

**SPB 7100 by IT; Public Records/Department of the Lottery**

**SPB 7102 by IT; Hemp**

142576	A	S	FAV	IT, Benacquisto	Delete L.112 - 115:	04/11 09:15 AM
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**CS/SB 620 by MS, Broxson; (Compare to CS/CS/H 00891) Military Affairs**

**CS/SB 1704 by BI, Wright; (Similar to CS/CS/H 01393) Department of Financial Services**

<del>709198</del>	A	S	WD	IT, Hutson	Delete L.290 - 292:	04/11 03:05 PM
567748	A	S	RCS	IT, Brandes	btw L.466 - 467:	04/11 03:05 PM
<del>824524</del>	A	S	WD	IT, Hutson	btw L.987 - 988:	04/11 03:05 PM
575184	A	S	L RCS	IT, Hutson	btw L.403 - 404:	04/11 03:05 PM

**CS/SB 770 by ED, Hutson (CO-INTRODUCERS) Perry; (Compare to H 00661) Education**

920704	D	S	RCS	IT, Hutson	Delete everything after	04/12 03:56 PM
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**SB 824 by Diaz; (Similar to CS/H 00987) Private Property Rights of Homeowners**

<del>586172</del>	D	S	WD	IT, Diaz	Delete everything after	04/08 10:43 AM
<del>825832</del>	AA	S	WD	IT, Diaz	Delete L.8 - 203:	04/08 10:43 AM
672276	D	S		IT, Diaz	Delete everything after	04/08 10:43 AM
278170	AA	S		IT, Farmer	Delete L.218 - 259:	04/09 04:05 PM
645922	AA	S		IT, Farmer	btw L.327 - 328:	04/09 04:04 PM
778790	AA	S		IT, Gibson	btw L.327 - 328:	04/09 05:49 PM
697090	AA	S		IT, Gibson	btw L.327 - 328:	04/09 05:49 PM
598968	AA	S		IT, Gibson	btw L.327 - 328:	04/09 05:50 PM
824630	AA	S		IT, Gibson	Delete L.684 - 704:	04/09 05:50 PM

**SB 1362 by Gruters; (Compare to CS/CS/H 01075) Community Associations**

390698	A	S	RS	IT, Gruters	Delete everything after	04/12 02:48 PM
728666	SD	S	L RCS	IT, Gruters	Delete everything after	04/12 02:48 PM

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**INNOVATION, INDUSTRY AND TECHNOLOGY**

**Senator Simpson, Chair**

**Senator Benacquisto, Vice Chair**

**MEETING DATE:** Wednesday, April 10, 2019

**TIME:** 1:30—3:30 p.m.

**PLACE:** *Toni Jennings Committee Room, 110 Senate Building*

**MEMBERS:** Senator Simpson, Chair; Senator Benacquisto, Vice Chair; Senators Bracy, Bradley, Brandes, Braynon, Farmer, Gibson, Hutson, and Passidomo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Consideration of proposed bill:			
1	<b>SPB 7100</b>	Public Records/Department of the Lottery; Exempting from public records requirements certain security information held by the Department of the Lottery, information about lottery games, personal identifying information of retailers and vendors for purposes of background checks, and certain financial information held by the department; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc.	Submitted and Reported Favorably as Committee Bill Yeas 9 Nays 0
Consideration of proposed bill:			
2	<b>SPB 7102</b>	Hemp; Providing requirements for the distribution and retail sale of hemp extract; revising the term "cannabis" to exclude hemp for purposes of ch. 893, F.S., etc.	Submitted and Reported Favorably as Committee Bill Yeas 10 Nays 0
3	<b>CS/SB 620</b> Military and Veterans Affairs and Space / Broxson (Compare CS/CS/H 891)	Military Affairs; Prohibiting a landlord from requiring a prospective tenant who is a servicemember to deposit or advance more than a certain amount of funds; providing an additional circumstance under which a servicemember may terminate a rental agreement; prohibiting certain construction or activities that are incompatible with the mission of a military installation on certain land under a rural-lands-protection easement, etc.  MS 04/03/2019 Fav/CS IT 04/10/2019 Favorable RC	Favorable Yeas 9 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Innovation, Industry and Technology

Wednesday, April 10, 2019, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>CS/SB 1704</b> Banking and Insurance / Wright (Similar CS/CS/H 1393, Compare CS/H 723, CS/CS/S 908)	Department of Financial Services; Requiring the Division of Treasury to maintain, rather than turn over to the Division of Accounting and Auditing, warrants drawn by the Chief Financial Officer; deleting a requirement that trust companies, where certain care and maintenance trust funds may be established, must operate pursuant to ch. 660, F.S.; revising requirements for the supervision of licensed funeral establishments by funeral directors in charge; deleting an examination requirement for an applicant for an industrial fire insurance or burglary insurance license, etc.  BI 03/25/2019 Fav/CS IT 04/02/2019 Not Considered IT 04/10/2019 Fav/CS RC	Fav/CS Yeas 10 Nays 0
5	<b>CS/SB 770</b> Education / Hutson (Compare H 661, CS/H 7055, CS/H 7071, S 1366, S 1588)	Education; Requiring the Department of Education to provide assistance to certain entities in notifying specified persons of apprenticeship and preapprenticeship opportunities; requiring students to take a career and education planning course for promotion to high school; authorizing a credit in computer science to meet specified graduation requirements under certain circumstances; increasing the number of CAPE Digital Tool certificates relating to specified subjects which may be included on the CAPE Industry Certification Funding List, etc.  ED 03/19/2019 Fav/CS IT 04/10/2019 Fav/CS AP	Fav/CS Yeas 9 Nays 0
6	<b>SB 824</b> Diaz (Similar CS/H 987, Compare S 812)	Private Property Rights of Homeowners; Preempting the regulation of vacation rentals to the state; requiring each person applying for a vacation rental license to provide the Division of Hotels and Restaurants of the Department of Business and Professional Regulation with specified information, etc.  IT 03/26/2019 Not Considered IT 04/10/2019 Temporarily Postponed CA AP	Temporarily Postponed

**COMMITTEE MEETING EXPANDED AGENDA**

Innovation, Industry and Technology

Wednesday, April 10, 2019, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	<b>SB 1362</b> Gruters (Compare CS/CS/H 1075)	Community Associations; Prohibiting subrogation rights against a condominium association under certain circumstances; authorizing an association to charge certain costs; providing that certain records are not official association records; authorizing an association to adopt procedures for providing electronic meeting notices; providing requirements for enforcing a lien under certain circumstances, etc.  IT      04/10/2019 Fav/CS CA RC	Fav/CS Yeas 8 Nays 0
Other Related Meeting Documents			



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

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BILL: SPB 7100

INTRODUCER: Innovation, Industry, and Technology Committee

SUBJECT: Public Records/Department of the Lottery

DATE: April 10, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Kraemer	Imhof		<b>IT Submitted as Comm. Bill/Fav</b>
1.				
2.				

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**I. Summary:**

SPB 7100 amends ss. 24.105(12) and 24.118(4), F.S., relating to confidential and exempt information, to create public records exemptions for specified information related to the operations and processes of the Department of the Lottery (department). The exemptions are necessary to protect the security and integrity of lottery operations, and to allow the department to participate in multistate lottery games. Information held by the department is designated as confidential and exempt, but may be disclosed under certain circumstances.

The exemptions are subject to the Open Government Sunset Review Act (OGSR) and will stand repealed on October 2, 2024, unless reviewed and reenacted by the Legislature.

The bill creates public records exemptions, and therefore it requires a two-thirds vote of the members present and voting for final passage.

The bill takes effect upon becoming a law.

**II. Present Situation:**

**Public Records Law**

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> This applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup> In addition to the Florida Constitution, the Florida Statutes provide that the public may access

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<sup>1</sup> FLA. CONST. art. I, s. 24(a).

<sup>2</sup> *Id.*

legislative and executive branch records.<sup>3</sup> Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.<sup>4</sup> The Public Records Act states that:

[i]t is the policy of this state that all state, county and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.<sup>5</sup>

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.<sup>6</sup> The Florida Supreme Court has interpreted public records as being “any material prepared in connection with official agency business which is intended to perpetuate, communicate or formalize knowledge of some type.”<sup>7</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>8</sup>

The Legislature may create an exemption to public records requirements by passing a general law by a two-thirds vote of each of the House and the Senate.<sup>9</sup> The exemption must explicitly lay out the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>10</sup> A statutory exemption, which does not meet these two criteria, may be unconstitutional and may not be judicially saved.<sup>11</sup>

When creating a public records exemption, the Legislature may provide that a record is “confidential and exempt” or “exempt.”<sup>12</sup> Records designated “confidential and exempt” may be released by the records custodian only under the circumstances defined by the Legislature.

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<sup>3</sup> The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature’s records are public pursuant to s. 11.0431, F.S., and FLA. CONST. art. I, s. 24(b). Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.

<sup>4</sup> Public records laws are found throughout the Florida Statutes.

<sup>5</sup> Section 119.01(1), F.S.

<sup>6</sup> Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>7</sup> *Shevin v. Byron, Harless, Schaffer, Reid and Assoc. Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

<sup>8</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>9</sup> FLA. CONST. art. I, s. 24(c).

<sup>10</sup> *Id.*

<sup>11</sup> *Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id.* at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a public records statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id.* at 196.

<sup>12</sup> If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.<sup>13</sup>

### **Open Government Sunset Review Act**

The OGSR prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.<sup>14</sup> The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment. In order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.<sup>15</sup> In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>16</sup> An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;<sup>17</sup>
- Releasing sensitive personal information would be defamatory or would jeopardize an individual’s safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>18</sup> or
- It protects trade or business secrets.<sup>19</sup>

The OGSR also requires specified questions to be considered during the review process.<sup>20</sup> In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>21</sup> If the exemption is reenacted or saved from repeal without substantive changes or if the exemption is narrowed, then

<sup>13</sup> *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

<sup>14</sup> Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

<sup>15</sup> Section 119.15(3), F.S.

<sup>16</sup> Section 119.15(6)(b), F.S.

<sup>17</sup> Section 119.15(6)(b)1., F.S.

<sup>18</sup> Section 119.15(6)(b)2., F.S.

<sup>19</sup> Section 119.15(6)(b)3., F.S.

<sup>20</sup> Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means?  
If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

<sup>21</sup> FLA. CONST. art. I, s. 24(c).

a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.<sup>22</sup>

### **Department of the Lottery**

Section 15 of Article X of the State Constitution allows lotteries to be operated by the state. Section 24.102(2), F.S., provides:

- The net proceeds of lottery games shall be used to support improvements in public education;
- Lottery operations shall be undertaken as an entrepreneurial business enterprise; and
- The department shall be accountable through audits, financial disclosure, open meetings, and public records laws.

The department operates the Florida Lottery to maximize revenues “consonant with the dignity of the state and the welfare of its citizens”<sup>23</sup> for the benefit of public education.<sup>24</sup>

Section 24.105(12), F.S., provides that the department may determine by rule information relating to the operation of the lottery which is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, if necessary to the security and integrity of the lottery. Such information includes trade secrets; security measures and reports; bid and contractual information that, if disclosed, would impair the department to contract for goods or services on favorable terms, and personnel information unrelated to compensation, duties, qualifications, or responsibilities. Confidential information may be released to other governmental entities as needed in connection with the performance of their duties, but the recipient must retain the confidentiality of the information provided.

