing an electric vehicle charging station or natural gas fuel station within the boundaries of the unit owner's limited common element or exclusively designated parking area. The board of administration of a condominium association may not prohibit a unit owner from installing an electric vehicle charging station for an electric vehicle, as defined in s. 320.01, or a natural gas fuel station for a natural gas fuel vehicle within the boundaries of his or her limited common element or exclusively designated parking area. The installation of such charging or fuel stations are subject to the provisions of this subsection.

(b) The installation may not cause irreparable damage to the condominium property.

(c) The electricity for the electric vehicle charging station or natural gas fuel station must be separately metered or metered by an embedded meter and payable by the unit owner installing such charging or fuel station or by his or her successor.

(d) The cost for supply and storage of the natural gas fuel must be paid by the unit owner installing the natural gas fuel station or by his or her successor.

(e)~~(d)~~ The unit owner who is installing an electric vehicle charging station or natural gas fuel station is responsible for the costs of installation, operation, maintenance, and repair, including, but not limited to, hazard and liability insurance. The association may enforce payment of such costs under ~~pursuant to~~ s. 718.116.

(f)~~(e)~~ If the unit owner or his or her successor decides there is no longer a need for the electronic vehicle charging station or natural gas fuel station, such person is responsible for the cost of removal of such ~~the electronic vehicle~~ charging or fuel station. The association may enforce payment of such costs under ~~pursuant to~~ s. 718.116.

(g) The unit owner installing, maintaining, or removing the electric vehicle charging station or natural gas fuel station is responsible for complying with all federal, state, or local laws and regulations applicable to such installation, maintenance, or removal.

(h)~~(f)~~ The association may require the unit owner to:

1. Comply with bona fide safety requirements, consistent with applicable building codes or recognized safety standards, for the protection of persons and property.

2. Comply with reasonable architectural standards adopted by the association that govern the dimensions, placement, or external appearance of the electric vehicle charging station or natural gas fuel station, provided that such standards may not prohibit the installation of such charging or fuel station or substantially increase the cost thereof.

3. Engage the services of a licensed and registered firm ~~electrical contractor or engineer~~ familiar with the installation or removal and core requirements of an electric vehicle charging station or natural gas fuel station.

4. Provide a certificate of insurance naming the association as an additional insured on the owner's insurance policy for any claim related to the installation, maintenance, or use of the electric vehicle charging station or natural gas fuel station within 14 days after receiving the association's approval to install such charging or fuel station or notice to provide such a certificate.

5. Reimburse the association for the actual cost of any increased insurance premium amount attributable to the electric vehicle charging station or natural gas fuel station within 14 days after receiving the association's insurance premium invoice.

(i)~~(g)~~ The association provides an implied easement across the common elements of the condominium property to the unit owner for purposes of ~~the installation of the~~ electric vehicle charging station or natural gas fuel station installation, and the furnishing of electrical power or natural gas fuel supply, including any necessary equipment, to such charging or fuel station, subject to the requirements of this subsection.

Section 20. Subsection (16) of section 718.117, Florida Statutes, is amended to read:

718.117 Termination of condominium.—

(16) RIGHT TO CONTEST.—A unit owner or lienor may contest a plan of termination by initiating a petition in accordance with ~~for mandatory nonbinding arbitration pursuant to~~ s. 718.1255 within 90 days after the date the plan is recorded. A unit owner or lienor may only contest the fairness and reasonableness of the apportionment of the proceeds from the sale among the unit owners, that the liens of the first mortgages of unit owners other than the bulk owner have not or will not be satisfied to the extent required by subsection (3), or that the required vote to approve the plan was not obtained. A unit owner or lienor who does not contest the plan within the 90-day period is barred from asserting or prosecuting a claim against the association, the termination trustee, any unit owner, or any successor in interest to the condominium property. In an action contesting a plan of termination, the person contesting the plan has the burden of pleading and proving that the apportionment of the proceeds from the sale among the unit owners was not fair and reasonable or that the required vote was not obtained. The apportionment of sale proceeds is presumed fair and reasonable if it was determined pursuant to the methods prescribed in subsection (12). If the petition is filed with the division for arbitration, the arbitrator shall determine the rights and interests of the parties in the apportionment of the sale proceeds. If the arbitrator determines that the apportionment of sales proceeds is not fair and reasonable, the arbitrator may void the plan or may modify the plan to apportion the proceeds in a fair and reasonable manner pursuant to this

section based upon the proceedings and order the modified plan of termination to be implemented. If the arbitrator determines that the plan was not properly approved, or that the procedures to adopt the plan were not properly followed, the arbitrator may void the plan or grant other relief it deems just and proper. The arbitrator shall automatically void the plan upon a finding that any of the disclosures required in subparagraph (3)(c)5. are omitted, misleading, incomplete, or inaccurate. Any challenge to a plan, other than a challenge that the required vote was not obtained, does not affect title to the condominium property or the vesting of the condominium property in the trustee, but shall only be a claim against the proceeds of the plan. In any such action, the prevailing party shall recover reasonable attorney fees and costs.

Section 21. Subsection (2) of section 718.121, Florida Statutes, is amended to read:

718.121 Liens.—

(2) Labor performed on or materials furnished to a unit may ~~shall~~ not be the basis for the filing of a lien under ~~pursuant to~~ part I of chapter 713, the Construction Lien Law, against the unit or condominium parcel of any unit owner not expressly consenting to or requesting the labor or materials. Labor performed on or materials furnished for the installation of a natural gas fuel station or an electronic vehicle charging station under ~~pursuant to~~ s. 718.113(8) may not be the basis for filing a lien under part I of chapter 713 against the association, but such a lien may be filed against the unit owner. Labor performed on or materials furnished to the common elements are not the basis for a lien on the common elements, but if authorized by the association, the labor or materials are deemed to be performed or furnished with the express consent of each unit owner and may be the basis for the filing of a lien against all condominium parcels in the proportions for which the owners are liable for common expenses.

Section 22. Subsections (5) and (6) of section 718.1255, Florida Statutes, are renumbered as subsections (6) and (7), respectively, subsection (2) and paragraph (a) of subsection (4) of that section are amended, and a new subsection (5) is added to that section, to read:

718.1255 Alternative dispute resolution; ~~voluntary~~ mediation; ~~mandatory~~ nonbinding arbitration; legislative findings.—

(2) ~~VOLUNTARY~~ MEDIATION.—~~Voluntary~~ Mediation through Citizen Dispute Settlement Centers as provided for in s. 44.201 is encouraged.

(4) ~~MANDATORY~~ NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation may employ full-time attorneys to act as arbitrators to conduct the arbitration hearings provided by this chapter. The division may also certify attorneys who are not employed by the division to act as arbitrators to conduct the arbitration hearings provided by this chapter. A ~~No~~ person may not be employed by the department as a full-time arbitrator unless he or she is a member in good standing of The Florida Bar. A person may only be certified by the division to act as an arbitrator if he or she has been a member in good standing of The Florida Bar for at least 5 years and has mediated or arbitrated at least 10 disputes involving condominiums in this state during the 3 years immediately preceding the date of application, mediated or arbitrated at least 30 disputes in any subject area in this state during the 3 years immediately preceding the date of application, or attained board certification in real estate law or condominium and planned development law from The Florida Bar. Arbitrator certification is valid for 1 year. An arbitrator who does not maintain the minimum qualifications for initial certification may not have his or her certification renewed. The department may not enter into a legal services contract for an arbitration hearing under this chapter with an attorney who is not a certified arbitrator unless a certified arbitrator is not available within 50 miles of the dispute. The department shall adopt rules of procedure to govern such arbitration hearings including mediation incident thereto. The decision of an arbitrator is ~~shall be~~ final; however, a decision is ~~shall~~ not ~~be~~ deemed final agency action. Nothing in this provision shall be construed to foreclose parties from proceeding in a trial de novo unless the parties have agreed that the arbitration is binding. If judicial proceedings are initiated, the final decision of the arbitrator is ~~shall be~~ admissible in evidence in the trial de novo.

(a) Before ~~Prior to~~ the institution of court litigation, a party to a dispute, other than an election or recall dispute, shall either petition the division for nonbinding arbitration or initiate presuit mediation as provided in subsection (5). Arbitration is binding on the parties if all parties in arbitration agree to be bound in a writing filed in arbitration. The petition must be accompanied by a filing fee in the amount of $50. Filing fees collected under this section must be used to defray the expenses of the alternative dispute resolution program.

(5) PRESUIT MEDIATION.—In lieu of the initiation of nonbinding arbitration as set forth in subsections (1)-(4), a party may submit a dispute to presuit mediation in accordance with s. 720.311. Election and recall disputes are not eligible for mediation and such disputes must be arbitrated by the division or filed in a court of competent jurisdiction.

Section 23. Subsection (3) of section 718.202, Florida Statutes, is amended to read:

718.202 Sales or reservation deposits prior to closing.—

(3) If the contract for sale of the condominium unit so provides, the developer may withdraw escrow funds in excess of 10 percent of the purchase price from the special account required by subsection (2) when the construction of improvements has begun. He or she may use the funds for the actual costs incurred by the developer in the ~~actual~~ construction and development of the condominium property in which the unit to be sold is located. Actual costs include, but are not limited to, expenditures for demolition, site clearing, permit fees, impact fees, and utility reservation fees, as well as architectural, engineering, and surveying fees that directly relate to construction and development. However, no part of these funds may be used for salaries, commissions, or expenses of salespersons; ~~or~~ for advertising, marketing, or promotional purposes; or for loan fees, costs or interest, attorney fees, accounting fees, or insurance. A contract which permits use of the advance payments for these purposes shall include the following legend conspicuously printed or stamped in boldfaced type on the first page of the contract and immediately above the place for the signature of the buyer: ANY PAYMENT IN EXCESS OF 10 PERCENT OF THE PURCHASE PRICE MADE TO DEVELOPER PRIOR TO CLOSING PURSUANT TO THIS CONTRACT MAY BE USED FOR CONSTRUCTION PURPOSES BY THE DEVELOPER.

Section 24. Subsection (1) and paragraph (b) of subsection (3) of section 718.303, Florida Statutes, are amended to read:

718.303 Obligations of owners and occupants; remedies.—

(1) Each unit owner, ~~each~~ tenant and other invitee, and ~~each~~ association is governed by, and must comply with the provisions of, this chapter, the declaration, the documents creating the association, and the association bylaws which are ~~shall be deemed~~ expressly incorporated into any lease of a unit. Actions at law or in equity ~~for damages or for injunctive relief~~, or both, for failure to comply with these provisions may be brought by the association or by a unit owner against:

(a) The association.

(b) A unit owner.

(c) Directors designated by the developer, for actions taken by them before control of the association is assumed by unit owners other than the developer.

(d) Any director who willfully and knowingly fails to comply with these provisions.

(e) Any tenant leasing a unit, and any other invitee occupying a unit.

The prevailing party in any such action or in any action in which the purchaser claims a right of voidability based upon contractual provisions as required in s. 718.503(1)(a) is entitled to recover reasonable attorney ~~attorney's~~ fees. A unit owner prevailing in an action between the association and the unit owner under this subsection ~~section~~, in addition to recovering his or her reasonable attorney ~~attorney's~~ fees, may recover additional amounts as determined by the court to be necessary to reimburse the unit owner for his or her share of assessments levied by the association to fund its expenses of the litigation. This relief does not exclude other remedies provided by law. Actions arising under this subsection are not considered ~~may not be deemed to be~~ actions for specific performance.

(3) The association may levy reasonable fines for the failure of the owner of the unit or its occupant, licensee, or invitee to comply with any provision of the declaration, the association bylaws, or reasonable rules of the association. A fine may not become a lien against a unit. A fine may be levied by the board on the basis of each day of a continuing violation, with a single notice and opportunity for hearing before a committee as provided in paragraph (b).

However, the fine may not exceed $100 per violation, or $1,000 in the aggregate.

(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 to the unit owner and, if applicable, any tenant ~~occupant~~, licensee, or invitee of the unit owner sought to be fined or suspended, and an opportunity for a hearing 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 role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board. If the committee does not approve the proposed fine or suspension by majority vote, the fine or suspension may not be imposed. If the proposed fine or suspension is approved by the committee, the fine payment is due 5 days after notice of the approved fine is provided to the unit owner and, if applicable, to any tenant, licensee, or invitee of the unit owner ~~the date of the committee meeting at which the fine is approved~~. The association must provide written notice of such fine or suspension by mail or hand delivery to the unit owner and, if applicable, to any tenant, licensee, or invitee of the unit owner.

Section 25. Section 718.501, Florida Statutes, is amended to read:

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

(1) As used in this section, the term "financial issue" means an issue related to operating budgets; reserve schedules; accounting records under s. 718.111(12)(a)11.; notices of meetings; minutes of meetings discussing budget or financial issues; assessments for common expenses, fees, or fines; the commingling of funds; and any other record necessary to determine the revenues and expenses of the association. The division may adopt rules to further define what a financial issue is under this section and to adopt the checklist provided for in s. 718.111(12)(c)1.

(2)~~(1)~~ The division may enforce and ensure compliance with ~~the provisions of~~ this chapter and rules relating to the development, construction, sale, lease, ownership, operation, and management of residential condominium units. In performing its duties, the division has complete jurisdiction to investigate complaints and enforce compliance with respect to associations that are still under developer control or the control of a bulk assignee or bulk buyer pursuant to part VII of this chapter and complaints against developers, bulk assignees, or bulk buyers involving improper turnover or failure to turnover, pursuant to s. 718.301. However, after turnover has occurred, the division has jurisdiction to investigate complaints related only to financial issues, elections, and the maintenance of and unit owner access to association records under ~~pursuant to~~ s. 718.111(12).