Penalties for the improper disclosure of information lottery information that is designated as confidential and exempt are addressed in s. 24.118(4), F.S. A person who, with intent to defraud or to provide a financial or other advantage to himself, herself, or another, knowingly and willfully discloses such confidential and exempt information, commits a felony of the first degree.<sup>25</sup>

### **III. Effect of Proposed Changes:**

This bill amends s. 24.105(12), F.S., to create s. 24.1051(1), F.S., relating to exemptions from inspection or copying of public records, relating to the following information held by the department:

- Information that, if released, could harm the security or integrity of the department, including information:
  - Relating to the security of the department’s technologies and practices to protect networks, software, and data systems from attack, damage, or unauthorized access;

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<sup>22</sup> Section 119.15(7), F.S.

<sup>23</sup> See s. 24.104, F.S.

<sup>24</sup> See s. 24.121(2), F.S.

<sup>25</sup> Section 775.082, F.S., provides a felony of the first degree is punishable by a term of imprisonment not to exceed thirty years. Section 775.083, F.S., provides a felony of the first degree is punishable by a fine not to exceed \$10,000.

- Relating to security information and measures of the department, whether physical or virtual;
- About lottery games, promotions, and tickets, such as description, design, production, printing, packaging, shipping, delivery, storage, and validation processes; and
- Concerning terminals and devices that issue tickets;
- Information required to be maintained as confidential in order for the department to participate in multistate lottery associations or games;
- Personal identifying information obtained by the department when processing background investigations of current or potential retailers or vendors; and
- Financial information about a vendor or lottery ticket retailer which is not publicly available and is provided for review of the entity's financial responsibility,<sup>26</sup> provided that the entity marks such information as confidential. However, financial information related to any contract, agreement, or addendum with the department, including the amount of money paid, any payment structure or plan, expenditures, incentives, bonuses, fees, and penalties, are public record.

The bill provides the exemption is remedial in nature, and states the legislative purpose and intent for the exemption to apply to information held by the department before, on, or after the effective date of the act.

Information that is made confidential and exempt under the bill may be released by the department to other governmental entities as needed for the performance of their duties, but recipients must maintain the confidential and exempt status of the information provided.

The bill states the legislative intent for creating the public records exemptions in the bill and overriding the strong public policy of open government, so that effective, efficient administration of the lottery may be maintained, and the department may participate in multistate games to generate revenue for public education, based upon the following compelling purposes:

- Ensuring the security and integrity of lottery operations to safeguard against players gaining an unfair advantage over other players and to enable the department to operate consistent with the dignity of the state lottery;
- Preventing the public disclosure of security information that would jeopardize the integrity and efficiency of the lottery and impair administration of the lottery;
- Allowing compliance with contracts requiring information to be held confidential as part of the operation and promotion of a multistate lottery with other states;
- Protecting personal identifying information of current or potential retailers and vendors for processing background investigations, as the release of sensitive personal information could cause great financial harm, cause unwarranted damage to reputations, and increase the risk of identity theft; and
- Preventing the disclosure of financial information of a vendor or retailer that is not publicly available and is provided to the department for review of financial responsibility of the entity, as the release of such information could harm the business operations of those the department seeks to contract with, cause them injury in the marketplace, and decrease the likelihood that they will contract with the department.

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<sup>26</sup> See s. 24.111, F.S., relating to vendors that contract with the department, and s. 24.112, F.S., relating to lottery ticket retailers.

Section 24.1051(1)(d), F.S., provides for the repeal of the exemptions pursuant to the OGSR on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

The bill transfers s. 24.118(4), F.S., relating to the penalties for the improper disclosure of lottery information that is designated as confidential and exempt, to s. 24.1051(4), F.S.

The bill includes technical drafting changes, conforming changes, elimination of obsolete language, and a directive to the Division of Law Revision.

The bill takes effect upon becoming a law.

#### **IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded exemption for public records and public meetings. If an exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are not required. The bill creates a public records exemption, therefore it requires a two-thirds vote for final passage.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

#### **V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 24.105 and 24.118.

This bill creates section 24.1051 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

**COMMITTEE:** Innovation, Industry, and Technology  
**ITEM:** SPB 7100  
**FINAL ACTION:** Submitted and Reported Favorably as Committee Bill  
**MEETING DATE:** Wednesday, April 10, 2019  
**TIME:** 1:30—3:30 p.m.  
**PLACE:** 110 Senate Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting



**FOR CONSIDERATION By** the Committee on Innovation, Industry, and Technology

580-03437-19

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A bill to be entitled

An act relating to public records; transferring, renumbering, and amending ss. 24.105(12) and 24.118(4), F.S.; exempting from public records requirements certain security information held by the Department of the Lottery, information about lottery games, personal identifying information of retailers and vendors for purposes of background checks, and certain financial information held by the department; providing for retroactive application; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing applicability; providing a directive to the Division of Law Revision; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraphs (a), (b), and (c) of subsection (12) of section 24.105, Florida Statutes, are transferred, renumbered as subsections (1), (2), and (3), respectively, of section 24.1051, Florida Statutes, and amended, and subsection (4) of section 24.118, Florida Statutes, is transferred, renumbered as subsection (4) of section 24.1051, Florida Statutes, and amended, to read:

24.1051 Exemptions from inspection or copying of public records.—

(1) (a) ~~(12) (a)~~ The following information held by the department ~~Determine by rule information relating to the operation of the lottery which~~ is confidential and exempt from

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the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution:-

1. ~~Such~~ Information that, if released, could harm the security or integrity of the department, including:

a. Information relating to the ~~includes trade secrets,~~ security of the department's technologies, processes, and practices designed to protect networks, computers, data processing software, data, and data measures, systems from attack, damage, or unauthorized access. procedures;

b. ~~Security reports;~~ information or information that would reveal security measures of the department, whether physical or virtual.

c. Information about lottery games, promotions, tickets, and ticket stock, including information concerning the description, design, production, printing, packaging, shipping, delivery, storage, and validation.

d. Information concerning terminals, machines, and devices that issue tickets.

2. Information that must be maintained as confidential in order for the department to participate in a multistate lottery association or game.

3. Personal identifying information obtained by the department when processing background investigations of current or potential retailers or vendors.

4. ~~Financial bids or other contractual data, the disclosure of which would impair the efforts of the department to contract for goods or services on favorable terms; employee personnel information unrelated to compensation, duties, qualifications, or responsibilities; and information about an entity which is~~

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not publicly available and is provided to the department in connection with its review of the financial responsibility of the entity ~~obtained by the Division of Security pursuant to s. 24.111 or s. 24.112,~~ provided that the entity marks such information as confidential. However, financial information related to any contract or agreement, or an addendum thereto, with the department, including the amount of money paid, any payment structure or plan, expenditures, incentives, bonuses, fees, and penalties, shall be public record.

(b) This exemption is remedial in nature, and it is the intent of the Legislature that this exemption apply to information held by the department before, on, or after the effective date of this act.

(c) Information made confidential and exempt under this subsection ~~its investigations which is otherwise confidential. To be deemed confidential, the information must be necessary to the security and integrity of the lottery. Confidential information~~ may be released to other governmental entities as needed in connection with the performance of their duties. The receiving governmental entity shall maintain the confidential and exempt status ~~retain the confidentiality~~ of such information as ~~provided for in this subsection.~~

(d) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

~~(2)(b) Maintain the confidentiality of~~ The street address and the telephone number of a winner are, ~~in that such information is~~ confidential and exempt from the provisions of s.

580-03437-19

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119.07(1) and s. 24(a), Art. I of the State Constitution, unless the winner consents to the release of such information or as provided for in s. 24.115(4) or s. 409.2577.

~~(3)(e)~~ Any information made confidential and exempt ~~from the provisions of s. 119.07(1)~~ under this section subsection shall be disclosed to the Auditor General, to the Office of Program Policy Analysis and Government Accountability, or to the independent auditor selected under s. 24.123 upon such person's request therefor. If the President of the Senate or the Speaker of the House of Representatives certifies that information made confidential and exempt under this section subsection is necessary for effecting legislative changes, the requested information shall be disclosed to him or her, and he or she may disclose such information to members of the Legislature and legislative staff as necessary to effect such purpose.

~~(4) BREACH OF CONFIDENTIALITY.~~ Any person who, with intent to defraud or with intent to provide a financial or other advantage to himself, herself, or another, knowingly and willfully discloses any information relating to the lottery designated as confidential and exempt ~~from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution~~ pursuant to this act is guilty of a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. (1) The Legislature finds that it is a public necessity that the following information be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution:

(a) Information relating to the security of the Department of the Lottery. Ensuring the security and integrity of lottery

580-03437-19

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117 operations safeguards against players gaining an unfair  
118 advantage over other players and enables the department to  
119 operate in a manner consistent with the dignity of the state  
120 lottery. If such security information were made available to the  
121 public, the integrity and efficiency of the lottery would be  
122 jeopardized and the effective and efficient administration of  
123 the lottery would be significantly impaired. For these reasons,  
124 the Legislature finds that it is a public necessity to maintain  
125 the confidential and exempt status of such information.  
126 Maintaining the effective and efficient administration of the  
127 lottery is a sufficiently compelling purpose to override the  
128 strong public policy of open government and cannot be  
129 accomplished without this exemption.

130 (b) Information required to be held confidential in order  
131 for the department to participate in multistate games and  
132 associations. The department is authorized to enter into  
133 agreements with other states for the operation and promotion of  
134 a multistate lottery; and without the exemption, the department  
135 would be unable to join certain associations and games, thus  
136 causing the state to miss opportunities to generate revenue for  
137 education. As a result, the effective and efficient  
138 administration of the lottery would be significantly impaired if  
139 the confidentiality of these records is not maintained. For  
140 these reasons, the Legislature finds that it is a public  
141 necessity to maintain the confidential and exempt status of such  
142 information. Maintaining the effective and efficient  
143 administration of the lottery is a sufficiently compelling  
144 purpose to override the strong public policy of open government  
145 and cannot be accomplished without this exemption.

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20197100pb

146       (c) Personal identifying information of current or  
147 potential retailers and vendors for purposes of processing  
148 background investigations. The release of such sensitive  
149 personal information could cause great financial harm to an  
150 individual and his or her family, cause unwarranted damage to  
151 the good name and reputation of such individuals, and increase  
152 the risk of identity theft. Without the exemption, current and  
153 potential retailers and vendors may be reluctant to participate  
154 as a department retailer or vendor, and the effective and  
155 efficient administration of the lottery would be significantly  
156 impaired. For these reasons, the Legislature finds that it is a  
157 public necessity to maintain the confidential and exempt status  
158 of such information. Maintaining the effective and efficient  
159 administration of the lottery and protecting sensitive personal  
160 information concerning individuals are sufficiently compelling  
161 purposes to override the strong public policy of open government  
162 and cannot be accomplished without this exemption.

163       (d) Financial information about an entity that is not  
164 publicly available and is provided to the department in  
165 connection with its review of the financial responsibility of  
166 the entity. The release of such information could harm the  
167 business operations of entities the department wishes to  
168 contract with, injure those entities in the marketplace, and  
169 decrease the likelihood that such entities work with the  
170 department. As a result, the effective and efficient  
171 administration of the lottery would be significantly impaired  
172 without maintaining the confidentiality of such financial  
173 information. For these reasons, the Legislature finds that it is  
174 a public necessity to maintain the confidential and exempt

580-03437-19

20197100pb

175 status of such information. Maintaining the effective and  
176 efficient administration of the lottery and protecting such  
177 confidential information concerning entities are sufficiently  
178 compelling purposes to override the strong public policy of open  
179 government and cannot be accomplished without this exemption.

180 (2) The Legislature further finds that these public record  
181 exemptions must be given retroactive application because they  
182 are remedial in nature.

183 Section 3. The Division of Law Revision is directed to  
184 replace the phrase "the effective date of this act" wherever it  
185 occurs in this act with the date the act becomes a law.

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

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

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BILL: SPB 7102

INTRODUCER: Innovation, Industry and Technology Committee

SUBJECT: Hemp

DATE: April 10, 2019

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Oxamendi</u>	<u>Imhof</u>	<u>                    </u>	<b>IT Submitted as Committee Bill</b>
2. <u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
3. <u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

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**I. Summary:**

SPB 7102 authorizes the distribution and retail sale of hemp extract, which may not have a THC<sup>1</sup> concentration that exceeds 0.3 percent on a dry weight basis. Before hemp extract may be distributed or sold, it must be analyzed and certified by an independent testing laboratory to confirm that the THC concentration does not exceed 0.3 percent on a dry-weight basis. The bill also provides package labeling requirements for hemp extract products.

The bill exempts hemp from the definition of the controlled substance “cannabis” in s. 893.02(3), F.S.

The bill takes effect upon becoming law.

**II. Present Situation:**

**Industrial Hemp**

Industrial hemp is a *Cannabis sativa* plant (cannabis) that has been cultivated for approximately 10,000 years as a fiber and grain crop. It is used for fiber, building materials, forages (animal feed) and pain relief as a topical oil.<sup>2</sup>

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<sup>1</sup> THC, or tetrahydrocannabinol, is the main active ingredient in cannabis and is responsible for most of the psychological effects of cannabis.

<sup>2</sup> See University of Florida, *UF/IFAS Industrial Hemp Pilot Project* at: <https://programs.ifas.ufl.edu/hemp/> (last visited Mar. 29, 2019).



## **Cannabis**

Cannabis is a Schedule I controlled substance.<sup>3</sup> It is a felony of the third degree<sup>4</sup> to sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, cannabis in Florida.<sup>5</sup>

As a controlled substance in ch. 893, F.S., “cannabis” is defined to mean:

all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include “marijuana,” as defined in s. 381.986, if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986[, F.S., the Compassionate Medical Cannabis Act of 2014].<sup>6</sup>

## **Medical Marijuana**

On November 4, 2016, Amendment 2 was adopted and codified at Article X, section 29, Florida Constitution. This section of the constitution became effective on January 3, 2017, and created several exemptions from criminal and civil liability for:

- Qualifying patients medically using marijuana in compliance with the amendment;
- Physicians, solely for issuing physician certifications with reasonable care and in compliance with the amendment; and
- Medical marijuana treatment centers (MMTCs), their agents, and employees for actions or conduct under the amendment and in compliance with rules promulgated by the Florida Department of Health.

Subsequently, the Legislature passed SB 8-A in Special Session A of 2017.<sup>7</sup> The bill revised the Compassionate Medical Cannabis Act of 2014<sup>8</sup> in s. 381.986, F.S., to implement Article X, section 29 of the Florida Constitution.

The term medical marijuana includes two distinct forms of the plant genus *Cannabis*:

- Marijuana without any limitation or restriction on the percentage of THC; and
- “Low-THC cannabis” in which the percentage of THC is limited to 0.8 percent or less and has more than 10 percent of cannabidiol weight for weight.<sup>9</sup>

Cannabidiol (CBD) is a chemical compound, known as a cannabinoid, found in cannabis. CBD does not have the same psychoactivity as THC, i.e., it is not associated with a “high” or other

---

<sup>3</sup> Section 893.03(1)(c)7., F.S.

<sup>4</sup> Section 775.082, F.S., provides that a felony of the third degree is punishable by a term of imprisonment not to exceed five years. Section 775.083, F.S., provides that a felony of the third degree is punishable by a fine not to exceed \$5,000.

<sup>5</sup> Section 893.13(1)(a)2., F.S.

<sup>6</sup> Section 893.02(3), F.S.

<sup>7</sup> Chapter 2017-232, Laws of Fla.

<sup>8</sup> Chapter 2014-157, Laws of Fla.

<sup>9</sup> See ss. 381.986(1)(e) and (f), F.S.

mind-altering affects. Proponents of CBD use note the substance's beneficial calming and anti-anxiety effects.<sup>10</sup>

The Coalition for Medical Marijuana Research and Education located at the H. Lee Moffitt Cancer Center and Research Institute, Inc., is authorized by law to conduct medical marijuana research and education.<sup>11</sup>

An MMTC and a qualified patient or caregiver are specifically exempt from the criminal prohibition against the possession of cannabis.<sup>12</sup>

### **2014 Federal Farm Bill and State Industrial Hemp Pilot Programs**

The Agricultural Improvement Act of 2014 (2014 Farm Bill) defined industrial hemp and allowed state departments of agriculture or universities to grow and produce industrial hemp as part of research or pilot programs. Specifically, the law allowed universities and state departments of agriculture to grow or cultivate industrial hemp if:

- The industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and
- The growing or cultivating of industrial hemp is allowed under the laws of the state in which such institution of higher education or state department of agriculture is located and such research occurs.<sup>13</sup>

The 2014 Farm Bill defines “industrial hemp” to mean:

the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.<sup>14</sup>

Section 1004.4473, F.S., authorizes the Department of Agriculture and Consumer Services (department) to oversee the development of industrial hemp pilot projects for the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida, Florida Agricultural and Mechanical University, and any land grant university in the state that has a college of agriculture.<sup>15</sup> The purpose of the pilot projects is to cultivate, process, test, research, create, and market safe and effective commercial applications for industrial hemp in the agricultural sector in this state. The department has adopted a rule addressing safety, compliance, and accountability and other concerns.<sup>16</sup>

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<sup>10</sup> See Michael J Breus, *Despite What You May Think... CBD Is Not Weed* (Sept. 20, 2018), Psychology Today, available at: <https://www.psychologytoday.com/us/blog/sleep-newzzz/201809/despite-what-you-may-think-cbd-is-not-weed> (last visited Mar. 29, 2019).

<sup>11</sup> Section 1004.4351, F.S.

<sup>12</sup> See 381.986(14), F.S.

<sup>13</sup> Agricultural Improvement Act of 2014, Pub. L. No. 113-79, s.7606, 128 Stat. 912 (2014) (codified at 7 U.S.C. s. 5940).

<sup>14</sup> *Id.*

<sup>15</sup> See University of Florida, *About the UF/IFAS Industrial Hemp Project*, at: <https://programs.ifas.ufl.edu/hemp/about-the-project/> (last visited Mar. 29, 2019).

<sup>16</sup> Fla. Admin. Code R. 5B-57.013 (2018).

Section 1004.4473, F.S., does not provide a specific exemption from the criminal prohibition against the possession of cannabis in s. 893.13(1)(a)2., F.S.

### **2018 Federal Farm Bill**

The 2018 Farm Bill legalized industrial hemp as an agricultural product by removing hemp's classification as a controlled substance.<sup>17</sup> The 2018 Farm Bill defines "hemp" to mean:

the plant *Cannabis sativa L.* and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.<sup>18</sup>

The 2018 Farm Bill allows a state department of agriculture or an Indian tribe to submit a plan to the United States Secretary of Agriculture and apply for primary regulatory authority over the production of hemp in their state or tribal territory. A state or tribal plan must include:

- A procedure for tracking land upon which hemp will be produced;
- Testing methods for determining THC concentration levels of hemp;
- Methods for effective disposal of noncompliant products;
- Enforcement procedures;
- Inspection procedures; and
- Certification procedures for the persons authorized to produce hemp producers, test hemp products, inspect hemp producers, and enforce the provisions of the state or tribal plan.<sup>19</sup>

### **Hemp Legislation in Other States**

At least 38 states considered legislation related to industrial hemp in 2018. These bills ranged from clarifying existing laws to establishing new licensing requirements and programs. Alaska, Arizona, Kansas, Missouri, New Jersey, and Oklahoma enacted legislation in 2018 establishing hemp research and industrial hemp pilot programs.<sup>20</sup>

### **CS/SB 1020 (2019 Regular Session)**

CS/SB 1020 (2019 Regular Session) by the Senate Committee on Agriculture and Senator Bradley authorizes the department to administer a state industrial hemp program to regulate the cultivation, distribution, and retail sale of hemp, including hemp extract. CS/SB 1020 requires initial registration and renewal registration for participation in the state hemp program. CS/SB 1020 authorizes the department to adopt rules, in consultation with the Department of Health and the Department of Business and Professional Regulation, to administer the state hemp program.

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<sup>17</sup> Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 12619, 132 Stat. 409 (2018) (codified at 21 U.S.C 802(16)).

<sup>18</sup> Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 10113, 132 Stat. 409 (2018) (codified at 7 U.S.C. s. 1639o).

<sup>19</sup> Agricultural Improvement Act of 2018, Pub. L. No. 115-334, s. 10113, 132 Stat. 409 (2018) (codified at 7 U.S.C. s. 1639p).

<sup>20</sup> See <http://www.ncsl.org/research/agriculture-and-rural-development/state-industrial-hemp-statutes.aspx> (last visited Mar. 29, 2019).

The rules must include sampling and testing measures and nonrefundable fees for administering the program.

### III. Effect of Proposed Changes:

The bill creates s. 581.218, F.S., to authorize the distribution and retail sale of hemp extract.

The bill defines hemp extract to mean a no-THC or low-THC substance or compound that:

- Is derived from or contains any part of the plant *Cannabis sativa L.* which meets the definition of industrial hemp under s. 1004.4473, F.S.;
- Contains a total THC concentration, including immediate precursors, that does not exceed 0.3 percent on a dry-weight basis; and
- Does not contain other controlled substances.

Hemp extract may be distributed and sold, if it is a product of a batch that is:

- Analyzed and certified by an independent testing laboratory confirming the batch as having a THC concentration that does not exceed 0.3 percent on a dry-weight basis; and
- The tested batch does not contain contaminants unsafe for human consumption.

The packaging for the hemp extract must include:

- A scannable barcode linked to the certificate of analysis;
- The batch number;
- The Internet address of a website where batch information may be obtained;
- The expiration date;
- The number of milligrams of no-THC or low-THC hemp extract; and
- A statement that the product contains a total THC concentration, including immediate precursors,<sup>21</sup> which does not exceed 0.3 percent on a dry-weight basis.