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

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

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

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

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

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

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

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

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

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

6. The division may impose a civil penalty against a developer, bulk assignee, or bulk buyer, or association, or its assignee or agent, for any violation of this chapter or related rule. The division may impose a civil penalty individually against an officer or board member who willfully and knowingly violates ~~a provision of~~ this chapter, adopted rule, or a final order of the division; may order the removal of such individual as an officer or from the board of administration or as an officer of the association; and may prohibit such individual from serving as an officer or on the board of a community association for a period of time. The term "willfully and knowingly" means that the division informed the officer or board member that his or her action or intended action violates this chapter, a rule adopted under this chapter, or a

final order of the division and that the officer or board member refused to comply with the requirements of this chapter, a rule adopted under this chapter, or a final order of the division. The division, before initiating formal agency action under chapter 120, must afford the officer or board member an opportunity to voluntarily comply, and an officer or board member who complies within 10 days is not subject to a civil penalty. A penalty may be imposed on the basis of each day of continuing violation, but the penalty for any offense may not exceed $5,000. ~~By January 1, 1998,~~ The division shall adopt, by rule, penalty guidelines applicable to possible violations or to categories of violations of this chapter or rules adopted by the division. The guidelines must specify a meaningful range of civil penalties for each such violation of the statute and rules and must be based upon the harm caused by the violation, the repetition of the violation, and upon such other factors deemed relevant by the division. For example, the division may consider whether the violations were committed by a developer, bulk assignee, or bulk buyer, or owner-controlled association, the size of the association, and other factors. The guidelines must designate the possible mitigating or aggravating circumstances that justify a departure from the range of penalties provided by the rules. It is the legislative intent that minor violations be distinguished from those which endanger the health, safety, or welfare of the condominium residents or other persons and that such guidelines provide reasonable and meaningful notice to the public of likely penalties that may be imposed for proscribed conduct. This subsection does not limit the ability of the division to informally dispose of administrative actions or complaints by stipulation, agreed settlement, or consent order. All amounts collected shall be deposited with the Chief Financial Officer to the credit of the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund. If a developer, bulk assignee, or bulk buyer fails to pay the civil penalty and the amount deemed to be owed to the association, the division shall issue an order directing that such developer, bulk assignee, or bulk buyer cease and desist from further operation until such time as the civil penalty is paid or may pursue enforcement of the penalty in a court of competent jurisdiction. If an association fails to pay the civil penalty, the division shall pursue enforcement in a court of competent jurisdiction, and the order imposing the civil penalty or the cease and desist order is not effective until 20 days after the date of such order. Any action commenced by the division shall be brought in the county in which the division has its executive offices or in the county where the violation occurred.

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

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

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

(f) The division may adopt rules to administer and enforce ~~the provisions of~~ this chapter.

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

(h) The division shall furnish each association that pays the fees required by paragraph (3)(a) ~~(2)(a)~~ a copy of this chapter, as amended, and the rules adopted thereto on an annual basis.

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

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

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

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

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

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

(o) The division may:

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

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

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

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

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

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

(3)(a)~~(2)(a)~~ Each condominium association which operates more than two units shall pay to the division an annual fee in the amount of $4 for each residential unit in condominiums operated by the association. If the fee is not paid by March 1, the association shall be assessed a penalty of 10 percent of the amount due, and the association will not have standing to maintain or defend any action in the courts of this state until the amount due, plus any penalty, is paid.

(b) All fees shall be deposited in the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund as provided by law.

Section 26. Section 718.5014, Florida Statutes, is amended to read:

718.5014 Ombudsman location.—The ombudsman shall maintain his or her principal office in a ~~Leon County on the premises of the division or, if suitable space cannot be provided there, at another~~ place convenient to the offices of the division which will enable the ombudsman to expeditiously carry out the duties and functions of his or her office. The ombudsman may establish branch offices elsewhere in the state upon the concurrence of the Governor.

Section 27. Subsection (25) of section 719.103, Florida Statutes, is amended to read:

719.103 Definitions.—As used in this chapter:

(25) "Unit" means a part of the cooperative property which is subject to exclusive use and possession. A unit may be improvements, land, or land and improvements together, as specified in the cooperative documents. An interest in a unit is an interest in real property.

Section 28. Paragraph (c) of subsection (2) of section 719.104, Florida Statutes, is amended to read:

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

(2) OFFICIAL RECORDS.—

(c) The official records of the association are open to inspection by any association member or the authorized representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the association member. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying, but may not require a member to demonstrate any purpose or state any reason for the inspection. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with this paragraph. A member ~~unit owner~~ who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply. The minimum damages are $50 per calendar day for up to 10 days, beginning on the 11th working day after receipt of the written request. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records. Any person who knowingly or intentionally defaces or destroys accounting records that are required by this chapter to be maintained during the period for which such records are required to be maintained, or who knowingly or intentionally fails to create or maintain accounting records that are required to be created or maintained, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty under ~~pursuant to~~ s. 719.501(1)(d). The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all amendments to each of the foregoing, as well as the question and answer sheet as described in s. 719.504 and year-end financial information required by the department, on the cooperative property to ensure their availability to members ~~unit owners~~ and prospective purchasers, and may charge its actual costs for preparing and furnishing these documents to those requesting the same. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association providing the member or his or her authorized representative with a copy of such records. The association may not charge a member or his or her authorized representative for the use of a portable device. Notwithstanding this paragraph, the following records shall not be accessible to members ~~unit 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 any record prepared by an association attorney or prepared at the attorney's express direction which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association, and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.

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

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

4. Medical records of unit owners.

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

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

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

Section 29. Paragraphs (b), (f), and (l) of subsection (1) of section 719.106, Florida Statutes, are amended, and subsection (3) is added to that section, to read:

719.106 Bylaws; cooperative ownership.—

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

(b) Quorum; voting requirements; proxies.—

1. Unless otherwise provided in the bylaws, the percentage of voting interests required to constitute a quorum at a meeting of the members shall be a majority of voting interests, and decisions shall be made by owners of a majority of the voting interests. Unless otherwise provided in this chapter, or in the articles of incorporation, bylaws, or other cooperative documents, and except as provided in subparagraph (d)1., decisions shall be made by owners of a majority of the voting interests represented at a meeting at which a quorum is present.

2. Except as specifically otherwise provided herein, after January 1, 1992, unit owners may not vote by general proxy, but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. Limited proxies and general proxies may be used to establish a quorum. Limited proxies shall be used for votes taken to waive or reduce reserves in accordance with subparagraph (j)2., for votes taken to waive the financial reporting requirements of s. 719.104(4)(b), for votes taken to amend the articles of incorporation or bylaws pursuant to this section, and for any other matter for which this chapter requires or permits a vote of the unit owners. Except as provided in paragraph (d), after January 1, 1992, no proxy, limited or general, shall be used in the election of board members. General proxies may be used for other matters for which limited proxies are not required, and may also be used in voting for nonsubstantive changes to items for which a limited proxy is required and given. Notwithstanding the provisions of this section, unit owners may vote in person at unit owner meetings. Nothing contained herein shall limit the use of general proxies or require the use of limited proxies or require the use of limited proxies for any agenda item or election at any meeting of a timeshare cooperative.

3. Any proxy given shall be effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. In no event shall any proxy be valid for a period longer than 90 days after the date of the first meeting for which it was given. Every proxy shall be revocable at any time at the pleasure of the unit owner executing it.

4. A member of the board of administration or a committee may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken and may not be used for the purposes of creating a quorum.

5. A board or committee member participating in a meeting via telephone, real-time video conferencing, or similar real-time electronic or video communication counts toward a quorum, and such member may vote as if physically present ~~When some or all of the board or committee members meet by telephone conference, those board or committee members attending by telephone conference may be counted toward obtaining a quorum and may vote by telephone~~. A ~~telephone~~ speaker must ~~shall~~ be used ~~utilized~~ so that the conversation of such ~~those board or committee~~ members ~~attending by telephone~~ may be heard by the board or committee members attending in person, as well as by any unit owners present at a meeting.

(f) Recall of board members.—Subject to s. 719.301, any member of the board of administration may be recalled and removed from office with or without cause by the vote or agreement in writing by a majority of all the voting interests. A special meeting of the voting interests to recall any member of the board of administration may be called by 10 percent of the unit owners giving notice of the meeting as required for a meeting of unit owners, and the notice shall state the purpose of the meeting. Electronic transmission may not be used as a method of giving notice of a meeting called in whole or in part for this purpose.

1. If the recall is approved by a majority of all voting interests by a vote at a meeting, the recall shall be effective as provided in this paragraph. The board shall duly notice and hold a board meeting within 5 full business days after the adjournment of the unit owner meeting to recall one or more board members. At the meeting, the board shall either certify the recall, in which case such member or members shall be recalled effective immediately and shall turn over to the board within 5 full business days any and all records and property of the association in their possession, or shall proceed as set forth in subparagraph 3.

2. If the proposed recall is by an agreement in writing by a majority of all voting interests, the agreement in writing or a copy thereof shall be served on the association by certified mail or by personal service in the manner authorized by chapter 48 and the Florida Rules of Civil Procedure. The board of administration shall duly notice and hold a meeting of the board within 5 full business days after receipt of the agreement in writing. At the meeting, the board shall either certify the written agreement to recall members of the board, in which case such members shall be recalled effective immediately and shall turn over to the board, within 5 full business days, any and all records and property of the association in their possession, or proceed as described in subparagraph 3.

3. If the board determines not to certify the written agreement to recall members of the board, or does not certify the recall by a vote at a meeting, the board shall, within 5 full business days after the board meeting, file with the division a petition for binding arbitration under ~~pursuant to the procedures of~~ s. 719.1255 or file an action with a court of competent jurisdiction. For purposes of this paragraph, the unit owners who voted at the meeting or who executed the agreement in writing shall constitute one party under the petition for arbitration or in a court action. If the arbitrator or court certifies the recall as to any member of the board, the recall is ~~shall be~~ effective upon the mailing of the final order of arbitration to the association or the final order of the court. If the association fails to comply with the order of the court or the arbitrator, the division may take action under ~~pursuant to~~ s. 719.501. Any member so recalled shall deliver to the board any and all records and property of the association in the member's possession within 5 full business days after the effective date of the recall.

4. If the board fails to duly notice and hold a board meeting within 5 full business days after service of an agreement in writing or within 5 full business days after the adjournment of the unit owner recall meeting, the recall is ~~shall be~~ deemed effective and the board members so recalled shall immediately turn over to the board any and all records and property of the association.

5. If the board fails to duly notice and hold the required meeting or fails to file the required petition or action, the unit owner representative may file a petition under ~~pursuant to~~ s. 719.1255 or file an action in a court of competent jurisdiction challenging the board's failure to act. The petition or action must be filed within 60 days after the expiration of the applicable 5-full-business-day period. The review of a petition or action under this subparagraph is limited to the sufficiency of service on the board and the facial validity of the written agreement or ballots filed.

6. If a vacancy occurs on the board as a result of a recall and less than a majority of the board members are removed, the vacancy may be filled by the affirmative vote of a majority of the remaining directors, notwithstanding any provision to the contrary contained in this chapter. If vacancies occur on the board as a result of a recall and a majority or more of the board members are removed, the vacancies shall be filled in accordance with procedural rules to be adopted by the division, which rules need not be consistent with this chapter. The rules must provide procedures governing the conduct of the recall election as well as the operation of the association during the period after a recall but before the recall election.

7. A board member who has been recalled may file a petition under ~~pursuant to~~ s. 719.1255 or file an action in a court of competent jurisdiction challenging the validity of the recall. The petition or action must be filed within 60 days after the recall is deemed certified. The association and the unit owner representative shall be named as the respondents.

8. The division or court may not accept for filing a recall petition or action, whether filed under ~~pursuant to~~ subparagraph 1., subparagraph 2., subparagraph 5., or subparagraph 7. and regardless of whether the recall was certified, when there are 60 or fewer days until the scheduled reelection of the board member sought to be recalled or when 60 or fewer days have not elapsed since the election of the board member sought to be recalled.

(l) Alternative dispute resolution ~~Arbitration~~.—There shall be a provision for mandatory nonbinding alternative dispute resolution ~~arbitration~~ of internal disputes arising from the operation of the cooperative in accordance with s. 719.1255.

(3) GENERALLY.—The association may extinguish a discriminatory restriction as provided under s. 712.065.

Section 30. Paragraph (l) of subsection (4) of section 720.303, Florida Statutes, is redesignated as paragraph (m), paragraph (c) of subsection (2), present paragraph (l) of subsection (4), paragraphs (c) and (d) of subsection

(6), and paragraphs (b), (d), (g), (k), and (l) of subsection (10) are amended, and a new paragraph (l) is added to subsection (4) of that section, to read:

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

(2) BOARD MEETINGS.—

(c) The bylaws shall provide the following for giving notice to parcel owners and members of all board meetings and, if they do not do so, shall be deemed to include the following:

1. Notices of all board meetings must be posted in a conspicuous place in the community at least 48 hours in advance of a meeting, except in an emergency. In the alternative, if notice is not posted in a conspicuous place in the community, notice of each board meeting must be mailed or delivered to each member at least 7 days before the meeting, except in an emergency. Notwithstanding this general notice requirement, for communities with more than 100 members, the association bylaws may provide for a reasonable alternative to posting or mailing of notice for each board meeting, including publication of notice, provision of a schedule of board meetings, or the conspicuous posting and repeated broadcasting of the notice on a closed-circuit cable television system serving the homeowners' association. However, if broadcast notice is used in lieu of a notice posted physically in the community, the notice must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required. When broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on the association's website or an application that can be downloaded on a mobile device for at least the minimum period of time for which a notice of a meeting is also required to be physically posted on the association property. Any rule adopted shall, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as is required for a notice of a meeting of the members, which must include a hyperlink to the website or such mobile application at which the notice is posted, to members whose e-mail addresses are included in the association's official records. The association may provide notice by electronic transmission in a manner authorized by law for meetings of the board of directors, committee meetings requiring notice under this section, and annual and special meetings of the members to any member who has provided a facsimile number or e-mail address to the association to be used for such purposes; however, a member must consent in writing to receiving notice by electronic transmission.

2. An assessment may not be levied at a board meeting unless the notice of the meeting includes a statement that assessments will be considered and the nature of the assessments. Written notice of any meeting at which special assessments will be considered or at which amendments to rules regarding parcel use will be considered must be mailed, delivered, or electronically transmitted to the members and parcel owners and posted conspicuously on the property or broadcast on closed-circuit cable television not less than 14 days before the meeting.

3. Directors may not vote by proxy or by secret ballot at board meetings, except that secret ballots may be used in the election of officers. This subsection also applies to the meetings of any committee or other similar body, when a final decision will be made regarding the expenditure of association funds, and to any body vested with the power to approve or disapprove architectural decisions with respect to a specific parcel of residential property owned by a member of the community.

(4) OFFICIAL RECORDS.—The association shall maintain each of the following items, when applicable, which constitute the official records of the association:

(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.

(m)~~(l)~~ All other written records of the association not specifically included in this subsection ~~the foregoing~~ which are related to the operation of the association.

(6) BUDGETS.—

(c)1. If the budget of the association does not provide for reserve accounts under ~~pursuant to~~ paragraph (d), or the declaration of covenants, articles, or bylaws do not obligate the developer to create reserves, and the association is responsible for the repair and maintenance of capital improvements that may result in a special assessment if reserves are not provided or not fully funded, then each financial report for the preceding fiscal year required by subsection (7) must contain the following statement in conspicuous type:

THE BUDGET OF THE ASSOCIATION DOES NOT PROVIDE FOR FULLY FUNDED RESERVE ACCOUNTS FOR CAPITAL EXPENDITURES AND DEFERRED MAINTENANCE THAT MAY RESULT IN SPECIAL ASSESSMENTS REGARDING THOSE ITEMS. OWNERS MAY ELECT TO PROVIDE FOR FULLY FUNDED RESERVE ACCOUNTS UNDER ~~PURSUANT TO~~ SECTION 720.303(6), FLORIDA STATUTES, UPON OBTAINING THE APPROVAL OF A MAJORITY OF THE TOTAL VOTING INTERESTS OF THE ASSOCIATION BY VOTE OF THE MEMBERS AT A MEETING OR BY WRITTEN CONSENT.

2. If the budget of the association does provide for funding accounts for deferred expenditures, including, but not limited to, funds for capital expenditures and deferred maintenance, but such accounts are not created or established under ~~pursuant to~~ paragraph (d), each financial report for the preceding fiscal year required under subsection (7) must also contain the following statement in conspicuous type:

THE BUDGET OF THE ASSOCIATION PROVIDES FOR LIMITED VOLUNTARY DEFERRED EXPENDITURE ACCOUNTS, INCLUDING CAPITAL EXPENDITURES AND DEFERRED MAINTENANCE, SUBJECT TO LIMITS ON FUNDING CONTAINED IN OUR GOVERNING DOCUMENTS. BECAUSE THE OWNERS HAVE NOT ELECTED TO PROVIDE FOR RESERVE ACCOUNTS UNDER ~~PURSUANT TO~~ SECTION 720.303(6), FLORIDA STATUTES, THESE FUNDS ARE NOT SUBJECT TO THE RESTRICTIONS ON USE OF SUCH FUNDS SET FORTH IN THAT STATUTE, NOR ARE RESERVES CALCULATED IN ACCORDANCE WITH THAT STATUTE.

(d) An association is deemed to have provided for reserve accounts ~~if reserve accounts have been initially established by the developer or if the membership of the association affirmatively elects to provide for reserves. If reserve accounts are established by the developer, the budget must designate the components for which the reserve accounts may be used. If reserve accounts are not initially provided by the developer, the membership of the association may elect to do so~~ upon the affirmative approval of a majority of the total voting interests of the association. Such approval may be obtained by vote of the members at a duly called meeting of the membership or by the written consent of a majority of the total voting interests of the association. The approval action of the membership must state that reserve accounts shall be provided for in the budget and must designate the components for which the reserve accounts are to be established. Upon approval by the membership, the board of directors shall include the required reserve accounts in the budget in the next fiscal year following the approval and each year thereafter. Once established as provided in this subsection, the reserve accounts must be funded or maintained or have their funding waived in the manner provided in paragraph (f).

(10) RECALL OF DIRECTORS.—

(b)1. Board directors may be recalled by an agreement in writing or by written ballot without a membership meeting. The agreement in writing or the written ballots, or a copy thereof, shall be served on the association by certified mail or by personal service in the manner authorized by chapter 48 and the Florida Rules of Civil Procedure.

2. The board shall duly notice and hold a meeting of the board within 5 full business days after receipt of the agreement in writing or written ballots. At the meeting, the board shall either certify the written ballots or written agreement to recall a director or directors of the board, in which case such director or directors shall be recalled effective immediately and shall turn over to the board within 5 full business days any and all records and property of the association in their possession, or proceed as described in paragraph (d).

3. When it is determined by the department pursuant to binding arbitration proceedings or the court in an action filed in a court of competent jurisdiction

that an initial recall effort was defective, written recall agreements or written ballots used in the first recall effort and not found to be defective may be reused in one subsequent recall effort. However, in no event is a written agreement or written ballot valid for more than 120 days after it has been signed by the member.

4. Any rescission or revocation of a member's written recall ballot or agreement must be in writing and, in order to be effective, must be delivered to the association before the association is served with the written recall agreements or ballots.

5. The agreement in writing or ballot shall list at least as many possible replacement directors as there are directors subject to the recall, when at least a majority of the board is sought to be recalled; the person executing the recall instrument may vote for as many replacement candidates as there are directors subject to the recall.

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

(g) If the board fails to duly notice and hold the required meeting or fails to file the required petition or action, the parcel ~~unit~~ owner representative may file a petition or a court action under ~~pursuant to~~ s. 718.1255 challenging the board's failure to act. The petition or action must be filed within 60 days after the expiration of the applicable 5-full-business-day period. The review of a petition or action under this paragraph is limited to the sufficiency of service on the board and the facial validity of the written agreement or ballots filed.

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

(l) The division or a court of competent jurisdiction may not accept for filing a recall petition or action, whether filed under ~~pursuant to~~ paragraph (b), paragraph (c), paragraph (g), or paragraph (k) and regardless of whether the recall was certified, when there are 60 or fewer days until the scheduled reelection of the board member sought to be recalled or when 60 or fewer days have not elapsed since the election of the board member sought to be recalled.

Section 31. Subsections (1) and (2) of section 720.305, Florida Statutes, are amended to read:

720.305 Obligations of members; remedies at law or in equity; levy of fines and suspension of use rights.—

(1) Each member and the member's tenants, guests, and invitees, and each association, are governed by, and must comply with, this chapter and~~,~~ the governing documents of the community~~, and the rules of the association~~. Actions at law or in equity, or both, to redress alleged failure or refusal to comply with these provisions may be brought by the association or by any member against:

(a) The association;

(b) A member;

(c) Any director or officer of an association who willfully and knowingly fails to comply with these provisions; and

(d) Any tenants, guests, or invitees occupying a parcel or using the common areas.

The prevailing party in any such litigation is entitled to recover reasonable attorney fees and costs. A member prevailing in an action between the association and the member under this section, in addition to recovering his or her reasonable attorney fees, may recover additional amounts as determined by the court to be necessary to reimburse the member for his or her share of assessments levied by the association to fund its expenses of the litigation. This relief does not exclude other remedies provided by law. This section does not deprive any person of any other available right or remedy.

(2) An ~~The~~ association may levy reasonable fines. 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.

(a) An association may suspend, for a reasonable period of time, the right of a member, or a member's tenant, guest, or invitee, to use common areas and facilities 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. This paragraph does not apply to that portion of common areas used to provide access or utility services to the parcel. A suspension may not prohibit an owner or tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park.

(b) A fine or suspension levied by the board of administration may not be imposed unless the board first provides at least 14 days' notice to the parcel owner and, if applicable, any occupant, licensee, or invitee of the parcel owner, sought to be fined or suspended and an opportunity for a hearing 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. If the committee, by majority vote, does not approve a proposed fine or suspension, the proposed fine or suspension may not be imposed. The role of the committee is limited to determining whether to confirm or reject the fine or suspension levied by the board. If the proposed fine or suspension levied by the board is approved by the committee, the fine payment is due 5 days after notice of the approved fine is provided to the parcel owner and, if applicable, to any occupant, licensee, or invitee of the parcel owner ~~the date of the committee meeting at which the fine is approved~~. 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 ~~tenant~~, licensee, or invitee of the parcel owner.

Section 32. Paragraph (g) of subsection (1) and paragraph (c) of subsection (9) of section 720.306, Florida Statutes, are amended, and paragraph (h) is added to subsection (1) of that section, to read:

720.306 Meetings of members; voting and election procedures; amendments.—

(1) QUORUM; AMENDMENTS.—

(g) A notice required under this section must be mailed or delivered to the address identified as the parcel owner's mailing address in the official records of the association as required under s. 720.303(4) ~~on the property appraiser's website for the county in which the parcel is located~~, or electronically transmitted in a manner authorized by the association if the parcel owner has consented, in writing, to receive notice by electronic transmission.

(h)1. Except as otherwise provided in this paragraph, an amendment to any governing document that is enacted after July 1, 2020, that prohibits a parcel owner from renting the parcel, alters the authorized duration of a rental term, or specifies or limits the number of times that a parcel owner may rent his or her parcel during a specified term, applies only to a parcel owner who acquires title to the parcel after the effective date of the amendment, or to a parcel owner who consents, individually or through a representative, to the amendment.

2. Notwithstanding subparagraph 1., an association may amend its governing documents to prohibit or regulate rentals for a term of less than 6 months and to prohibit rentals more than three times in a calendar year, and such amendments shall apply to all parcel owners.

3. This paragraph does not affect the amendment restrictions for associations of 15 or fewer parcel owners under s. 720.303(1).

4. For purposes of this paragraph, a change of ownership does not occur when a parcel owner conveys the parcel to an affiliated entity or when beneficial ownership of the parcel does not change. For purposes of this subparagraph, the term "affiliated entity" means an entity that controls, is controlled by, or is under common control with the parcel owner or that becomes a parent or successor entity by reason of transfer, merger, consolidation, public offering, reorganization, dissolution or sale of stock, or transfer of membership partnership interests. For a conveyance to be recognized as one made to an affiliated entity, the entity must furnish the association a document certifying that this paragraph applies, as well as providing any organizational documents for the parcel owner and the affiliated entity that support the representations in the certificate, as requested by the association.

(9) ELECTIONS AND BOARD VACANCIES.—

(c) Any election dispute between a member and an association must be submitted to ~~mandatory~~ binding arbitration with the division or filed with a court of competent jurisdiction. Such proceedings that are submitted to binding arbitration with the division must be conducted in the manner provided by s. 718.1255 and the procedural rules adopted by the division. Unless otherwise provided in the bylaws, any vacancy occurring on the board before the expiration of a term may be filled by an affirmative vote of the majority of the remaining directors, even if the remaining directors constitute less than a quorum, or by the sole remaining director. In the alternative, a board may hold an election to fill the vacancy, in which case the election procedures must conform to the requirements of the governing documents. Unless otherwise provided in the bylaws, a board member appointed or elected under this section is appointed for the unexpired term of the seat being filled. Filling vacancies created by recall is governed by s. 720.303(10) and rules adopted by the division.

Section 33. Subsection (1) of section 720.311, Florida Statutes, is amended to read:

720.311 Dispute resolution.—

(1) The Legislature finds that alternative dispute resolution has made progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to litigation. The filing of any petition for arbitration or the serving of a demand for presuit mediation as provided for in this section shall toll the applicable statute of limitations. Any recall dispute filed with the department under ~~pursuant to~~ s. 720.303(10) shall be conducted by the department in accordance with the provisions of ss. 718.112(2)(j) and 718.1255 and the rules adopted by the division. In addition, the department shall conduct ~~mandatory~~ binding arbitration of election disputes between a member and an association in accordance with ~~pursuant to~~ s. 718.1255 and rules adopted by the division. ~~Neither~~ Election disputes and ~~nor~~ recall disputes are not eligible for presuit mediation; these disputes must ~~shall~~ be arbitrated by the department or filed in a court of competent jurisdiction. At the conclusion of an arbitration ~~the~~ proceeding, the department shall charge the parties a fee in an amount adequate to cover all costs and expenses incurred by the department in conducting the proceeding. Initially, the petitioner shall remit a filing fee of at least $200 to the department. The fees paid to the department shall become a recoverable cost in the arbitration proceeding, and the prevailing party in an arbitration proceeding shall recover its reasonable costs and attorney ~~attorney's~~ fees in an amount found reasonable by the arbitrator. The department shall adopt rules to effectuate the purposes of this section.