The bill amends the definition of the controlled substance “cannabis” in s. 893.02(3), F.S., to exempt hemp, as defined in s. 581.218, F.S., and industrial hemp, as defined in s. 1004.4473, F.S., from the definition.

Chapter 581, F.S., relates to the regulation of the plant industry by the department. The bill does not authorize the department to adopt rules to administer its provisions. However, the bill is linked to CS/SB 1020 which authorizes the department to adopt rules to administer a state hemp program for the cultivation, distribution, and retail sale of hemp, including hemp extract.

The bill takes effect upon becoming law.

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<sup>21</sup> A "precursor" is an inactive, chemical substance that is converted (or transformed) into an active substance, such as an enzyme, vitamin, or hormone. See Medicinenet.com, *Medical Definition of Precursor*, at: <https://www.medicinenet.com/script/main/art.asp?articlekey=14105> (Last visited March 29, 2019).

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill does not provide administrative duties to the department, such as rulemaking, which may incur a cost.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None

**VIII. Statutes Affected:**

This bill amends section 893.02 of the Florida Statutes.

This bill creates section 581.218 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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142576

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
04/11/2019	.	
	.	
	.	
	.	

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The Committee on Innovation, Industry, and Technology  
(Benacquisto) recommended the following:

**Senate Amendment**

Delete lines 112 - 115  
and insert:  
Section 3. This act shall take effect upon becoming a law.

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

7102

Bill Number (if applicable)

142570

Amendment Barcode (if applicable)

Topic HEMP

Name JEFFREY SHARKEY

Job Title CEO CAG

Address 107 E College Ave  
Street

Phone 850 224 1600

DH FL 32301  
City State Zip

Email jeff@sharkeycag.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FLORIDA HEMP INDUSTRIES ASSOCIATION & SUNSHINE HEMP

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-10-19

Meeting Date

7102

Bill Number (if applicable)

Topic INDUSTRIAL HEMP

Amendment Barcode (if applicable)

Name SPENCER HUNTER

Job Title OWNER OF HOUSE OF HEMP

Address 730 WEST GAINES ST.

Street

TALLAHASSEE, FL

City

State

32304

Zip

Phone 850-445-6128

Email HOUSE OF HEMP@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing HOUSE OF HEMP + NORMA

Appearing at request of Chair: ☒ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/11/2019

Meeting Date

7102

Bill Number (if applicable)

Topic HEMP

Amendment Barcode (if applicable)

Name GARY STEIN

Job Title EXEC. DIR.

Address 7035 BEET LARK LOOP

Phone \_\_\_\_\_

Street

City

Wesley Chapel

State

FL

Zip

33545

Email \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing CLARK PAC

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/14

71082

Meeting Date

Bill Number (if applicable)

Topic Hemp

Amendment Barcode (if applicable)

Name Melissa Villar

Job Title NORM Tallahassee

Address PO Box 11254

Phone 850-354-8424

Street TH

City FL

State FL

Zip 32302

Email NORM.Tallahassee@gmail.com

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19  
Meeting Date

7102  
Bill Number (if applicable)

Topic Hemp

Amendment Barcode (if applicable)

Name Sam Magill

Job Title Lobbyist

Address 101 N. Monroe St

Phone 681-6411

Street

City

FL

FL

State

32301

Zip

Email JAMES.MAGILL@BIPC.COM

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing U.S. Hemp Roundtable

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

7102

Bill Number (if applicable)

Topic Hemp Extract

Amendment Barcode (if applicable)

Name Michael Minard

Job Title Attorney

Address 5301 N Habana Ave

Phone 813-995-8227

Street

Tampa

City

FL

State

33614

Zip

Email Michael@MinardLLC.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Cannabis Executive Council

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**COMMITTEE:** Innovation, Industry, and Technology  
**ITEM:** SPB 7102  
**FINAL ACTION:** Submitted and Reported Favorably as Committee Bill  
**MEETING DATE:** Wednesday, April 10, 2019  
**TIME:** 1:30—3:30 p.m.  
**PLACE:** 110 Senate Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

**FOR CONSIDERATION By** the Committee on Innovation, Industry, and Technology

580-03561C-19

20197102pb

A bill to be entitled  
An act relating to hemp; creating s. 581.218, F.S.;  
providing legislative findings; defining terms;  
providing requirements for the distribution and retail  
sale of hemp extract; amending s. 893.02, F.S.;  
revising the term "cannabis" to exclude hemp for  
purposes of ch. 893, F.S.; providing a contingent  
effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 581.218, Florida Statutes, is created to read:

581.218 Hemp extract.—

(1) LEGISLATIVE FINDINGS.—The Legislature finds that:

(a) Hemp is an agricultural commodity.

(b) Hemp-derived cannabinoids, including, but not limited to, cannabidiol, are not controlled substances or adulterants.

(c) Products containing one or more hemp-derived cannabinoids, including, but not limited to, cannabidiol, intended for ingestion are foods and not controlled substances or adulterated products.

(d) The addition of hemp derivatives, including, but not limited to, hemp-derived cannabidiol, to cosmetics, personal care products, and products intended for human or animal consumption is not an adulteration of such products.

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

(a) "Cannabidiol" means the compound by the same name, which is derived from the hemp variety of the plant *Cannabis*

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20197102pb

30 sativa L.

31 (b) "Contaminants unsafe for human consumption" includes,  
32 but is not limited to, any microbe, fungus, yeast, mildew,  
33 herbicide, pesticide, fungicide, residual solvent, metal, or  
34 other contaminant found in any amount that exceeds any of the  
35 Department of Health's accepted limitations as determined by  
36 rules promulgated in accordance with s. 381.986, or other  
37 limitation pursuant to Florida law, whichever is lowest.

38 (c) "Hemp" means the plant *Cannabis sativa L.* and any part  
39 of that plant, including seeds, derivatives, extracts,  
40 cannabinoids, isomers, acids, salts, and salts of isomers  
41 thereof, whether growing or not, which does not exceed the  
42 concentration of THC authorized under subparagraph (d)2. and in  
43 7 U.S.C. s. 5940. The term includes industrial hemp as defined  
44 in s. 1004.4473.

45 (d) "Hemp extract" means a no-THC or low-THC substance or  
46 compound that:

47 1. Is derived from or contains any part of the plant  
48 *Cannabis sativa L.* which meets the definition of industrial hemp  
49 under s. 1004.4473;

50 2. Contains a total delta-9-tetrahydrocannabinol  
51 concentration, including immediate precursors, that does not  
52 exceed 0.3 percent on a dry-weight basis; and

53 3. Does not contain other controlled substances.

54 (e) "Independent testing laboratory" means a laboratory  
55 that:

56 1. Does not have a direct or indirect interest in the  
57 entity whose product is being tested;

58 2. Does not have a direct or indirect interest in a



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20197102pb

59 facility that cultivates, processes, distributes, dispenses, or  
60 sells no-THC or low-THC hemp extract or a substantially similar  
61 substance in another jurisdiction; cultivates, processes,  
62 distributes, dispenses, or sells marijuana as defined in s.  
63 381.986; or cultivates, processes, distributes, dispenses, or  
64 sells industrial hemp; and

65 3. Is accredited by a third-party accrediting body, such as  
66 the American Association for Laboratory Accreditation or Assured  
67 Calibration and Laboratory Accreditation Select Services, as a  
68 competent testing laboratory pursuant to standard ISO/IEC 17025  
69 of the International Organization for Standardization.

70 (3) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—Hemp  
71 extract may be distributed and sold in this state only if the  
72 product:

73 (a) Has a certificate of analysis that is prepared by an  
74 independent testing laboratory which states:

75 1. The hemp extract is the product of a batch tested by the  
76 independent testing laboratory;

77 2. The batch contained a total delta-9-tetrahydrocannabinol  
78 concentration, including immediate precursors, which does not  
79 exceed 0.3 percent on a dry-weight basis pursuant to the testing  
80 of a random sample of the batch; and

81 3. The batch does not contain contaminants unsafe for human  
82 consumption.

83 (b) Is distributed or sold in packaging that includes:

84 1. A scannable barcode or quick response code linked to the  
85 certificate of analysis of the hemp strain extract by an  
86 independent testing laboratory;

87 2. The batch number;

580-03561C-19

20197102pb

88       3. The Internet address of a website where batch  
89 information may be obtained;

90       4. The expiration date;

91       5. The number of milligrams of no-THC or low-THC hemp  
92 extract; and

93       6. A statement that the product contains a total delta-9-  
94 tetrahydrocannabinol concentration, including immediate  
95 precursors, which does not exceed 0.3 percent on a dry-weight  
96 basis.

97       Section 2. Subsection (3) of section 893.02, Florida  
98 Statutes, is amended to read:

99       893.02 Definitions.—The following words and phrases as used  
100 in this chapter shall have the following meanings, unless the  
101 context otherwise requires:

102       (3) "Cannabis" means all parts of any plant of the genus  
103 *Cannabis*, whether growing or not; the seeds thereof; the resin  
104 extracted from any part of the plant; and every compound,  
105 manufacture, salt, derivative, mixture, or preparation of the  
106 plant or its seeds or resin. The term does not include  
107 "marijuana," as defined in s. 381.986, if manufactured,  
108 possessed, sold, purchased, delivered, distributed, or  
109 dispensed, in conformance with s. 381.986. The term does not  
110 include hemp as defined in s. 581.218 or industrial hemp as  
111 defined in s. 1004.4473.

112       Section 3. This act shall take effect on the same date that  
113 SB 1020 or similar legislation takes effect, if such legislation  
114 is adopted in the same legislation session or an extension  
115 thereof and becomes a law.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

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BILL: CS/SB 620

INTRODUCER: Committee on Military and Veterans Affairs and Space and Senator Broxson

SUBJECT: Military Affairs

DATE: April 9, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Caldwell</u>	<u>MS</u>	<u><b>Fav/CS</b></u>
2.	<u>Wiehle</u>	<u>Imhof</u>	<u>IT</u>	<u><b>Favorable</b></u>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 620 provides a number of benefits to servicemembers and their families and additional protections for military land interests and uses. The bill:

- Prohibits a landlord from requiring a servicemember to pay a security deposit or advance rent that exceeds, in the aggregate, the total sum of rent that would be due in a two-month period;
- Provides an additional basis for a servicemember to terminate a rental agreement with a one month written notice when a servicemember becomes eligible to live in and opts to move into privatized military housing;
- Adds two military installations to the list of those that designated local governments are required to coordinate with regarding compatibility of land development;
- Provides that a conservation easement created to prevent encroachment to a military installation survives a sale of property for nonpayment of taxes;
- Authorizes the Department of Economic Opportunity to award grants to support activities including marketing, advocacy, sponsorships, outreach, and military-related community support events;
- Adds to the list of prohibited activities on rural-lands protection easements and agricultural protection agreements the construction of structures or other activities that are incompatible with the mission of a military installation, if the land lies within specified types of areas;
- Requires school districts to accept a permanent change of station order as proof of residency for all public school programs including special academic programs; and
- Specifies the time at which active duty members, spouses, and their dependents are classified as residents for tuition purposes.