Section 34. Subsection (6) is added to section 720.3075, Florida Statutes, to read:

720.3075 Prohibited clauses in association documents.—

(6) The association may extinguish a discriminatory restriction, as provided in 712.065.

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

Remove lines 16-49 and insert:

"yacht"; amending s. 194.011, F.S.; providing that certain associations may represent, prosecute, or defend owners in certain proceedings; providing applicability; requiring specified notice be provided to unit or parcel owners in a specified way; amending s. 194.181, F.S.; providing and revising the parties considered as the defendant in a tax suit; requiring certain notice to be provided to unit owners in a specified way; providing unit owners options for defending a tax suit; imposing certain actions for unit owners who fail to respond to a specified notice; amending s. 514.0115, F.S.; exempting certain property association pools from Department of Health regulations; amending s. 548.003, F.S.; renaming the Florida State Boxing Commission as the Florida Athletic Commission; amending s. 548.043, F.S.; revising rulemaking requirements for the commission relating to gloves; amending s. 561.01, F.S.; deleting the definition of the term "permit carrier"; amending s. 561.17, F.S.; revising a requirement related to the filing of fingerprints with the division; requiring that applications be accompanied by certain information relating to right of occupancy; providing requirements relating to contact information for licensees and permittees; amending s. 561.20, F.S.; conforming cross-references; revising requirements for issuing special licenses to certain food service establishments; amending s. 561.42, F.S.; requiring the division, and authorizing vendors, to use electronic mail to give certain notice; amending s. 561.55, F.S.; revising requirements for reports relating to alcoholic beverages; amending s. 562.455, F.S.; removing grains of paradise from the list of specified substances subject to penalties relating to adulterating liquor; amending s. 627.714, F.S.; prohibiting subrogation rights against a condominium association under certain circumstances; creating s. 712.065, F.S.; defining the term "discriminatory restriction"; providing that discriminatory restrictions are unlawful, unenforceable, and void; providing that discriminatory restrictions are extinguished and severed from recorded title transactions; specifying that the recording of certain notices does not reimpose or preserve a discriminatory restriction; providing requirements for a parcel owner to remove a discriminatory restriction from a covenant or restriction; amending s. 718.111, F.S.; providing that a condominium association may take certain actions relating to a challenge to ad valorem taxes in its own name or on behalf of unit owners; providing applicability; requiring an association to provide a checklist to certain persons requesting records; requiring that the checklist be signed by a specified person or the association to provide an affidavit attesting to the veracity of the checklist; providing a timeframe for maintaining such checklist and affidavit; creating a rebuttable presumption; amending s. 718.112, F.S.; authorizing a condominium association to extinguish discriminatory restrictions; revising calculation of a board member's term limit; providing requirements for certain notices; revising the fees an association may charge for transfers; deleting a prohibition against employing or contracting with certain service providers; amending s. 718.113, F.S.; defining the terms "natural gas fuel" and "natural gas fuel vehicle"; revising legislative findings; revising requirements for electric vehicle charging stations; providing requirements for the installation of natural gas fuel stations on property governed by condominium associations; amending s. 718.117, F.S.; conforming provisions to changes made by the act; amending s. 718.121, F.S.; providing when the installation of a natural gas fuel station may be the basis of a lien; amending s. 718.1255, F.S.; authorizing parties to initiate presuit mediation under certain circumstances; specifying when arbitration is binding on the parties; providing requirements for presuit mediation; amending s. 718.202, F.S.; revising use of certain withdrawn escrow funds by developers; amending s. 718.303, F.S.; revising requirements for certain actions for failure to comply with specified provisions; revising requirements for certain fines; amending s. 718.501, F.S.; defining the term "financial issue"; authorizing the Division of Condominiums, Timeshares, and Mobile Homes to adopt rules; amending s. 718.5014, F.S.; revising where the principal office of the Office of the Condominium Ombudsman must be maintained; amending s. 719.103, F.S.; revising the definition of the term "unit" to specify that an interest in a cooperative unit is an interest in real property; amending s. 719.104, F.S.; prohibiting an association from requiring certain actions relating to the inspection of records; amending s. 719.106, F.S.; revising provisions relating to a quorum and voting rights for members remotely participating in meetings; amending procedure to challenge a board member recall; authorizing cooperative associations to extinguish discriminatory restrictions; amending s. 720.303, F.S.; authorizing an association to adopt procedures for electronic meeting notices; revising the documents that

constitute the official records of an association; revising when a specified statement must be included in an association's financial report; revising requirements for such statement; revising when an association is deemed to have provided for reserve accounts; amending procedure to challenge a board member recall; amending s. 720.304, F.S.; authorizing a homeowner to display certain flags; amending s. 720.305, F.S.; providing requirements for certain fines; amending s. 720.306, F.S.; revising requirements for providing certain notices; providing limitations on associations when a parcel owner attempts to rent or lease his or her parcel; amending the procedure for election disputes; amending s. 720.311, F.S.; amending the procedure for election disputes; amending s. 720.3075, F.S.; authorizing homeowners' associations to extinguish discriminatory restrictions; amending s. 721.15, F.S.;

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

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

Consideration of **CS/CS/HB 865** was temporarily postponed.

HJR 369—A joint resolution proposing an amendment to Section 4 of Article VII and the creation of a new section in Article XII of the State Constitution to increase the period of time during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead and to provide an effective date.

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

HB 371—A bill to be entitled An act relating to limitations on homestead assessments; amending s. 193.155, F.S.; revising the timeframe during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead; deleting obsolete provisions; revising the timeframe during which an owner of homestead property significantly damaged or destroyed by a named tropical storm or hurricane must establish a new homestead to make a certain election; providing applicability; providing a contingent effective date.

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

HB 7085—A bill to be entitled An act relating to dependency proceedings and child protection services; amending s. 39.01, F.S.; revising the definition of "parent"; amending s. 39.205, F.S.; removing a reporting requirement to the Legislature; amending s. 39.407, F.S.; transferring certain duties to the department rather than the Agency for Health Care Administration; amending ss. 39.503 and 39.803, F.S.; revising procedures and requirements relating to the unknown identity or location of a parent of a dependent child; removing standing to file a sworn affidavit to establish parenthood after the entry of a certain judgment; creating s. 39.5035, F.S.; providing procedures and requirements relating to deceased parents of a dependent child; amending s. 39.6011, F.S.; providing timeframes in which case plans must be filed with the court and provided to specified parties; amending s. 39.6221, F.S.; revising the conditions under which a court determines permanent guardian placement for a child; amending s. 39.801, F.S.; conforming provisions to changes made by the act; amending s. 39.806, F.S.; providing that efforts to preserve or reunify a family are not required under specified circumstances; conforming cross-references; amending s. 39.811, F.S.; providing that the court retains jurisdiction under certain circumstances; providing when certain decisions relating to adoption are reviewable; amending s. 39.812, F.S.; authorizing certain actions without a court order; providing that certain persons may file a petition to adopt a child without the department's consent; providing standing; providing a standard of proof; providing responsibilities of the court in such cases; amending s. 39.820, F.S.; revising the definition of the term "guardian ad litem;" amending s. 63.062, F.S.; requiring the department to consent to certain adoptions; providing exceptions; amending s. 63.082, F.S.; requiring a home study of a stepparent or relative under certain circumstances; amending s. 409.1451, F.S.; removing a reporting requirement of the department and the Independent Living Services Advisory Council; creating s. 742.0211, F.S.; defining the term "dependent child"; providing requirements for the determination of paternity when a child is dependent; requiring a hearing and written order within a specified time; providing the burden of proof for certain paternity complaints; providing applicability; providing an effective date.

—was read the second time by title.

Representative Roth offered the following:

(Amendment Bar Code: 270115)

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

Section 1. Subsection (7) of section 39.205, Florida Statutes, is amended to read:

39.205 Penalties relating to reporting of child abuse, abandonment, or neglect.—

(7) The department shall establish procedures for determining whether a false report of child abuse, abandonment, or neglect has been made and for submitting all identifying information relating to such a report to the appropriate law enforcement agency ~~and shall report annually to the Legislature the number of reports referred~~.

Section 2. Subsection (6) of section 39.407, Florida Statutes, is amended to read:

39.407 Medical, psychiatric, and psychological examination and treatment of child; physical, mental, or substance abuse examination of person with or requesting child custody.—

(6) Children who are in the legal custody of the department may be placed by the department, without prior approval of the court, in a residential treatment center licensed under s. 394.875 or a hospital licensed under chapter 395 for residential mental health treatment only as provided in ~~pursuant to~~ this section or may be placed by the court in accordance with an order of involuntary examination or involuntary placement entered under ~~pursuant to~~ s. 394.463 or s. 394.467. All children placed in a residential treatment program under this subsection must have a guardian ad litem appointed.

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

1. "Residential treatment" means placement for observation, diagnosis, or treatment of an emotional disturbance in a residential treatment center licensed under s. 394.875 or a hospital licensed under chapter 395.

2. "Least restrictive alternative" means the treatment and conditions of treatment that, separately and in combination, are no more intrusive or restrictive of freedom than reasonably necessary to achieve a substantial therapeutic benefit or to protect the child or adolescent or others from physical injury.

3. "Suitable for residential treatment" or "suitability" means a determination concerning a child or adolescent with an emotional disturbance as defined in s. 394.492(5) or a serious emotional disturbance as defined in s. 394.492(6) that each of the following criteria is met:

a. The child requires residential treatment.

b. The child is in need of a residential treatment program and is expected to benefit from mental health treatment.

c. An appropriate, less restrictive alternative to residential treatment is unavailable.

(b) Whenever the department believes that a child in its legal custody is emotionally disturbed and may need residential treatment, an examination and suitability assessment must be conducted by a qualified evaluator who is appointed by the department ~~Agency for Health Care Administration~~. This suitability assessment must be completed before the placement of the child in a residential treatment center for emotionally disturbed children and adolescents or a hospital. The qualified evaluator must be a psychiatrist or a psychologist licensed in Florida who has at least 3 years of experience in the diagnosis and treatment of serious emotional disturbances in children and adolescents and who has no actual or perceived conflict of interest with any inpatient facility or residential treatment center or program.

(c) Before a child is admitted under this subsection, the child shall be assessed for suitability for residential treatment by a qualified evaluator who has conducted a personal examination and assessment of the child and has made written findings that:

1. The child appears to have an emotional disturbance serious enough to require residential treatment and is reasonably likely to benefit from the treatment.

2. The child has been provided with a clinically appropriate explanation of the nature and purpose of the treatment.

3. All available modalities of treatment less restrictive than residential treatment have been considered, and a less restrictive alternative that would offer comparable benefits to the child is unavailable.

A copy of the written findings of the evaluation and suitability assessment must be provided to the department, to the guardian ad litem, and, if the child is a member of a Medicaid managed care plan, to the plan that is financially responsible for the child's care in residential treatment, all of whom must be provided with the opportunity to discuss the findings with the evaluator.

(d) Immediately upon placing a child in a residential treatment program under this section, the department must notify the guardian ad litem and the court having jurisdiction over the child and must provide the guardian ad litem and the court with a copy of the assessment by the qualified evaluator.

(e) Within 10 days after the admission of a child to a residential treatment program, the director of the residential treatment program or the director's designee must ensure that an individualized plan of treatment has been prepared by the program and has been explained to the child, to the department, and to the guardian ad litem, and submitted to the department. The child must be involved in the preparation of the plan to the maximum feasible extent consistent with his or her ability to understand and participate, and the guardian ad litem and the child's foster parents must be involved to the maximum extent consistent with the child's treatment needs. The plan must include a preliminary plan for residential treatment and aftercare upon completion of residential treatment. The plan must include specific behavioral and emotional goals against which the success of the residential treatment may be measured. A copy of the plan must be provided to the child, to the guardian ad litem, and to the department.

(f) Within 30 days after admission, the residential treatment program must review the appropriateness and suitability of the child's placement in the program. The residential treatment program must determine whether the child is receiving benefit toward the treatment goals and whether the child could be treated in a less restrictive treatment program. The residential treatment program shall prepare a written report of its findings and submit the report to the guardian ad litem and to the department. The department must submit the report to the court. The report must include a discharge plan for the child. The residential treatment program must continue to evaluate the child's treatment progress every 30 days thereafter and must include its findings in a written report submitted to the department. The department may not reimburse a facility until the facility has submitted every written report that is due.

(g)1. The department must submit, at the beginning of each month, to the court having jurisdiction over the child, a written report regarding the child's progress toward achieving the goals specified in the individualized plan of treatment.

2. The court must conduct a hearing to review the status of the child's residential treatment plan no later than 60 days after the child's admission to the residential treatment program. An independent review of the child's progress toward achieving the goals and objectives of the treatment plan must be completed by a qualified evaluator and submitted to the court before its 60-day review.

3. For any child in residential treatment at the time a judicial review is held under ~~pursuant to~~ s. 39.701, the child's continued placement in residential treatment must be a subject of the judicial review.

4. If at any time the court determines that the child is not suitable for continued residential treatment, the court shall order the department to place the child in the least restrictive setting that is best suited to meet his or her needs.

(h) After the initial 60-day review, the court must conduct a review of the child's residential treatment plan every 90 days.

(i) The department must adopt rules for:

1. Implementing timeframes for the completion of suitability assessments by qualified evaluators. ~~and~~

2. A procedure that includes timeframes for completing the 60-day independent review by the qualified evaluators of the child's progress toward achieving the goals and objectives of the treatment plan which review must be submitted to the court.

3. ~~The Agency for Health Care Administration must adopt rules for~~ The registration of qualified evaluators, the procedure for selecting the evaluators to conduct the reviews required under this section, and a reasonable, cost-efficient fee schedule for qualified evaluators.

Section 3. Section 39.5035, Florida Statutes, is created to read:

39.5035 Deceased parents; special procedures.—

(1)(a)1. If both parents of a child are deceased and a legal custodian has not been appointed for the child through a probate or guardianship proceeding, then the attorney for any person who has knowledge of the facts alleged or is informed of the alleged facts, and believes them to be true, may initiate a proceeding by filing a petition for adjudication and permanent commitment.

2. If a child has been placed in shelter status by order of the court but has not yet been adjudicated, a petition for adjudication and permanent commitment must be filed within 21 days after the shelter hearing. In all other cases, the petition must be filed within a reasonable time after the date the child was referred to protective investigation or after the petitioner first becomes aware of the facts that support the petition for adjudication and permanent commitment.

(b) If both parents die or the last living parent dies after a child has already been adjudicated dependent, any person who has knowledge of the facts alleged or is informed of the alleged facts, and believes them to be true, may file a petition for permanent commitment.

(2) The petition:

(a) Must be in writing, identify the alleged deceased parents, and provide facts that establish that both parents of the child are deceased and that a legal custodian has not been appointed for the child through a probate or guardianship proceeding.

(b) Must be signed by the petitioner under oath stating the petitioner's good faith in filing the petition.

(3) When a petition for adjudication and permanent commitment or a petition for permanent commitment has been filed, the clerk of court shall set the case before the court for an adjudicatory hearing. The adjudicatory hearing must be held as soon as practicable after the petition is filed, but no later than 30 days after the filing date.

(4) Notice of the date, time, and place of the adjudicatory hearing and a copy of the petition must be served on the following persons:

(a) Any person who has physical custody of the child.

(b) A living relative of each parent of the child, unless a living relative cannot be found after a diligent search and inquiry.

(c) The guardian ad litem for the child or the representative of the guardian ad litem program, if the program has been appointed.

(5) The court shall conduct adjudicatory hearings without a jury and apply the rules of evidence in use in civil cases. The court must determine whether the petitioner has established by clear and convincing evidence that both parents of the child are deceased and that a legal custodian has not been appointed for the child through a probate or guardianship proceeding. A certified copy of the death certificate for each parent is sufficient evidence of the parents' deaths.

(6) Within 30 days after an adjudicatory hearing on a petition for adjudication and permanent commitment:

(a) If the court finds that the petitioner has met the clear and convincing standard, the court shall enter a written order adjudicating the child dependent and permanently committing the child to the custody of the department for the purpose of adoption. A disposition hearing shall be scheduled no later than 30 days after the entry of the order, in which the department shall provide a case plan that identifies the permanency goal for the child to the court. Reasonable efforts must be made to place the child in a timely manner in accordance with the permanency plan and to complete all steps necessary to finalize the

permanent placement of the child. Thereafter, until the adoption of the child is finalized or the child reaches the age of 18 years, whichever occurs first, the court shall hold hearings every 6 months to review the progress being made toward permanency for the child as provided in s. 39.701.

(b) If the court finds that clear and convincing evidence does not establish that both parents of a child are deceased and that a legal custodian has not been appointed for the child through a probate or guardianship proceeding, but that a preponderance of the evidence establishes that the child does not have a parent or legal custodian capable of providing supervision or care, the court shall enter a written order adjudicating the child dependent. A disposition hearing shall be scheduled no later than 30 days after the entry of the order as provided in s. 39.521.

(c) If the court finds that clear and convincing evidence does not establish that both parents of a child are deceased and that a legal custodian has not been appointed for the child through a probate or guardianship proceeding and that a preponderance of the evidence does not establish that the child does not have a parent or legal custodian capable of providing supervision or care, the court shall enter a written order so finding and dismiss the petition.

(7) Within 30 days after an adjudicatory hearing on a petition for permanent commitment:

(a) If the court finds that the petitioner has met the clear and convincing standard, the court shall enter a written order permanently committing the child to the custody of the department for purposes of adoption. A disposition hearing shall be scheduled no later than 30 days after the entry of the order, in which the department shall provide an amended case plan that identifies the permanency goal for the child to the court. Reasonable efforts must be made to place the child in a timely manner in accordance with the permanency plan and to complete all steps necessary to finalize the permanent placement of the child. Thereafter, until the adoption of the child is finalized or the child reaches the age of 18 years, whichever occurs first, the court shall hold hearings every 6 months to review the progress being made toward permanency for the child.

(b) If the court finds that clear and convincing evidence does not establish that both parents of a child are deceased and that a legal custodian has not been appointed for the child through a probate or guardianship proceeding, the court shall enter a written order denying the petition. The order has no effect on the child's prior adjudication. The order does not bar the petitioner from filing a subsequent petition for permanent commitment based on newly-discovered evidence that establishes that both parents of a child are deceased and that a legal custodian has not been appointed for the child through a probate or guardianship proceeding.

Section 4. Subsection (8) of section 39.6011, Florida Statutes, is amended to read:

39.6011 Case plan development.—

(8) The case plan must be filed with the court and copies provided to all parties, including the child if appropriate; ~~, not less than 3 business days before the disposition hearing.~~

(a) Not less than 3 business days before the disposition hearing, if the disposition hearing occurs on or after the 60th day after the date the child was placed in out-of-home care; or

(b) Not less than 3 business days before the case plan acceptance hearing, if the disposition hearing occurs before the 60th day after the date the child was placed in out-of-home care and a case plan has not been submitted under this subsection, or if the court does not approve the case plan at the disposition hearing.

Section 5. Paragraph (a) of subsection (1) of section 39.6221, Florida Statutes, is amended to read:

39.6221 Permanent guardianship of a dependent child.—

(1) If a court determines that reunification or adoption is not in the best interest of the child, the court may place the child in a permanent guardianship with a relative or other adult approved by the court if all of the following conditions are met:

(a) The child has been in the placement for not less than the preceding 6 months, or the preceding 3 months if the caregiver has been named as the successor guardian on the child's Guardianship Assistance Agreement.

Section 6. Paragraph (e) of subsection (1) and subsection (2) of section 39.806, Florida Statutes, are amended to read:

39.806 Grounds for termination of parental rights.—

(1) Grounds for the termination of parental rights may be established under any of the following circumstances:

(e) When a child has been adjudicated dependent, a case plan has been filed with the court, and:

1. The child continues to be abused, neglected, or abandoned by the parent or parents. The failure of the parent or parents to substantially comply with the case plan for a period of 12 months after an adjudication of the child as a dependent child or the child's placement into shelter care, whichever occurs first, constitutes evidence of continuing abuse, neglect, or abandonment unless the failure to substantially comply with the case plan was due to the parent's lack of financial resources or to the failure of the department to make reasonable efforts to reunify the parent and child. The 12-month period begins to run only after the child's placement into shelter care or the entry of a disposition order placing the custody of the child with the department or a person other than the parent and the court's approval of a case plan having the goal of reunification with the parent, whichever occurs first; ~~or~~

2. The parent or parents have materially breached the case plan by their action or inaction. Time is of the essence for permanency of children in the dependency system. In order to prove the parent or parents have materially breached the case plan, the court must find by clear and convincing evidence that the parent or parents are unlikely or unable to substantially comply with the case plan before time to comply with the case plan expires; or ~~.~~

3. The child has been in care for any 12 of the last 22 months and the parents have not substantially complied with the case plan so as to permit reunification under s. 39.522(2) unless the failure to substantially comply with the case plan was due to the parent's lack of financial resources or to the failure of the department to make reasonable efforts to reunify the parent and child.

(2) Reasonable efforts to preserve and reunify families are not required if a court of competent jurisdiction has determined that any of the events described in paragraphs (1)(b)-(d) or paragraphs (1)(f)-(n) ~~(1)(f)-(m)~~ have occurred.

Section 7. Subsection (9) of section 39.811, Florida Statutes, is amended to read:

39.811 Powers of disposition; order of disposition.—

(9) After termination of parental rights or a written order of permanent commitment entered under s. 39.5035, the court shall retain jurisdiction over any child for whom custody is given to a social service agency until the child is adopted. The court shall review the status of the child's placement and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for good cause shown by the guardian ad litem for the child, the court may review the appropriateness of the adoptive placement of the child. The department's decision to deny an application to adopt a child who is under the court's jurisdiction is reviewable only through a motion to file a chapter 63 petition as provided in s. 39.812(4), and is not subject to chapter 120.

Section 8. Subsections (4) and (5) of section 39.812, Florida Statutes, are amended to read:

39.812 Postdisposition relief; petition for adoption.—

(4) The court shall retain jurisdiction over any child placed in the custody of the department until the child is adopted. After custody of a child for subsequent adoption has been given to the department, the court has jurisdiction for the purpose of reviewing the status of the child and the progress being made toward permanent adoptive placement. As part of this continuing jurisdiction, for good cause shown by the guardian ad litem for the child, the court may review the appropriateness of the adoptive placement of the child.

(a) If the department has denied a person's application to adopt a child, the denied applicant may file a motion with the court within 30 days after the issuance of the written notification of denial. This motion allows the denied applicant to file a chapter 63 petition to adopt a child without the department's consent. The denied applicant must allege in its motion that the department unreasonably withheld its consent to the adoption. The court, as part of its continuing jurisdiction, may review and rule on the motion.

1. The denied applicant only has standing in the chapter 39 proceeding to file the motion in paragraph (a) and to present evidence in support of the

motion at a hearing, which must be held within 30 days after the filing of the motion.

2. At the hearing on the motion, the court may only consider whether the department's review of the application was consistent with its policies and made in an expeditious manner. The standard of review by the court is whether the department's denial of the application is an abuse of discretion. The court may not compare the denied applicant against another applicant to determine which placement is in the best interests of the child.

3. If the denied applicant establishes by a preponderance of the evidence that the department unreasonably withheld its consent, the court shall enter an order authorizing the denied applicant to file a petition to adopt the child under chapter 63 without the department's consent.

4. If the denied applicant does not prove by a preponderance of the evidence that the department unreasonably withheld its consent, the court shall enter an order so finding and dismiss the motion.

5. The standing of the denied applicant in a proceeding under this chapter is terminated upon entry of the court's order.

(b) When a licensed foster parent or court-ordered custodian has applied to adopt a child who has resided with the foster parent or custodian for at least 6 months and who has previously been permanently committed to the legal custody of the department and the department does not grant the application to adopt, the department may not, in the absence of a prior court order authorizing it to do so, remove the child from the foster home or custodian, except when:

1.~~(a)~~ There is probable cause to believe that the child is at imminent risk of abuse or neglect;

2.~~(b)~~ Thirty days have expired following written notice to the foster parent or custodian of the denial of the application to adopt, within which period no formal challenge of the department's decision has been filed; ~~or~~

3.~~(c)~~ The foster parent or custodian agrees to the child's removal; or~~.~~

4. The department has selected another prospective adoptive parent to adopt the child and either the foster parent or custodian has not filed a motion with the court to allow him or her to file a chapter 63 petition to adopt a child without the department's consent, as provided under paragraph (a), or the court has denied such a motion.

(5) The petition for adoption must be filed in the division of the circuit court which entered the judgment terminating parental rights, unless a motion for change of venue is granted under ~~pursuant to~~ s. 47.122. A copy of the consent executed by the department must be attached to the petition, unless such consent is waived under subsection (4) ~~pursuant to s. 63.062(7)~~. The petition must be accompanied by a statement, signed by the prospective adoptive parents, acknowledging receipt of all information required to be disclosed under s. 63.085 and a form provided by the department which details the social and medical history of the child and each parent and includes the social security number and date of birth for each parent, if such information is available or readily obtainable. The prospective adoptive parents may not file a petition for adoption until the judgment terminating parental rights becomes final. An adoption proceeding under this subsection is governed by chapter 63.

Section 9. Subsection (1) of section 39.820, Florida Statutes, is amended to read:

39.820 Definitions.—As used in this chapter ~~part~~, the term:

(1) "Guardian ad litem" as referred to in any civil or criminal proceeding includes the following: the Statewide Guardian ad Litem Office, which includes circuit ~~a certified~~ guardian ad litem programs; ~~program,~~ a duly certified volunteer, a staff member, a staff attorney, a contract attorney, or a ~~certified~~ pro bono attorney working on behalf of a guardian ad litem ~~or the program; staff members of a program office~~; a court-appointed attorney; or a responsible adult who is appointed by the court to represent the best interests of a child in a proceeding as provided for by law, including, but not limited to, this chapter, who is a party to any judicial proceeding as a representative of the child, and who serves until discharged by the court.

Section 10. Subsection (7) of section 63.062, Florida Statutes, is amended to read:

63.062 Persons required to consent to adoption; affidavit of nonpaternity; waiver of venue.—

(7) If parental rights to the minor have previously been terminated, the adoption entity with which the minor has been placed for subsequent adoption may provide consent to the adoption. In such case, no other consent is required. If the minor has been permanently committed to the department for subsequent adoption, the department must consent to the adoption or, in the alternative, the court order entered under s. 39.812(4) finding that the department ~~The consent of the department shall be waived upon a determination by the court that such consent is being~~ unreasonably withheld its consent must be attached to the petition to adopt and ~~if~~ the petitioner must file ~~has filed with the court~~ a favorable preliminary adoptive home study as required under s. 63.092.