## **II. Present Situation:**

### **Rental Housing Agreements**

Florida law allows a residential landlord to require as a term of the lease that a tenant pay a deposit or advance rent. The statute does not cap how much may be collected from a tenant.<sup>1</sup>

An active servicemember may terminate a residential rental agreement by providing the landlord a thirty-day written notice of termination if:

- The servicemember is required, pursuant to a permanent change of station orders, to move 35 miles or more from the location of the rental premises;
- The servicemember is prematurely or involuntarily discharged or released from active duty or state active duty;
- The servicemember is released from active duty or state active duty after having leased the rental premises while on active duty or state active duty status and the rental premises is 35 miles or more from the servicemember's home of record before entering active duty or state active duty;
- After entering into a rental agreement, the servicemember receives military orders requiring a move into government quarters, or the servicemember becomes eligible to live in and opts to move into government quarters;
- The servicemember receives temporary duty orders, temporary change of station orders, or state active duty orders for a period of more than 60 days to an area 35 miles or more from the rental property; or
- The servicemember has leased the property, but prior to taking possession of the rental premises, receives a change of orders to an area 35 miles or more from the rental property.<sup>2</sup>

### **Military Installations**

#### ***Exchange of Information Between Local Governments and Military Installations***

Section 163.3175, F.S., provides the following legislative findings relating to land use around military installations:

- Incompatible development of land close to military installations can adversely affect the ability of such an installation to carry out its mission;
- Such development also threatens the public safety because of the possibility of accidents occurring within the areas surrounding a military installation;
- The economic vitality of a community is affected when military operations and missions must relocate because of incompatible urban encroachment; and
- Therefore, it is desirable for the local governments in the state to cooperate with military installations to encourage compatible land use, help prevent incompatible encroachment, and facilitate the continued presence of major military installations in this state.

The section identifies fourteen major military installations that, due to their mission and activities, have a greater potential for experiencing compatibility and coordination issues than

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<sup>1</sup> Section 83.49, F.S.

<sup>2</sup> Section 83.682(1), F.S.

others.<sup>3</sup> It also identifies proximate local governments and requires those local governments to transmit to the commanding officer of the relevant associated installation or installations the following:

- Information relating to proposed changes to the local government's comprehensive plan or land development regulations which, if approved, would affect the intensity, density, or use of the land adjacent to or in close proximity to the military installation; and
- At the request of the commanding officer, copies of applications for development orders requesting a variance or waiver from height or lighting restrictions or noise attenuation reduction requirements within areas defined in the local government's comprehensive plan as being in a zone of influence of the military installation.<sup>4</sup>

Each affected local government must provide the military installation an opportunity to review and comment on the proposed changes.<sup>5</sup> The commanding officer or his or her designee may provide to the affected local government advisory comments, data, and analyses on the effect the proposed changes may have on the mission of the military installation.<sup>6</sup> In making a determination on the proposed changes, the affected local government must consider and weigh the strategic mission of the base, public safety, and economic vitality associated with the base's operations, while also respecting private property rights and avoiding undue restrictions on those rights.<sup>7</sup> All comments on comprehensive plan amendments must be forwarded to the state land planning agency.<sup>8</sup> To facilitate the exchange of information, a representative of a military installation acting on behalf of all military installations within that jurisdiction serves as a nonvoting member of the county's or affected local government's land planning or zoning board.<sup>9</sup>

### ***Continuation of Easement after Tax Sale or Deed Execution***

Specified types of easements, and the rights of the owners of those easements, survive and are enforceable after lands subject to an easement are sold for nonpayment of taxes to the same extent as though the land had been conveyed by voluntary deed. To preserve the easement, it must be evidenced by written instrument recorded in the office of the clerk of the circuit court in the county where the land is located before the recording of the tax deed or master's deed, or otherwise physically evidenced, as provided.<sup>10</sup>

### ***Military Base Retention Grants Program***

The Legislature established the Florida Defense Infrastructure Grant Program (FDIGP) to support local infrastructure projects considered to positively impact the military value of installations in the state. Fundable infrastructure projects include those related to encroachment,

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<sup>3</sup> Section 163.3175(2)(a)-(n), F.S.

<sup>4</sup> Section 163.3175(4), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> Section 163.3175(5), F.S.

<sup>7</sup> Section 163.3175(6), F.S.

<sup>8</sup> *Id.*

<sup>9</sup> Section 163.3175(7), F.S.

<sup>10</sup> Section 197.572, F.S.

transportation and access, utilities, communications, housing, environment, and security. A grant award may not be used to fund on-base military construction.<sup>11</sup>

The Legislature established the Military Base Protection Program within the Department of Economic Opportunity (DEO)<sup>12</sup> to:

- Secure nonconservation lands to serve as a buffer to protect military installations against encroachment; and
- Support local community efforts to engage in service partnerships with military installations.<sup>13</sup>

The Legislature established the Florida Defense Reinvestment Grant Program (FDRGP) to work with defense-dependent communities in developing and implementing strategies to support the missions of military installations, and develop and implement alternative strategies to transition from a defense-based to a nondefense economy.<sup>14</sup> A local governmental entity may apply to the FDRGP for a grant to support a community-based activity that:

- Protects existing military installations;
- Diversifies the economy of a defense-dependent community; or
- Develops a plan for the reuse of closed or realigned military installations.<sup>15</sup>

The DEO awards grants on a competitive basis from available funds to support activities related to the FDRGP and the FDIGP.<sup>16</sup> The term “activities” means studies, presentations, analyses, plans, and modeling. Additionally, for the FDIGP, a qualifying activity also includes construction, land purchases, and easements. Travel costs and costs incidental to a grant qualify, while staff salaries do not.<sup>17</sup>

### ***Rural-Lands-Protection Easements***

On behalf of the Board of Trustees of the Internal Improvement Trust Fund, the Department of Agriculture and Consumer Services may allocate moneys: to acquire perpetual, less-than-fee interest in land; to enter into agricultural protection agreements; and to enter into resource conservation agreements for the following purposes:

- Promotion and improvement of wildlife habitat;
- Protection and enhancement of water bodies, aquifer recharge areas, wetlands, and watersheds;
- Perpetuation of open space on lands with significant natural areas; or
- Protection agricultural lands threatened by conversion to other uses.<sup>18</sup>

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<sup>11</sup> Chapter 2004-230, Laws of Fla.; s. 288.980(5), F.S.

<sup>12</sup> Chapter 2012-159, Laws of Fla.; s. 288.980(2)(a), F.S., established the Military Base Protection program.

<sup>13</sup> Chapter 2013-222, Laws of Fla., provided the functions of the Military Base Protection Program.

<sup>14</sup> Chapter 2012-159, Laws of Fla.; s. 288.980(4), F.S.

<sup>15</sup> Section 288.980(4)(a)-(c), F.S.

<sup>16</sup> Chapter 2012-159, Laws of Fla.; Section 288.980(3)(a), F.S.

<sup>17</sup> Section 288.980(3)(b), F.S.

<sup>18</sup> Section 570.71(1), F.S.

A rural-lands-protection easement is a perpetual, right or interest in agricultural land appropriate to retain the land in predominantly its current state and to prevent the subdivision and conversion of the land into other uses. The easement prohibits:

- Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and certain linear facilities;
- Subdivision of the property;
- Dumping or placing of trash, waste, or offensive materials; and
- Activities that affect the natural hydrology of the land or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat, except those required for environmental restoration; federal, state, or local government regulatory programs; or best management practices.<sup>19</sup>

An agricultural protection agreement must have a term of thirty years and provide payments to landowners having significant natural areas on their land. Public access and public recreational opportunities may be negotiated at the request of the landowner.<sup>20</sup> For the length of the agreement, the landowner agrees to prohibit:

- Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and certain linear facilities;
- Subdivision of the property;
- Dumping or placing of trash, waste, or offensive materials; and
- Activities that affect the natural hydrology of the land, or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat.<sup>21</sup>

A resource conservation agreement is a contract for services providing annual payments to landowners for services that actively improve habitat and water restoration or conservation on their lands over and above that which is already required by law or that provide recreational opportunities. Property owners are eligible to enter into a resource conservation agreement only after entering into a conservation easement or rural lands protection easement.<sup>22</sup>

## **Students of Military Families**

### ***Transfers of K-12 students***

The Legislature recognizes the challenges faced by military students and requires the Florida Department of Education (department) to assist in the transition of these students in military families by:

- Improving the timely transfer of records;
- Developing systems to ease student transition during the first two weeks of enrollment;
- Promoting practices which foster access to extracurricular programs;

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<sup>19</sup> Section 570.71(3), F.S.

<sup>20</sup> Section 570.71(5), F.S.

<sup>21</sup> Section 570.71(5)(a), F.S.

<sup>22</sup> Section 570.71(4), F.S.

- Establishing procedures to lessen the adverse impact of moves;
- Encouraging or continuing partnerships between the military base and the school system;
- Providing services for transitioning students when applying to and finding funding for postsecondary study; and
- Providing other assistance as identified by the department, school, and military personnel.<sup>23</sup>

The department is further required to facilitate the development and implementation of memoranda of agreement between school districts and military installations which address strategies for assisting students who are the children of active duty military personnel in the transition to Florida schools.<sup>24</sup>

Finally, dependent children of active duty military personnel who otherwise meet the eligibility criteria for special academic programs<sup>25</sup> offered through public schools must be given first preference for admission to these programs even if the program is offered through a public school other than the school to which the student would generally be assigned.<sup>26</sup>

According to the Department of the Navy, in some school districts in Florida, military families miss special program application deadlines because their Permanent Change of Station orders are not considered proof of residency. Consequently, the child has been relegated to a lower performing “D” or “F” school based on exceeded capacity at the actual time of arrival.<sup>27</sup>

### ***Residency Status for Tuition purposes***

Florida law defines “tuition” as “the basic fee charged to a student for instruction provided by a public postsecondary educational institution in the state.”<sup>28</sup> Students who are not classified as “residents for tuition purposes”<sup>29</sup> are required to pay the full cost of instruction at a public postsecondary institution. This additional charge is known as the “out-of-state fee.”<sup>30</sup> Institutions are authorized, and sometimes required to provide exemptions and/or waivers<sup>31</sup> of the out-of-state fee to students who meet specified criteria.

Current law provides eleven categories in which individuals who meet certain criteria are automatically considered residents of Florida for tuition purposes, including the following criteria for servicemembers:

- Active duty members of the U.S. Armed Services residing or stationed in Florida and their spouses and dependent children, and active drilling members of the Florida National Guard; and

<sup>23</sup> Section 1003.05(1), F.S.

<sup>24</sup> Section 1003.05(2), F.S.

<sup>25</sup> Special academic programs include magnet schools, advanced studies programs, advanced placement, dual enrollment, Advanced International Certificate of Education, and International Baccalaureate. *See* s. 1003.05(3), F.S.

<sup>26</sup> Section 1003.05(3), F.S.

<sup>27</sup> Letter from Navy Region Southeast Commander, B. Bolivar, to Governor Rick Scott (Aug. 9, 2018) (on file with the Committee on Military and Veterans Affairs and Space).

<sup>28</sup> Section 1009.01(1), F.S.