Section 11. Paragraph (b) of subsection (6) of section 63.082, Florida Statutes, is amended to read:

63.082 Execution of consent to adoption or affidavit of nonpaternity; family social and medical history; revocation of consent.—

(6)

(b) Upon execution of the consent of the parent, the adoption entity is ~~shall be~~ permitted to intervene in the dependency case as a party in interest and must provide the court that acquired jurisdiction over the minor, pursuant to the shelter order or dependency petition filed by the department, a copy of the preliminary home study of the prospective adoptive parents and any other evidence of the suitability of the placement. The preliminary home study must be maintained with strictest confidentiality within the dependency court file and the department's file. A preliminary home study must be provided to the court in all cases in which an adoption entity has intervened under ~~pursuant to~~ this section. The exemption in s. 63.092(3) from the home study for a stepparent or relative does not apply if a minor is under the supervision of the department or is otherwise subject to the jurisdiction of the dependency court as a result of the filing of a shelter petition, dependency petition, or termination of parental rights petition under chapter 39. Unless the court has concerns regarding the qualifications of the home study provider, or concerns that the home study may not be adequate to determine the best interests of the child, the home study provided by the adoption entity is ~~shall be deemed to be~~ sufficient and no additional home study needs to be performed by the department.

Section 12. Subsection (6) and paragraphs (b) and (e) of subsection (7) of section 409.1451, Florida Statutes, are amended to read:

409.1451 The Road-to-Independence Program.—

(6) ACCOUNTABILITY.—The department shall develop outcome measures for the program and other performance measures ~~in order~~ to maintain oversight of the program. ~~No later than January 31 of each year, the department shall prepare a report on the outcome measures and the department's oversight activities and submit the report to the President of the Senate, the Speaker of the House of Representatives, and the committees with jurisdiction over issues relating to children and families in the Senate and the House of Representatives. The report must include:~~

~~(a) An analysis of performance on the outcome measures developed under this section reported for each community-based care lead agency and compared with the performance of the department on the same measures.~~

~~(b) A description of the department's oversight of the program, including, by lead agency, any programmatic or fiscal deficiencies found, corrective actions required, and current status of compliance.~~

~~(c) Any rules adopted or proposed under this section since the last report. For the purposes of the first report, any rules adopted or proposed under this section must be included.~~

(7) INDEPENDENT LIVING SERVICES ADVISORY COUNCIL.—The secretary shall establish the Independent Living Services Advisory Council for the purpose of reviewing and making recommendations concerning the implementation and operation of the provisions of s. 39.6251 and the Road-to-Independence Program. The advisory council shall function as specified in this subsection until the Legislature determines that the advisory council can no longer provide a valuable contribution to the department's efforts to achieve the goals of the services designed to enable a young adult to live independently.

~~(b) The advisory council shall report to the secretary on the status of the implementation of the Road-to-Independence Program, efforts to publicize the availability of the Road-to-Independence Program, the success of the services,~~

~~problems identified, recommendations for department or legislative action, and the department's implementation of the recommendations contained in the Independent Living Services Integration Workgroup Report submitted to the appropriate substantive committees of the Legislature by December 31, 2013. The department shall submit a report by December 31 of each year to the Governor, the President of the Senate, and the Speaker of the House of Representatives which includes a summary of the factors reported on by the council and identifies the recommendations of the advisory council and either describes the department's actions to implement the recommendations or provides the department's rationale for not implementing the recommendations.~~

~~(e) The advisory council report required under paragraph (b) must include an analysis of the system of independent living transition services for young adults who reach 18 years of age while in foster care before completing high school or its equivalent and recommendations for department or legislative action. The council shall assess and report on the most effective method of assisting these young adults to complete high school or its equivalent by examining the practices of other states.~~

Section 13. This act shall take effect October 1, 2020.

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 dependency proceedings and child protection services; amending s. 39.205, F.S.; removing a reporting requirement to the Legislature; amending s. 39.407, F.S.; transferring certain duties to the department rather than the Agency for Health Care Administration; creating s. 39.5035, F.S.; providing procedures and requirements relating to deceased parents of a dependent child; amending s. 39.6011, F.S.; providing timeframes in which case plans must be filed with the court and provided to specified parties; amending s. 39.6221, F.S.; revising the conditions under which a court determines permanent guardian placement for a child; amending s. 39.806, F.S.; providing that efforts to preserve or reunify a family are not required under specified circumstances; amending s. 39.811, F.S.; providing that the court retains jurisdiction under certain circumstances; providing when certain decisions relating to adoption are reviewable; amending s. 39.812, F.S.; providing that certain persons may file a petition to adopt a child without the department's consent; providing standing; providing a standard of proof; providing responsibilities of the court in such cases; amending s. 39.820, F.S.; revising the definition of the term "guardian ad litem;" amending s. 63.062, F.S.; requiring the department to consent to certain adoptions; providing exceptions; amending s. 63.082, F.S.; requiring a home study of a stepparent or relative under certain circumstances; amending s. 409.1451, F.S.; removing a reporting requirement of the department and the Independent Living Services Advisory Council; providing an effective date.

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

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

CS/HB 255—A bill to be entitled An act relating to the Florida Commission on Human Relations; amending s. 760.03, F.S.; providing quorum requirements for the Commission on Human Relations and its panels; amending s. 760.065, F.S.; revising the number of persons the commission may recommend for the Florida Civil Rights Hall of Fame; amending s. 760.11, F.S.; requiring the commission to provide notice to an aggrieved person under specified circumstances; providing notice requirements; providing a limitation on the time a civil action may be filed after an alleged violation of the Florida Civil Rights Act; amending s. 760.29, F.S.; deleting a requirement that a facility or community that provides housing for older persons register with and submit a letter to the commission; amending s. 760.31, F.S.; conforming a provision; amending s. 760.60, F.S.; deleting the requirement for the commission or Attorney General to investigate a complaint of discrimination in evaluating an application for club membership; revising the length of time the commission or Attorney General has to resolve such a complaint; amending s. 112.31895, F.S.; revising the timeline relating to a complaint alleging a prohibited personnel action; deleting a requirement that the commission notify a complainant upon receipt of the complaint; providing an effective date.

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

CS/HB 563—A bill to be entitled An act relating to the procurement of human organs and tissue; amending s. 765.542, F.S.; prohibiting for-profit entities from procuring certain human organs and tissue; amending s. 873.01, F.S.; prohibiting for-profit entities from procuring certain human organs and tissue; providing an effective date.

—was read the second time by title.

Representative Daley offered the following:

(Amendment Bar Code: 201407)

Amendment 1 (with title amendment)—Remove lines 16-34 and insert:

(4) A for-profit eye bank may not engage, directly or indirectly, in the procurement of any eye, cornea, eye tissue, or corneal tissue for use in live-cell corneal transplantation. This subsection does not apply to a hospital or ambulatory surgical center licensed under chapter 395 or to a district medical examiner appointed under chapter 406.

Section 2. Subsections (3) and (4) of section 873.01, Florida Statutes, are redesignated as subsections (4) and (5), respectively, a new subsection (3) is added to that section, and subsections (1) and (2) of that section are amended, to read:

873.01 Purchase or sale of human organs and tissue prohibited.—

(1) A ~~No~~ person may not ~~shall~~ knowingly offer to purchase or sell, or purchase, sell, or otherwise transfer, any human organ or tissue for valuable consideration.

(2) A ~~No~~ for-profit corporation or any employee thereof may not ~~shall~~ transfer or arrange for the transfer of any human body part for valuable consideration.

(3) A for-profit eye bank, as defined in s. 765.511, may not engage, directly or indirectly, in the procurement, as defined in s. 765.511, of any eye, cornea, eye tissue, or corneal tissue for use in live-cell corneal transplantation. This subsection does not apply to a hospital or an ambulatory surgical center licensed under chapter 395 or to a district medical examiner appointed under chapter 406.

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

Remove lines 5-7 and insert:

and tissue; providing exceptions; amending s. 873.01, F.S.; prohibiting for-profit entities from procuring certain human organs and tissue; providing exceptions; providing an effective date.

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

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

CS/CS/HB 59—A bill to be entitled An act relating to automated pharmacy systems; amending s. 465.0235, F.S.; authorizing a community pharmacy to use an automated pharmacy system under certain circumstances; providing that certain medicinal drugs stored in an automated pharmacy system for outpatient dispensing are part of the inventory of the pharmacy providing services through such system; requiring community pharmacies to adopt certain policies and procedures; authorizing, rather than requiring, the Board of Pharmacy to adopt specified rules; deleting an obsolete date; providing an effective date.

—was read the second time by title.

Representative Willhite offered the following:

(Amendment Bar Code: 367333)

Amendment 1—Remove lines 37-39 and insert:
facilities or places of business where essential goods and commodities are sold or large employer workplaces or locations where access to a community pharmacy

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

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

Consideration of **CS/CS/HB 755** was temporarily postponed.

HB 1231—A bill to be entitled An act relating to students with disabilities in public schools; amending s. 1003.573, F.S.; providing definitions; requiring school districts to prohibit the use of seclusion; providing requirements for the use of restraint; prohibiting specified restraint techniques; revising school district policies and procedures relating to restraint; requiring school districts to adopt positive behavior interventions and supports and certain policies and procedures; requiring school districts to publicly post specified policies and procedures; requiring school districts to provide training on certain interventions and supports to specified personnel; providing requirements for such training; requiring school districts to publish training procedures; requiring a school to develop a crisis intervention plan for certain students; providing requirements for such plans; providing requirements for documenting, reporting, and monitoring the use of restraint; conforming provisions to changes made by the act; requiring the department to make certain information available to the public by a specified date; creating s. 1003.574, F.S.; providing definitions; requiring a video camera be placed in specified classrooms upon the request of a parent; requiring a video camera to be operational within a specified time period; providing requirements for the discontinuation of such video cameras; providing requirements for such video cameras; requiring a written explanation if the operation of such cameras is interrupted; requiring district school boards to maintain such explanation for a specified time period; requiring a school to provide written notice of the placement of a video camera to certain individuals; providing requirements for retaining and deleting video recordings; providing prohibitions for the use of such video cameras and recordings; providing that a school principal is the custodian of such video cameras and recordings; providing requirements for school principals and video recordings; providing requirements relating to student privacy; providing requirements for the viewing of such video recordings; providing for an appeal process for actions of a school or school district; providing that incidental viewings of video recordings by specified individuals are not a violation of certain provisions; providing construction; requiring the Department of Education to collect specified information; authorizing the State Board of Education to adopt rules; amending s. 1012.582, F.S.; requiring continuing education and inservice training for teaching students with emotional or behavioral disabilities; conforming provisions to changes made by the act; providing an effective date.

—was read the second time by title.

Representative DuBose offered the following:

(Amendment Bar Code: 942395)

Amendment 1 (with title amendment)—Remove lines 292-298 and insert:
1003.574 Video cameras in public school classrooms; pilot program.—Beginning with the 2020-2021 school year, the Video Cameras in Public School Classrooms Pilot Program is created for a period of 3 school years.
(1) As used in this section, the term:
(a) "Incident" means an event, a circumstance, an act, or an omission that results in the abuse or neglect of a student by:
1. An employee of a public school or school district; or
2. Another student.
(b) "School district" means the Broward County Public Schools and the Volusia County Schools.
(c) "Self-contained classroom" means a classroom at a

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

Between lines 23 and 24, insert:
creating the Video Cameras in Public School Classrooms Pilot Program;

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

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

CS/HB 835—A bill to be entitled An act relating to Alzheimer's disease; amending s. 430.501, F.S.; requiring state agencies to provide assistance to the Alzheimer's Disease Advisory Committee, upon request; creating s. 430.5015, F.S.; creating the position of Dementia Director within the Department of Elderly Affairs; requiring the Secretary of Elderly Affairs to appoint the director; authorizing the director to call upon certain agencies for assistance; providing duties and responsibilities of the director; amending s. 430.502, F.S.; revising the name of a memory disorder clinic in Orange County; providing an effective date.

—was read the second time by title.

Representative Plakon offered the following:

(Amendment Bar Code: 065489)

Amendment 1 (with directory and title amendments)—Between lines 210 and 211, insert:
(8) Pursuant to s. 287.057, the department shall contract for the provision of respite care. All funds appropriated for the provision of respite care shall be distributed annually by the department to each funded county according to an allocation formula. In developing the formula, the department shall consider the number and proportion of the county population of individuals who are 70 ~~75~~ years of age and older. Each respite care program shall be used as a resource for research and statistical data by the memory disorder clinics established in this part. In consultation with the memory disorder clinics, the department shall specify the information to be provided by the respite care programs for research purposes.

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

Remove lines 165-166 and insert:
Section 3. Subsections (1) and (8) of section 430.502, Florida Statutes, are amended to read:

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

Between lines 12 and 13, insert:
revising a provision relating to an allocation formula for the funding of respite care;

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

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

CS/CS/HB 625—A bill to be entitled An act relating to public nuisances; amending s. 60.05, F.S.; authorizing sheriffs to sue to enjoin nuisances; revising notice requirements for the filing of temporary injunctions relating to the enjoinment of certain nuisances; extending the period of notice before a lien may attach to certain real estate; amending s. 823.05, F.S.; making technical changes; declaring that the use of a location by a criminal gang, criminal gang members, or criminal gang associates for criminal gang-related activity is a public nuisance; declaring that any place or premises that has been used on more than two occasions during a certain time period as the site of specified violations is a nuisance and may be abated or enjoined pursuant to specified provisions; providing a property owner an opportunity to remedy a

nuisance before specified legal actions may be taken against the property under certain circumstances; amending s. 893.138, F.S.; declaring that any place or premises that has been used on more than two occasions during a certain time period as the site of any combination of specified violations is a nuisance and may be abated pursuant to specified provisions; prohibiting a rental property from being abated or subject to forfeiture under certain conditions; providing an effective date.

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

CS/CS/HB 573—A bill to be entitled An act relating to peer support for first responders; creating s. 111.09, F.S.; providing definitions; prohibiting certain persons who participate in peer support communication with a first responder from testifying or divulging specified information under certain circumstances; providing exceptions; prohibiting liability and a cause of action under certain circumstances; providing construction; providing an effective date.

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

CS/HB 529—A bill to be entitled An act relating to insurance guaranty associations; amending s. 631.57, F.S.; revising the obligations of the Florida Insurance Guaranty Association, Incorporated, for policies covering condominium associations and homeowners' associations; revising the percentage limits on the emergency assessments levied against insurers by the Office of Insurance Regulation; providing an effective date.

—was read the second time by title.

MAJORITY LEADER EAGLE IN THE CHAIR

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

CS/HB 1083—A bill to be entitled An act relating to student mental health procedures; amending ss. 1002.20 and 1002.33, F.S.; requiring verification that certain strategies have been utilized and certain outreach has been initiated before a student is removed from school, school transportation, or a school-sponsored activity under specified circumstances; providing an exception; providing an effective date.

—was read the second time by title.

Representative Webb offered the following:

(Amendment Bar Code: 316531)

Amendment 1 (with title amendment)—Remove lines 33-63 and insert:
or neglect. Before a principal or his or her designee contacts a law enforcement officer, he or she must verify that de-escalation strategies have been utilized and outreach to a mobile response team has been initiated unless the principal or the principal's designee reasonably believes that any delay in removing the student will increase the likelihood of harm to the student or others. This requirement does not supersede the authority of a law enforcement officer to act under s. 394.463. Each district school board shall develop a policy and procedures for notification under this paragraph.

Section 2. Paragraph (q) of subsection (9) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(9) CHARTER SCHOOL REQUIREMENTS.—

(q) The charter school principal or the principal's designee shall immediately notify the parent of a student who is removed from school, school transportation, or a school-sponsored activity and taken to a receiving facility for an involuntary examination pursuant to s. 394.463. The principal or the principal's designee may delay notification for no more than 24 hours after the student is removed if the principal or the principal's designee deems the delay to be in the student's best interest and if a report has been submitted to the central abuse hotline, pursuant to s. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect. Before a principal or his or her designee contacts a law enforcement officer, he or she must verify that de-escalation strategies have been utilized and outreach to a mobile response team has been initiated unless the principal or the principal's designee reasonably believes that any delay in removing the student will increase the likelihood of harm to the student or others. This requirement does not supersede the authority of a law enforcement officer to act under s. 394.463. Each charter school

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

Remove lines 6-7 and insert:
before a principal or his or her designee contacts a law enforcement officer under

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

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

CS/HB 675—A bill to be entitled An act relating to exposure of sexual organs; amending s. 800.03, F.S; increasing criminal penalties for exposure of sexual organs for a second or subsequent offense; amending s. 901.15, F.S.; authorizing warrantless arrests when a law enforcement officer has probable cause to believe that a person has violated s. 800.03, F.S.; providing an effective date.

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

CS/HB 199—A bill to be entitled An act relating to the sexual battery prosecution time limitation; providing a short title; amending s. 775.15, F.S.; creating an exception to the general time limitations which allows a prosecution to be commenced at any time for specified sexual battery offenses against victims younger than a certain age at the time the offense was committed; providing applicability; providing an effective date.

—was read the second time by title.

THE SPEAKER IN THE CHAIR

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

CS/CS/HB 1259—A bill to be entitled An act relating to restrictive housing for incarcerated pregnant women; amending s. 944.241, F.S.; providing definitions; prohibiting the involuntary placement of pregnant prisoners in restrictive housing under specified circumstances; providing exceptions; requiring corrections officials to write a specified report if circumstances necessitate placing a pregnant prisoner in restrictive housing; providing requirements for the report; requiring a copy of such reports to be provided to pregnant prisoners in restrictive housing; providing requirements for the treatment of pregnant prisoners placed in restrictive housing; requiring pregnant prisoners to be admitted to the infirmary under certain circumstances; providing certain rights for pregnant prisoners admitted to the infirmary; requiring the Department of Corrections and the Department of Juvenile Justice to adopt rules by a specified date; providing an effective date.

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

Motion to Adjourn

Rep. Sprowls 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., Monday, March 9, 2020, or upon call of the Chair. The motion was agreed to.

Conference Committee Assignments

The Speaker advised that he had made the following Conference Committee assignments:

Membership of the Conference Committee on HB 5001, HB 5003, and HB 5005 to serve with Rep. Cummings, Chair; Managers-At-Large: Reps. Avila, Diamond, Eagle, Fitzenhagen, Jenne, La Rosa, McGhee, R. Rodrigues, Santiago, Sprowls, Stark, Stone, and Sullivan; House Agriculture and Natural Resources/Senate Agriculture, Environment, and General Government—Rep. Raschein, Chair; Reps. Altman, Brannan, Clemons, Jacobs, McClure, Omphroy, Perez, Polsky, Roth, Sirois, and C. Watson; House Government Operations and Technology/Senate Agriculture, Environment, and General Government—Rep. Williamson, Chair; Reps. Andrade, Antone, Brown, J. Cortes, Daniels, DiCeglie, Duggan, Grall, LaMarca, Sabatini, and Toledo; House Health Care/Senate Health and Human Services—Rep. Magar, Chair; Reps. Ausley, Burton, Duran, Fischer, J. Grant, M. Grant, Grieco, S. Jones, Pigman, Roach, A. M. Rodriguez, Rommel, and Stevenson; House Higher Education/Senate Education—Rep. Fine, Chair; Reps. Alexander, Buchanan, Caruso, Driskell, Joseph, Maggard, Mariano, Newton, Overdorf, Ponder, Robinson, and C. Smith; House Justice/Senate Criminal and Civil Justice—Rep. Yarborough, Chair; Reps. Beltran, Byrd, Fernandez-Barquin, Gottlieb, Gregory, Payne, Plakon, Pritchett, Renner, Silvers and Slosberg; House Pre K-12/Senate Education—Rep. Latvala, Chair; Reps. Aloupis, Bush, Davis, Donalds, Hage, Killebrew, Massullo, McClain, Tomkow, Valdés, Williams, and Zika; House Transportation and Tourism/Senate Transportation, Tourism and Economic Development—Rep. Trumbull, Chair; Reps. Drake, Daley, DuBose, Fetterhoff, Geller, Ingoglia, Leek, Plasencia, A. Rodriguez, D. Smith, and B. Watson.

Message from the Senate

Conference Committee Assignments

The Honorable Jose R. Oliva, Speaker

I am directed to inform the House of Representatives that the Senate President has appointed the following conferees on HB5001, HB 5003, and HB 5005 on the part of the Senate: Appropriations Conference Committee: Senator Bradley, Chair; Senators Benacquisto, Braynon, Flores, Gibson, Montford, Rodriguez, Simmons, and Simpson, At Large; Appropriations Conference Committee on Agriculture, Environment, and General Government: Senator Mayfield, Chair; Senators Albritton, Bean, Berman, Broxson, Gainer, Hooper, Hutson, Powell, Rodriguez, and Stewart; Appropriations Conference Committee on Criminal and Civil Justice: Senator Brandes, Chair; Senators Bracy, Gruters, Harrell, Perry, Rouson, Taddeo, and Wright; Appropriations Conference Committee on Education: Senator Stargel, Chair; Senators Baxley, Book, Cruz, Diaz, Flores, Montford, Pizzo, and Simmons; Appropriations Conference Committee on Health and Human Services: Senator Bean, Chair; Senators Book, Diaz, Farmer, Flores, Harrell, Hooper, Passidomo, Rader, and Rouson; Appropriations Conference Committee on Transportation, Tourism, and Economic Development: Senator Hutson, Chair; Senators Brandes, Lee, Perry, Simpson, Taddeo, Thurston, and Torres.

Debbie Brown, Secretary

Messages from the Senate

The Honorable Jose R. Oliva, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 37.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Jose R. Oliva, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 333.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Jose R. Oliva, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 659.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Jose R. Oliva, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 705.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Jose R. Oliva, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 743.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Jose R. Oliva, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 969.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Jose R. Oliva, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 1047.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Jose R. Oliva, Speaker

I am directed to inform the House of Representatives that the Senate has passed CS for HB 1461.

Debbie Brown, Secretary

The above bill was ordered enrolled.

The Honorable Jose R. Oliva, Speaker

I am directed to inform the House of Representatives that the Senate has passed HB 7023.

Debbie Brown, Secretary

The above bill was ordered enrolled.

Votes After Roll Call

[Date(s) of Vote(s) and Sequence Number(s)]

Rep. Altman:

Yeas—February 26: 481, 482, 483, 484, 485, 486, 487, 489, 491, 492, 493, 494, 495, 496, 500, 501, 502, 503, 504, 505, 506, 507, 508, 510, 511, 513

Rep. Daniels:

Yeas—February 26: 508

Nays—February 19: 445; March 5: 557

Rep. Driskell:

Nays—March 4: 544

Rep. Jacobs:

Yeas—February 13: 430, 431; February 20: 466, 470, 471; February 26: 494, 498, 504, 510; March 4: 530, 531; March 5: 559, 560

Nays—February 13: 432, 438; February 20: 459, 463; February 26: 488, 497, 499, 500, 509, 512; March 4: 539, 540, 552

Rep. Jacquet:

Yeas—February 26: 496, 501, 502, 503; March 4: 538

Rep. A. M. Rodriguez:

Yeas—March 3: 516

First-named Sponsors

CS/HB 1047—Jones

Cosponsors

CS/CS/HB 23—Zika

CS/CS/HB 59—Davis

CS/HB 89—Joseph

CS/HB 333—Roach

CS/HB 389—Donalds

CS/CS/CS/HB 395—Webb

CS/CS/HB 569—Webb

HB 725—Joseph

HB 739—C. Watson

CS/HB 835—Caruso

CS/HB 919—Roth

CS/CS/HB 945—Hogan Johnson

CS/CS/HB 991—Webb

CS/HB 1047—Fernandez-Barquin

CS/HB 1059—Zika

CS/HB 1085—McClain

CS/CS/HB 1091—Overdorf

CS/HB 1193—Buchanan

CS/CS/HB 1213—Good

HB 1231—Webb

CS/CS/HB 1249—Slosberg, Stark

CS/HB 1265—Beltran

HB 1361—Bush

CS/HB 1373—Valdés

HB 3827—Good

HB 3829—Good

HB 3831—Good

HB 3833—Good

HB 3835—Good

HB 3837—Good

HB 3839—Good

HB 3841—Good

HB 4817—Good

HB 7019—Overdorf

CS/CS/HB 7053—Roth

CS/HB 7097—Eagle, Hill

CS/HB 7101—Joseph

HB 7103—Duggan

HB 9177—Good

Withdrawal as Cosponsor

CS/CS/CS/HB 1371—Slosberg

House Resolutions Adopted by Publication

At the request of Rep. Slosberg—

HR 8003—A resolution recognizing March 9-13, 2020, as "Jewish American Heritage Week" in Florida.

WHEREAS, nationally, Jewish American Heritage Month resulted from a congressional initiative launched in 2005 to recognize the more than 360-year history of Jewish contributions to North American culture, and

WHEREAS, Jewish American Heritage Month has been commemorated since 2006 through educational programs coordinated by a number of government agencies, including the Library of Congress, the National Archives, and the United States Holocaust Memorial Museum, and

WHEREAS, Jewish immigrants from around the world continue to journey to the State of Florida in search of hope, shelter, and the opportunity for a new beginning, and

WHEREAS, the population of Jewish Americans in the United States has grown to more than 6.9 million, and nearly 630,000 Jewish Americans reside in this state, and

WHEREAS, Jewish Americans have made vital contributions to the development of our communities, academic institutions, civic organizations, and businesses, and

WHEREAS, while contributing to every facet of American society, Jewish Americans have infused our nation's civic, social, economic, and cultural life with their own unique culture, customs, and dynamic heritage, and

WHEREAS, the faith and hard work of Jewish Americans have played an integral role in shaping the cultural fabric of this state, and

WHEREAS, Jewish Americans have worked to promote civil rights and build bridges of mutual understanding between the world's religions, and

WHEREAS, during Jewish American Heritage Month, the nation celebrates and honors the invaluable contributions of Jewish Americans to our way of life, and it is fitting that the proud history of Jewish Americans be recognized in this state, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That March 9-13, 2020, is recognized as "Jewish American Heritage Week" in Florida.

—was read and adopted by publication pursuant to Rule 10.17.

At the request of Rep. B. Watson—

HR 8077—A resolution recognizing August 1, 2020, as "Historic Virginia Key Beach Park Day" in Florida.