<sup>29</sup> Section 1009.21(1)(g), F.S.

<sup>30</sup> Section 1009.01(2), F.S.

<sup>31</sup> Sections 1009.25 and 1009.26, F.S.



- Active duty members of the U.S. Armed Services and their spouses and dependents attending a public college or state university within 50 miles of the military establishment where they are stationed, if the military establishment is within a county contiguous to Florida.<sup>32</sup>

### **III. Effect of Proposed Changes:**

The bill provides benefits to servicemembers and their families and additional protections for military land interests and uses.

#### **Rental Housing**

The bill creates two benefits for servicemembers who are residential tenants.

First, the bill prohibits a residential landlord from requiring a servicemember to pay a security deposit or advance rent that exceeds, in the aggregate, the total sum of rent that would be due in a two-month period under the rental agreement.

Second, the bill identifies a new basis for a servicemember to terminate a residential rental agreement with a one-month written notice when a servicemember becomes eligible to live in and opts to move into privatized military housing.

#### **Military Installations**

##### ***Exchange of Information Between Local Governments and Military Installations***

The bill adds the following military installations as being among those having a greater potential for experiencing compatibility and coordination issues, and the following local governments as among those required to include the military installations in their comprehensive and land development planning:

- Naval Support Activity Orlando, including Bugg Spring and the Naval Ordnance Test Unit, associated with Orange County and the city of Orlando; and
- United States Southern Command, associated with Miami-Dade County and the city of Doral.

##### ***Continuation of Easement after Tax Sale or Deed Execution***

The bill adds to the list of easements that remain valid after a tax sale or the issuance of a tax certificate in foreclosure proceedings an easement to prevent an encroachment of military installations.

##### ***Military Base Retention Grants Program***

The Department of Economic Opportunity may award grants on a competitive basis from the Florida Defense Reinvestment Grant Program and the Florida Defense Infrastructure Grant Program for certain activities. The bill adds to the list of these activities marketing, advocacy, sponsorships, outreach, and military-related community support events.

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<sup>32</sup> Section 1009.21(10), F.S.

***Rural-Lands-Protection Easements and Agriculture Protection Agreements***

The bill adds to the list of activities that are prohibited under a rural-lands-protection easement or an agricultural protection agreement the construction of structures or other activities that are incompatible with the mission of a military installation when the land lies within an area identified as a clear zone or an accident potential zone or within Military Influence Planning Area 1 or 2 as established in the Joint Land Use Study of the installation.

**Students of Military Families*****Transfers of K-12 students***

The bill requires school districts to accept a permanent change of station order as proof of residency of each dependent school child listed in the order for the child's admission to all public school programs including special academic programs.

***Residency Status for Tuition purposes***

Current law classifies active duty members and their families as residents for tuition purposes in certain instances.

The bill specifies that active duty members of the U.S. Armed Services and their spouses and dependent children are classified as residents for tuition purposes if they reside or are stationed in Florida at the time of acceptance to a public college or state university.

Additionally, active duty members of the U.S. Armed Services and their spouses and dependents attending a public college or state university within 50 miles of the military establishment where they are stationed are classified as residents for tuition purposes at the time of acceptance to a public college or state university if the military establishment is within a county contiguous to Florida.

Therefore, a student who qualifies for in-state tuition at a Florida university or college at the time of acceptance into the university or college will continue to qualify even if the servicemember receives orders to move before the dependent enrolls in the university or college.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the State Constitution.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

The bill prohibits a landlord from requiring more than the total sum of rent that would be due in a two-month period only if the tenant is a servicemember. This provision could possibly be challenged as constitutionally suspect under the equal protection clause of the state constitution.<sup>33</sup> A classification that impedes a fundamental right or restricts a suspect class triggers the highest level of judicial scrutiny, followed by intermediate-level scrutiny for certain protected classes. As renting property is not considered a fundamental right, and a non-military member is not part of a suspect or otherwise protected class, a court would apply the lowest level of judicial review, that of rational basis. The rational basis test requires that a statute bear a rational and reasonable relationship to a legitimate state objective, and cannot be arbitrarily or capriciously imposed.<sup>34</sup> Still, a legislature may establish a classification without presumably violating equal protection,<sup>35</sup> and courts have upheld some level of disparate treatment as constitutional.<sup>36</sup> In its review, a court will consider whether similarly situated persons are treated similarly.<sup>37</sup>

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Military members and their families may benefit from the bill in the areas of private property rentals and education.

First, servicemembers will not have to come up with as much cash up front when signing a lease. A servicemember also will not be penalized for breaking a lease if he or she becomes eligible to live in and opts to move into privatized military housing.

Second, active duty members of the Armed Services and their spouses and dependents will receive the benefit of in-state tuition if the active duty member receives a relocation order after accepting admission but before enrolling at a public postsecondary institution.

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<sup>33</sup> Art. 1, s. 2, of the state constitution provides: “All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property. No person shall be deprived of any right because of race, religion, national origin, or physical disability.”

<sup>34</sup> *Estate of McCall v. U.S.*, 134 So.3d 894, 901 (Fla. 2014).

<sup>35</sup> *Progressive American Insurance Co. v. Eduardo J. Garrido D.C. P.A.*, 211 So.3d 1086, 1090-1091 (Fla. 3rd DCA 2017).

<sup>36</sup> *Duncan v. Moore*, 754 So.2d 708, 712 (Fla. 2000).

<sup>37</sup> *Id.* at 712.

**C. Government Sector Impact:**

Orange County, Miami-Dade County, and the city of Doral will have to engage in an information exchange with proximate military installations and address in their comprehensive plans land development compatibility, so the bill may result in an unknown fiscal impact on those local governments.<sup>38</sup>

According to the Department of Agriculture and Consumer Services, the bill's provisions on conservation easements and agricultural protection agreements will likely cause an increase in contracting costs.<sup>39</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:****Easements on Land**

According to the Department of Agriculture and Consumer Services (department):<sup>40</sup>

Rural-Lands-Protection Easement(s) (RLPE) and Agricultural Protection Agreement(s) (APA) make it financially feasible for landowners to keep the land from becoming developed thereby preserving Florida's natural environment and agricultural activities. Easements are attached to the deed and follow the property regardless of ownership. The utilization restrictions are uniform between RLPE and APA, except RLPEs enable a landowner to affect the hydrology of the land, if it is required for environmental restoration. The current requirements already prohibit and/or limit construction, subdivision of property, storage of waste or other offensive materials, and activities that affect hydrology. The department, which remains cognizant of the importance of the relationship amongst the state, the military and the landowner, currently negotiates reasonable use requirements that reconcile the landowner's and the military department's interests for properties situated near military installations. The FDACS has formed a strategic partnership with the Department of Defense, which has allowed the state to receive federal funds to enact easements in areas where encroachment on military installations is possible.

In addition to the restrictions discussed above, the statutory revisions will prohibit RLPE or APA landowners from constructing structures that are incompatible with the mission of the military, if the land lies within a clear zone, an accident potential zone, or a Military Influence Planning Area 1 or 2. The bill does not define "incompatible with the mission of a military installation," meaning that numerous interpretations are possible;

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<sup>38</sup> Although the city of Orlando is referenced as being associated with the military installation of Naval Support Activity Orlando, the military installation is located in unincorporated Orange County. Therefore, a fiscal impact on the city of Orlando is not anticipated.

<sup>39</sup> Department of Agriculture and Consumer Services, *Agency Bill Analysis for SB 620* (Feb. 11, 2019) (on file with the Senate Committee on Military and Veteran Affairs and Space).

<sup>40</sup> *Id.*

therefore, further clarification may be required to limit applicability, to identify who makes such determinations and to provide the details required for accurately interpreting the effects of the legislation. The effect that these unknowns will have on easements is discussed below.

The proposed provision will create ambiguity related to each party's rights, unless each individual agreement explicitly specifies what activities are incompatible with the mission of the military beyond a statutory prescription. A statutory prohibition may prohibit the department from exercising reasonable judgment when easement agreements involve military considerations if the definition of "incompatible with the mission of a military installation" is disputed. Historically, the department has utilized this reasonable judgment to create universally beneficial outcomes; therefore, limiting the department's ability to serve as an intermediary may lead to fewer landowners entering into easement agreements, more developed lands and more encroachment challenges for the military.

### **Residency for Tuition Purposes**

Section 8 of the bill specifies that the time at which active duty members or their spouses or dependents are classified as residents for tuition purposes is at the time of acceptance of an admissions offer to a public postsecondary institution. Current law does not specify a time, so this provision may have the unintended consequence of narrowing a servicemember's access to in-state tuition.

## **VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 83.49, 83.682, 163.3175, 197.572, 288.980, 570.71, 1003.05, and 1009.21.

## **IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

### **CS by Military and Veterans Affairs and Space on April 3, 2019:**

- Revises from a 60-day to a 2-month period, excluding prorated rent, the cap on the sum of rent that would be due during that time for payment of an advance security deposit or rent required from a servicemember;
- Revises from a 30 day to a 1 month period the minimum period of notice a qualifying servicemember must provide to a landlord through receipt of a written termination of a rental agreement;
- Revises from 60 days to 2 months the minimum period of time a military relocation order must specify that a servicemember has been relocated to an area at least 35 miles from the rental property for the servicemember to terminate the rental agreement.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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The Florida Senate

## Committee Agenda Request

**To:** Senator Wilton Simpson, Chair  
Committee on Innovation, Industry, and Technology

**Subject:** Committee Agenda Request

**Date:** April 3, 2019

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I respectfully request that **Senate Bill 620**, relating to Military Affairs, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in dark ink, appearing to read "Doug Broxson", written over a horizontal line.

Senator Doug Broxson  
Florida Senate, District 1

<b>COMMITTEE:</b>	Innovation, Industry, and Technology
<b>ITEM:</b>	CS/SB 620
<b>FINAL ACTION:</b>	Favorable
<b>MEETING DATE:</b>	Wednesday, April 10, 2019
<b>TIME:</b>	1:30—3:30 p.m.
<b>PLACE:</b>	110 Senate Building

FINAL VOTE								
Yea	Nay	SENATORS	Yea	Nay	Yea	Nay	Yea	Nay
X		Bracy						
X		Bradley						
X		Brandes						
X		Braynon						
X		Farmer						
X		Gibson						
X		Hutson						
X		Passidomo						
		Benacquisto, VICE CHAIR						
X		Simpson, CHAIR						
9	0	TOTALS						
Yea	Nay		Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting



**By** the Committee on Military and Veterans Affairs and Space; and  
Senator Broxson

583-03836-19

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A bill to be entitled

An act relating to military affairs; amending s. 83.49, F.S.; prohibiting a landlord from requiring a prospective tenant who is a servicemember to deposit or advance more than a certain amount of funds; amending s. 83.682, F.S.; providing an additional circumstance under which a servicemember may terminate a rental agreement; amending s. 163.3175, F.S.; revising applicability with respect to certain military installations; amending s. 197.572, F.S.; providing that the title to certain lands remains subject to an easement to prevent encroachment of military installations after a tax sale or the issuance of a tax certificate in foreclosure proceedings; amending s. 288.980, F.S.; revising the definition of the term "activities"; amending s. 570.71, F.S.; prohibiting certain construction or activities that are incompatible with the mission of a military installation on certain land under a rural-lands-protection easement; amending s. 1003.05, F.S.; requiring public schools to accept a permanent change of station order as proof of residency for certain programs; amending s. 1009.21, F.S.; revising when active duty members of the Armed Services of the United States are classified as residents for tuition purposes; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsection (10) is added to section 83.49, Florida Statutes, to read:

83.49 Deposit money or advance rent; duty of landlord and tenant.—

(10) If the tenant is a servicemember, a landlord may not require payment of a security deposit or advance rent that exceeds, in the aggregate, the total sum of rent that would be due in a 2-month period under the rental agreement, excluding prorated rent.