WHEREAS, on August 1, 1945, Virginia Beach, as it was then known, was designated "a Dade County Park for the exclusive use of Negroes," becoming a cherished getaway and a social gathering place for African Americans, with its shaded picnic areas with barbecue pits and its cottages and amusement rides, and

WHEREAS, even after the park was closed by the City of Miami in 1982 due to the high cost of maintenance and operations, the civic, social, and environmental characteristics of the park continued to hold national, state, regional, and local significance in the history of civil rights and to highlight the achievements of local African-American communities, and

WHEREAS, in August 2002, the park was added to the National Register of Historic Places; in 2006, it was added to the State of Florida Heritage Trail; and in February 2008, it reopened to the public as the Historic Virginia Key Beach Park, and

WHEREAS, in 2010, the Historic Virginia Key Beach Park was included as a major stakeholder in the Virginia Key Master Plan, which had been approved by the City of Miami City Commission in 2006, a turning point in the life of the park, and

WHEREAS, the Virginia Key Master Plan envisioned the restoration of the park and the creation of a museum that will present the history and contributions of those who, in the 1940s, pressed for designation of the park; who sought to restore the natural environment of the park; and support the creation of a center for civic engagement, social justice and positive change, conflict resolution and reconciliation, and progressive corrective action, and

WHEREAS, the goals of the Virginia Key Master Plan are to enhance the cultural offerings of the City of Miami; bring international attention to this state and to the park's noteworthy civil rights history; serve as a positive example of civic engagement, as represented by the history of the park's origin and the advocacy of a citizen-based Board of Trustees; and create social engagement opportunities through the incorporation of the public shoreline, a greenspace, and various amenities, and

WHEREAS, in 2013, Historic Virginia Key Beach Park was added to the City of Miami's Historic and Environmental Preservation List, and

WHEREAS, August 1, 2020, marks the 75th anniversary of the establishment of the Historic Virginia Key Beach Park, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That August 1, 2020, is recognized as "Historic Virginia Key Beach Park Day" in Florida.

—was read and adopted by publication pursuant to Rule 10.17.

Excused

Rep. Altman until 9:40 a.m.; Rep. Fitzenhagen; Rep. J. Grant until 9:30 a.m.; Reps. Grieco, Jacobs; Reps. Joseph until 9:49 a.m., Omphroy until 9:34 a.m., Polo until 10:42 a.m.; Reps. Slosberg, Williams

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 6:43 p.m., to reconvene at 10:30 a.m., Monday, March 9, 2020, or upon call of the Chair.

CHAMBER ACTIONS ON BILLS

Friday, March 6, 2020

CS/CS/HB 23 — Temporarily postponed, on 3rd Reading

CS/CS/HB 59 — Read 2nd time; Amendment 367333 adopted; Placed on 3rd reading

CS/CS/CS/HB 65 — Temporarily postponed, on 2nd Reading

HB 163 — Read 2nd time; Placed on 3rd reading

CS/HB 199 — Read 2nd time; Placed on 3rd reading

CS/CS/HB 241 — Read 2nd time; Placed on 3rd reading

CS/HB 255 — Read 2nd time; Placed on 3rd reading

CS/CS/HB 279 — Read 2nd time; Amendment 217229 adopted; Placed on 3rd reading

CS/CS/HB 311 — Temporarily postponed, on 2nd Reading

HJR 369 — Read 2nd time; Placed on 3rd reading

HB 371 — Read 2nd time; Placed on 3rd reading

CS/HB 389 — Read 3rd time; CS passed; YEAS 88, NAYS 18

CS/CS/CS/HB 391 — Temporarily postponed, on 2nd Reading

CS/HB 393 — Temporarily postponed, on 2nd Reading

CS/CS/CS/HB 395 — Read 2nd time; Amendment 523409 adopted; Amendment 340243 adopted; Amendment 597379 adopted; Amendment 327873 adopted; Amendment 062889 adopted; Amendment 226511 adopted; Amendment 492309 adopted; Placed on 3rd reading

CS/HB 467 — Read 2nd time; Amendment 721931 adopted; Placed on 3rd reading

CS/HB 519 — Read 2nd time; Amendment 041923 adopted; Placed on 3rd reading

CS/HB 529 — Read 2nd time; Placed on 3rd reading

CS/HB 549 — Read 2nd time; Placed on 3rd reading

CS/HB 559 — Read 2nd time; Placed on 3rd reading

CS/HB 563 — Read 2nd time; Amendment 201407 adopted; Placed on 3rd reading

CS/CS/HB 569 — Read 2nd time; Amendment 837157 adopted; Placed on 3rd reading

CS/CS/HB 573 — Read 2nd time; Placed on 3rd reading

CS/HB 579 — Temporarily postponed, on 2nd Reading

CS/CS/HB 607 — Read 3rd time; CS passed as amended; YEAS 94, NAYS 12

CS/CS/HB 613 — Temporarily postponed, on 2nd Reading

CS/CS/CS/HB 623 — Read 2nd time; Placed on 3rd reading

CS/CS/HB 625 — Read 2nd time; Placed on 3rd reading

HB 641 — Read 2nd time; Amendment 175779 adopted; Placed on 3rd reading

CS/HB 675 — Read 2nd time; Placed on 3rd reading

CS/HB 687 — Read 2nd time; Placed on 3rd reading

CS/CS/CS/HB 689 — Read 2nd time; Amendment 983661 adopted; Placed on 3rd reading

CS/CS/CS/HB 713 — Read 3rd time; Amendment 284801 adopted; CS passed as amended; YEAS 79, NAYS 31

CS/CS/HB 715 — Read 2nd time; Placed on 3rd reading

CS/CS/HB 731 — Read 2nd time; Amendment 455657 adopted; Amendment 399477 adopted; Placed on 3rd reading

CS/CS/HB 733 — Read 2nd time; Placed on 3rd reading

CS/HB 741 — Temporarily postponed, on 2nd Reading

CS/CS/HB 755 — Temporarily postponed, on 2nd Reading

CS/CS/HB 767 — Read 2nd time; Placed on 3rd reading

CS/HB 783 — Read 2nd time; Placed on 3rd reading

CS/CS/HB 787 — Read 2nd time; Amendment 594085 adopted; Placed on 3rd reading

CS/CS/HB 789 — Read 2nd time; Placed on 3rd reading

CS/CS/HB 821 — Read 2nd time; Placed on 3rd reading

HB 833 — Read 2nd time; Placed on 3rd reading

CS/HB 835 — Read 2nd time; Amendment 065489 adopted; Placed on 3rd reading

HB 855 — Read 2nd time; Placed on 3rd reading

CS/CS/HB 865 — Temporarily postponed, on 2nd Reading

CS/CS/HB 915 — Read 3rd time; Amendment 784645 adopted; CS passed as amended; YEAS 112, NAYS 0

CS/HB 919 — Read 3rd time; CS passed; YEAS 93, NAYS 15

CS/CS/HB 921 — Read 2nd time; Amendment 749531 adopted; Placed on 3rd reading

CS/HB 941 — Read 2nd time; Amendment 399711 adopted; Placed on 3rd reading

CS/CS/HB 945 — Read 3rd time; CS passed as amended; YEAS 110, NAYS 0

CS/CS/HB 967 — Read 2nd time; Placed on 3rd reading

CS/CS/HB 971 — Read 2nd time; Placed on 3rd reading

CS/CS/HB 977 — Read 2nd time; Placed on 3rd reading

CS/HB 1005 — Read 2nd time; Placed on 3rd reading

CS/CS/HB 1011 — Temporarily postponed, on 2nd Reading

CS/CS/CS/HB 1013 — Read 2nd time; Amendment 297439 adopted; Amendment 689275 adopted; Amendment 661847 adopted; Amendment 768555 adopted; Amendment 274711 adopted; Placed on 3rd reading

CS/CS/HB 1039 — Read 2nd time; Amendment 276525 adopted; Placed on 3rd reading

CS/HB 1049 — Read 2nd time; Placed on 3rd reading

CS/HB 1059 — Read 2nd time; Amendment 524171 adopted; Amendment 967535 Failed; Amendment 455883 Failed; Amendment 741543 Failed; Amendment 193191 adopted; Placed on 3rd reading

CS/CS/HB 1061 — Read 2nd time; Placed on 3rd reading

CS/CS/HB 1063 — Temporarily postponed, on 2nd Reading

CS/HB 1083 — Read 2nd time; Amendment 316531 adopted; Placed on 3rd reading

CS/HB 1085 — Read 2nd time; Placed on 3rd reading

CS/HB 1089 — Read 2nd time; Placed on 3rd reading

CS/CS/HB 1091 — Read 3rd time; CS passed; YEAS 106, NAYS 0

CS/CS/HB 1095 — Read 2nd time; Amendment 863647 adopted; Placed on 3rd reading

CS/CS/HB 1105 — Read 2nd time; Placed on 3rd reading

CS/CS/HB 1111 — Read 2nd time; Amendment 570581 Failed; Placed on 3rd reading

CS/CS/HB 1139 — Temporarily postponed, on 2nd Reading

CS/CS/HB 1143 — Read 2nd time; Amendment 153923 adopted; Placed on 3rd reading

CS/CS/HB 1181 — Temporarily postponed, on 2nd Reading

CS/HB 1187 — Read 2nd time; Placed on 3rd reading

CS/HB 1193 — Read 2nd time; Amendment 672911 adopted; Placed on 3rd reading

CS/HB 1201 — Temporarily postponed, on 2nd Reading

CS/CS/HB 1213 — Read 2nd time; Amendment 292289 adopted; Placed on 3rd reading

HB 1231 — Read 2nd time; Amendment 942395 adopted; Placed on 3rd reading

CS/CS/HB 1249 — Read 3rd time; CS passed; YEAS 108, NAYS 0

CS/HB 1257 — Read 2nd time; Amendment 512527 adopted; Amendment 355827 adopted; Placed on 3rd reading

CS/CS/HB 1259 — Read 2nd time; Placed on 3rd reading

CS/HB 1265 — Temporarily postponed, on 2nd Reading

CS/HB 1335 — Read 2nd time; Amendment 371821 adopted; Placed on 3rd reading

CS/CS/CS/HB 1339 — Read 2nd time; Amendment 292409 adopted; Amendment 945829 adopted as amended; Placed on 3rd reading

CS/HB 1343 — Temporarily postponed, on 2nd Reading

CS/CS/CS/HB 1371 — Read 2nd time; Amendment 142711 adopted; Placed on 3rd reading

CS/HB 1373 — Read 3rd time; CS passed; YEAS 111, NAYS 0

CS/CS/CS/HB 1391 — Read 2nd time; Amendment 860305 adopted; Placed on 3rd reading

CS/CS/HB 1393 — Read 2nd time; Amendment 525031 adopted; Placed on 3rd reading

CS/HB 1409 — Read 2nd time; Placed on 3rd reading

HB 1465 — Read 2nd time; Amendment 124679 adopted; Placed on 3rd reading

HB 5001 — Conference Committee appointed

HB 5003 — Conference Committee appointed

HB 5005 — Conference Committee appointed

CS/CS/HB 6501 — Read 2nd time; Amendment 038235 adopted; Placed on 3rd reading

HB 7019 — Read 2nd time; Placed on 3rd reading

CS/CS/HB 7037 — Temporarily postponed, on 3rd Reading

CS/HB 7045 — Read 2nd time; Amendment 966721 adopted; Placed on 3rd reading

CS/CS/HB 7051 — Temporarily postponed, on 2nd Reading

CS/CS/HB 7053 — Read 3rd time; Amendment 232561 adopted; Amendment 147067 adopted; CS passed as amended; YEAS 96, NAYS 10

CS/HB 7057 — Temporarily postponed, on 2nd Reading

CS/HB 7059 — Temporarily postponed, on 2nd Reading

CS/CS/HB 7063 — Temporarily postponed, on 3rd Reading

CS/HB 7067 — Read 2nd time; Amendment 841565 Failed; Amendment 130329 Failed; Amendment 837673 Failed; Amendment 856839 Failed; Amendment 090379 adopted; Placed on 3rd reading

CS/HB 7077 — Read 2nd time; Amendment 150231 adopted; Amendment 027751 adopted; Placed on 3rd reading

CS/CS/HB 7079 — Read 2nd time; Amendment 863257 adopted; Amendment 957307 adopted; Amendment 177341 adopted; Amendment 456069 adopted; Amendment 480151 adopted; Amendment 141393 adopted as amended; Amendment 903163 adopted; Placed on 3rd reading

HB 7085 — Read 2nd time; Amendment 270115 adopted; Placed on 3rd reading

CS/HB 7087 — Temporarily postponed, on 2nd Reading

HJR 7093 — Read 2nd time; Amendment 008425 Failed; Amendment 158015 Failed; Amendment 157705 Failed; Amendment 066033 adopted; Placed on 3rd reading

HB 7095 — Read 3rd time; Passed; YEAS 113, NAYS 0

CS/HB 7097 — Read 3rd time; CS passed as amended; YEAS 97, NAYS 16

HB 7099 — Temporarily postponed, on 2nd Reading

CS/HB 7101 — Read 3rd time; CS passed; YEAS 99, NAYS 5

HB 7103 — Temporarily postponed, on 2nd Reading; Read 2nd time; Amendment 029327 adopted; Amendment 516711 adopted; Amendment 047307 adopted; Amendment 092021 adopted; Amendment 103343 adopted as amended; Placed on 3rd reading

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