Section 2. Subsection (1) of section 83.682, Florida Statutes, is amended to read:

83.682 Termination of rental agreement by a servicemember.—

(1) Any servicemember may terminate his or her rental agreement by providing the landlord with a written notice of termination to be effective on the date stated in the notice that is at least 1 month ~~30 days~~ after the landlord's receipt of the notice if any of the following criteria are met:

(a) The servicemember is required, pursuant to a permanent change of station orders, to move 35 miles or more from the location of the rental premises.†

(b) The servicemember is prematurely or involuntarily discharged or released from active duty or state active duty.†

(c) The servicemember is released from active duty or state active duty after having leased the rental premises while on active duty or state active duty status and the rental premises is 35 miles or more from the servicemember's home of record prior to entering active duty or state active duty.†

(d) After entering into a rental agreement, the servicemember receives military orders requiring him or her to

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59 move into government quarters or the servicemember becomes  
60 eligible to live in and opts to move into government quarters or  
61 privatized military housing.†

62 (e) The servicemember receives temporary duty orders,  
63 temporary change of station orders, or state active duty orders  
64 to an area 35 miles or more from the location of the rental  
65 premises, provided such orders are for a period exceeding 2  
66 months. ~~60 days; or~~

67 (f) The servicemember has leased the property, but prior to  
68 taking possession of the rental premises, receives a change of  
69 orders to an area that is 35 miles or more from the location of  
70 the rental premises.

71 Section 3. Present paragraphs (m) and (n) of subsection (2)  
72 of section 163.3175, Florida Statutes, are redesignated as  
73 paragraphs (n) and (o), respectively, and a new paragraph (m)  
74 and paragraph (p) are added to that subsection, to read:

75 163.3175 Legislative findings on compatibility of  
76 development with military installations; exchange of information  
77 between local governments and military installations.—

78 (2) Certain major military installations, due to their  
79 mission and activities, have a greater potential for  
80 experiencing compatibility and coordination issues than others.  
81 Consequently, this section and the provisions in s.

82 163.3177(6)(a), relating to compatibility of land development  
83 with military installations, apply to specific affected local  
84 governments in proximity to and in association with specific  
85 military installations, as follows:

86 (m) Naval Support Activity Orlando, including Bugg Spring  
87 and Naval Ordnance Test Unit, associated with Orange County and

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88 Orlando.

89 (p) United States Southern Command, associated with Miami-  
90 Dade County and Doral.

91 Section 4. Section 197.572, Florida Statutes, is amended to  
92 read:

93 197.572 Easements for conservation purposes, prevention of  
94 encroachment of military installations, public service purposes,  
95 support of certain improvements, or drainage or ingress and  
96 egress survive tax sales and deeds.—When any lands are sold for  
97 the nonpayment of taxes, or any tax certificate is issued  
98 thereon by a governmental unit or agency or pursuant to any tax  
99 lien foreclosure proceeding, the title to the lands shall  
100 continue to be subject to any easement for conservation purposes  
101 as provided in s. 704.06, for the purpose of preventing the  
102 encroachment of military installations as provided in s.  
103 288.980(2), or for telephone, telegraph, pipeline, power  
104 transmission, or other public service purpose; and shall  
105 continue to be subject to any easement that supports  
106 improvements that may be constructed above the lands; and any  
107 easement for the purposes of drainage or of ingress and egress  
108 to and from other land. The easement and the rights of the owner  
109 of it shall survive and be enforceable after the execution,  
110 delivery, and recording of a tax deed, a master's deed, or a  
111 clerk's certificate of title pursuant to foreclosure of a tax  
112 deed, tax certificate, or tax lien, to the same extent as though  
113 the land had been conveyed by voluntary deed. The easement must  
114 be evidenced by written instrument recorded in the office of the  
115 clerk of the circuit court in the county where such land is  
116 located before the recording of such tax deed or master's deed,

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117 or, if not recorded, an easement for a public service purpose  
118 must be evidenced by wires, poles, or other visible occupation,  
119 an easement for drainage must be evidenced by a waterway, water  
120 bed, or other visible occupation, and an easement for the  
121 purpose of ingress and egress must be evidenced by a road or  
122 other visible occupation to be entitled to the benefit of this  
123 section; however, this shall apply only to tax deeds issued  
124 after the effective date of this act.

125 Section 5. Paragraph (b) of subsection (3) of section  
126 288.980, Florida Statutes, is amended to read:

127 288.980 Military base retention; legislative intent; grants  
128 program.—

129 (3)

130 (b) The term "activities" as used in this section means  
131 studies, presentations, analyses, plans, ~~and~~ modeling,  
132 marketing, advocacy, sponsorships, outreach, and military-  
133 related community support events. For the purposes of the  
134 Florida Defense Infrastructure Grant Program, the term  
135 "activities" also includes, but is not limited to, construction,  
136 land purchases, and easements. Staff salaries are not considered  
137 an "activity" for which grant funds may be awarded. Travel costs  
138 and costs incidental thereto incurred by a grant recipient shall  
139 be considered an "activity" for which grant funds may be  
140 awarded.

141 Section 6. Subsection (3) and paragraph (a) of subsection  
142 (5) of section 570.71, Florida Statutes, are amended to read:

143 570.71 Conservation easements and agreements.—

144 (3) Rural-lands-protection easements shall be a perpetual  
145 right or interest in agricultural land which is appropriate to

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146 retain such land in predominantly its current state and to  
147 prevent the subdivision and conversion of such land into other  
148 uses. This right or interest in property shall prohibit only the  
149 following:

150 (a) Construction or placing of buildings, roads, billboards  
151 or other advertising, utilities, or structures, except those  
152 structures and unpaved roads necessary for the agricultural  
153 operations on the land or structures necessary for other  
154 activities allowed under the easement, and except for linear  
155 facilities described in s. 704.06(11).~~+~~

156 (b) Subdivision of the property.~~+~~

157 (c) Dumping or placing of trash, waste, or offensive  
158 materials.~~;~~~~and~~

159 (d) Activities that affect the natural hydrology of the  
160 land or that detrimentally affect water conservation, erosion  
161 control, soil conservation, or fish or wildlife habitat, except  
162 those required for environmental restoration; federal, state, or  
163 local government regulatory programs; or best management  
164 practices.

165 (e) Construction of structures or other activities that are  
166 incompatible with the mission of a military installation, when  
167 the land lies within an area identified as a clear zone or an  
168 accident potential zone or within Military Influence Planning  
169 Area 1 or 2 as established in the Joint Land Use Study of the  
170 installation.

171 (5) Agricultural protection agreements shall be for terms  
172 of 30 years and will provide payments to landowners having  
173 significant natural areas on their land. Public access and  
174 public recreational opportunities may be negotiated at the

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request of the landowner.

(a) For the length of the agreement, the landowner shall agree to prohibit all of the following:

1. Construction or placing of buildings, roads, billboards or other advertising, utilities, or structures, except those structures and unpaved roads necessary for the agricultural operations on the land or structures necessary for other activities allowed under the easement, and except for linear facilities described in s. 704.06(11).~~+~~

2. Subdivision of the property.~~+~~

3. Dumping or placing of trash, waste, or offensive materials.~~+~~ ~~and~~

4. Activities that affect the natural hydrology of the land, or that detrimentally affect water conservation, erosion control, soil conservation, or fish or wildlife habitat.

5. Construction of structures or other activities that are incompatible with the mission of a military installation, when the land lies within an area identified as a clear zone or an accident potential zone or within Military Influence Planning Area 1 or 2 as established in the Joint Land Use Study of the installation.

Section 7. Subsection (4) is added to section 1003.05, Florida Statutes, and subsection (3) of that section is republished, to read:

1003.05 Assistance to transitioning students from military families.—

(3) Dependent children of active duty military personnel who otherwise meet the eligibility criteria for special academic programs offered through public schools shall be given first

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204 preference for admission to such programs even if the program is  
205 being offered through a public school other than the school to  
206 which the student would generally be assigned. If such a program  
207 is offered through a public school other than the school to  
208 which the student would generally be assigned, the parent or  
209 guardian of the student must assume responsibility for  
210 transporting the student to that school. For purposes of this  
211 subsection, special academic programs include magnet schools,  
212 advanced studies programs, advanced placement, dual enrollment,  
213 Advanced International Certificate of Education, and  
214 International Baccalaureate.

215 (4) Public schools must accept a permanent change of  
216 station order that relocates a military family to a local  
217 military installation as proof of residency for all public  
218 school authorized programs including, but not limited to, the  
219 programs listed in subsection (3).

220 Section 8. Paragraphs (a) and (b) of subsection (10) of  
221 section 1009.21, Florida Statutes, are amended to read:

222 1009.21 Determination of resident status for tuition  
223 purposes.—Students shall be classified as residents or  
224 nonresidents for the purpose of assessing tuition in  
225 postsecondary educational programs offered by charter technical  
226 career centers or career centers operated by school districts,  
227 in Florida College System institutions, and in state  
228 universities.

229 (10) The following persons shall be classified as residents  
230 for tuition purposes:

231 (a) Active duty members of the Armed Services of the United  
232 States residing or stationed in this state at the time of



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233 acceptance, their spouses, and dependent children, and active  
234 drilling members of the Florida National Guard.

235 (b) Active duty members of the Armed Services of the United  
236 States and their spouses and dependents attending a Florida  
237 College System institution or state university within 50 miles  
238 of the military establishment where they are stationed at the  
239 time of acceptance to a Florida College System institution or  
240 state university, if such military establishment is within a  
241 county contiguous to Florida.

242 Section 9. This act shall take effect July 1, 2019.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

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BILL: CS/CS/SB 1704

INTRODUCER: Innovation, Industry, and Technology Committee, Banking and Insurance Committee,  
and Senator Wright

SUBJECT: Department of Financial Services

DATE: April 10, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Billmeier</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Wiehle</u>	<u>Imhof</u>	<u>IT</u>	<u>Fav/CS</u>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1704 is the agency bill for the Department of Financial Services.

The bill allows the Division of Treasury to maintain warrants paid rather than turning them over to the Division of Auditing and Accounting and extending the retention period from 5 to 10 years.

The bill amends Florida Funeral, Cemetery, and Consumer Services Act to:

- Allow a funeral director in charge to supervise up to two facilities, provided they are within a specified distance from one another;
- Authorize out of state trust companies to service a funeral or cemetery's care and maintenance trust fund;
- Provide criteria for internship programs for a joint funeral director and embalmer license applicant; and
- Allow out of state trust companies to receive funds from a preneed contract without obtaining a preneed license.

The bill amends various licensing statutes administered by the Division of Agent and Agency Services. The bill:

- Allows applicants that have committed certain felonies to obtain a license on a probationary basis once the applicant has served at least half of the disqualifying period if the applicant has not committed any crimes during that time;
- Creates a temporary license for personal lines agents similar to the temporary license existing in other lines;
- Provides that licenses for industrial fire or burglary agents will no longer be issued but allows current license holders to maintain their licenses;
- Eliminates examination requirements for industrial fire insurance and burglary insurance agents as well as crop hail and multiple-peril crop insurance agents; and
- Provides the DFS the discretion to deny an application for an insurance agency license on the grounds that another jurisdiction has taken an adverse action against a professional license held by that person.

The bill provides for a uniform fire alarm permit for installing, replacing, or repairing a fire alarm system.

The bill amends the DFS property insurance mediation program to require the mediator to report a settlement through mediation to all parties within 10 days after the conclusion of the mediation. The report must include the settlement amount.

The bill amends statutes relating to the State Fire Marshal to provide that identification of state-owned and leased buildings will no longer be determined by the U.S. National Grid Coordinate System and to direct the Division of State Fire Marshal to develop employer best practices for firefighter cancer prevention. It also clarifies requirements for installation of fire extinguishers and preengineered systems.

The bill amends the Disposition of Unclaimed Property Act to allow the DFS to automatically disburse certain unclaimed property accounts to verified claimants.

## **II. Present Situation:**

The Department of Financial Services (DFS) is created by s. 20.121, F.S. The agency head for the DFS is the Chief Financial Officer (CFO).<sup>1</sup> The DFS has the following divisions and offices:

- Division of Accounting and Auditing;
- Division of Consumer Services;
- Division of Funeral, Cemetery, and Consumer Services;
- Division of Insurance Agent and Agency Services;
- Division of Investigative and Forensic Services;
- Division of Public Assistance Fraud;
- Division of Rehabilitation and Liquidation;
- Division of Risk Management;
- Division of State Fire Marshal;

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<sup>1</sup> Section 20.121(1), F.S.

- Division of Treasury;
- Division of Unclaimed Property;
- Division of Workers' Compensation;
- Division of Administration; and
- Office of Insurance Consumer Advocate.<sup>2</sup>

The bill deals with various divisions and programs within the DFS. The divisions and programs changed by the bill are briefly discussed as follows.

### **Division of the Treasury**

The CFO, or Treasurer, is the state treasurer.<sup>3</sup> The Division of the Treasury within the DFS has three bureaus:

- Bureau of Funds Management;
- Bureau of Collateral Management; and
- Bureau of Deferred Compensation.<sup>4</sup>

Section 17.56, F.S., requires the Division of Treasury to turn over to the Division of Accounting and Auditing all warrants drawn by the Chief Financial Officer or the Comptroller and paid by the Division of Treasury. The warrants shall be turned over as soon as the Division of Treasury shall have recorded such warrants and charged the same against the accounts upon which such warrants are drawn. The DFS reports that this requirement was created with the divisions were housed in separate agencies.<sup>5</sup>

### **Division of Funeral, Cemetery, and Consumer Services**

#### ***Regulation of Licensees***

The Board of Funeral, Cemetery, and Consumer Services, within the DFS, licenses and regulates cemeteries, funeral directors, embalmers, burial rights brokers, and others in the death care industry. The Board of Funeral, Cemetery, and Consumer Services licenses:

- Embalmer apprentices;
- Embalmer interns;
- Funeral director interns;
- Funeral directors;
- Funeral director and embalmers;
- Direct disposers;
- Monument establishment sales agents; and
- Preneed sales agents.

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<sup>2</sup> Section 20.121(2), F.S.

<sup>3</sup> Section 20.121(1), F.S.

<sup>4</sup> Department of Financial Services, Division of Treasury, *Annual Report 2018* (available at <https://www.myfloridacfo.com/Division/Treasury/Reports/AnnualReports/docs/2018TreasuryAnnualReport.pdf> (last visited Mar. 27, 2019)).

<sup>5</sup> See Department of Financial Services, *SB 1704 Legislative Bill Analysis* (Mar. 27, 2019) (on file with the Senate Committee on Innovation, Industry, and Technology).

Current law generally requires each establishment have a licensed funeral director, embalmer, or direct disposer in charge of that establishment. Section 497.380, F.S., provides that each licensed funeral establishment must have one full-time funeral director in charge. Since October 1, 2010, the full-time funeral director in charge must hold an active, valid embalmer license or combination license as a funeral director and an embalmer under most circumstances. Section 497.476, F.S., allows persons to be licensed as both a funeral director and an embalmer. Persons holding a combination license as a funeral director and an embalmer are subject to regulation both as a funeral director and an embalmer.

The full-time funeral director may not be the full-time funeral director in charge of any other funeral establishment or of any other direct disposal establishment. The funeral director in charge is responsible for ensuring that the facility, its operation, and all persons employed in the facility comply with all applicable federal and state laws and rules.<sup>6</sup> Each establishment must have a funeral director reasonably available to the public during normal business hours.<sup>7</sup>

Section 497.385, F.S., requires each licensed centralized embalming facility to have at least one full-time embalmer in charge. The full-time embalmer in charge may not be the full-time embalmer in charge, full-time funeral director in charge, or full-time direct disposer in charge of any other establishment licensed under ch. 497, F.S.

Section 497.606, F.S., requires each cinerator facility to have one full-time licensed direct disposer or licensed funeral director in charge for that facility. Such person may be in charge of only one facility. The licensed funeral director or licensed direct disposer is responsible for making sure the facility, its operations, and all persons employed in the facility comply with all applicable state and federal laws and rules.<sup>8</sup>

### ***Preneed Contracts***

A “preneed contract” is any arrangement or method, of which the provider of funeral merchandise or services has actual knowledge, whereby any person agrees to furnish funeral merchandise or service in the future.<sup>9</sup> Persons who sell preneed contracts are licensed by the Board of Funeral, Cemetery, and Consumer Services.<sup>10</sup> Section 497.458, F.S., requires any person who receives funds under a preneed contract for funeral services or merchandise or burial services or merchandise to deposit certain percentages of the amounts received with a trust company operating pursuant to ch. 660, F.S., with a national or state bank holding trust powers, or with a federal or state savings and loan association holding trust powers. Trust companies operating under ch. 660, F.S., are domiciled in Florida.

### ***Care and Maintenance Trust Funds***

A cemetery company has a duty to ensure that the grounds, structures, and other improvements of the cemetery are well cared for and maintained in a proper and dignified condition.<sup>11</sup> The

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<sup>6</sup> Section 497.380(7), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> Section 497.606(8), F.S.

<sup>9</sup> Section 497.005(61), F.S.

<sup>10</sup> Section 497.453, F.S.

<sup>11</sup> Section 497.262, F.S.

cemetery company must establish a “care and maintenance” trust fund with a trust company operating under ch. 660, F.S.

### **Division of Agent and Agency Services**

The DFS licenses and regulates insurance agents, insurance agencies, and insurance adjusters. There are over 50 different types of licenses. Typically, obtaining a license involves completing education requirements, submitting to a criminal and professional background check, passing an examination, and paying a license fee. Some licensees must act as apprentices supervised by others when performing duties. This bill makes changes to various agent licensing provisions. Each change is discussed in Section III, Effect of Proposed Changes.

### **DFS Property Insurance Mediation Program**

Section 627.7015, F.S., creates a property insurance mediation program through the DFS. It is available for claims under personal lines and commercial residential policies before commencing the appraisal process, or before commencing litigation.<sup>12</sup> An insurer must notify the policyholder of the right to participate in mediation at the time of the claim.<sup>13</sup> Mediation is nonbinding. However, if a written settlement is reached, the policyholder has 3 business days within which the policyholder may rescind the settlement unless the policyholder has cashed or deposited any check or draft disbursed to the policyholder for the disputed matters as a result of the conference. If a settlement agreement is reached and is not rescinded, it is binding and acts as a release of all specific claims that were presented in that mediation conference.<sup>14</sup>

### **Division of State Fire Marshal**

The CFO serves as the State Fire Marshal.<sup>15</sup> The Division of State Fire Marshal:

- Conducts fire/life safety inspections and construction plans review on all state-owned buildings;
- Regulates the fireworks and the fire sprinkler industries, inspects and licenses boilers;
- Certifies fire suppression industry workers;
- Approves firefighter training curricula;
- Offers fire service training at the Florida State Fire College; and
- Certifies that fire service members meet industry-based standards.<sup>16</sup>

### **Division of Unclaimed Property**

The DFS administers the Florida Disposition of Unclaimed Property Act. Unclaimed property is any funds or other property, tangible or intangible, that has remained unclaimed by the owner for a certain number of years. Unclaimed property may include savings and checking accounts, money orders, travelers’ checks, uncashed payroll or cashiers’ checks, stocks, bonds, other securities, insurance policy payments, refunds, security and utility deposits, and contents of safe

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<sup>12</sup> Section 627.7015(1), F.S.

<sup>13</sup> Section 627.7015(2), F.S.

<sup>14</sup> Section 627.7015(6), F.S.

<sup>15</sup> Section 633.104, F.S.

<sup>16</sup> See <https://www.myfloridacfo.com/division/sfm/> (last visited Mar. 27, 2019).

deposit boxes.<sup>17</sup> The DFS Division of Unclaimed Property is responsible for receiving property, attempting to locate the rightful owners, and returning the property or proceeds to them. There is no statute of limitations and persons may claim their property at any time and at no cost.

### **III. Effect of Proposed Changes:**

#### **Financial Records and Reporting of Audits**

**Section 1** requires the Division of Treasury to maintain all warrants drawn by the CFO for a period of 10 years from the date the warrant was presented for payment. It removes the requirement that the Division of Treasury turn over the warrants to the Division of Accounting and Auditing.

#### **Division of Funeral, Cemetery, and Consumer Services**

##### ***Regulation of Licensees***

**Sections 6, 7, 13, and 14** amend ss. 497.380, 497.385, 497.604, and 497.606, F.S., to allow a funeral director with appropriate licenses to serve as a funeral director in charge for a total of two funeral establishments, centralized embalming facilities, direct disposal establishments, or cinerator facilities as long as the two locations are not more than 75 miles apart measured in a straight line. The bill allows a funeral director to serve as a funeral director in charge if the establishment does not have an embalming room on site.

**Section 7** amends s. 497.385, F.S., to allow an embalmer in charge of a centralized embalming facility to also serve as a funeral director in charge or as a direct disposer in charge if the embalmer has appropriate licenses. The bill makes changes to the combination license for funeral directors and embalmers.

**Section 4** amends s. 497.376, F.S., to require an applicant for a combination license as a funeral director and an embalmer to hold the educational credentials required for licensure as a funeral director, which are:

- An associate in arts degree, associate in science degree, or an associate in applied science degree in mortuary science approved by the licensing authority; or
- An associate degree or higher from a college or university accredited by a regional accrediting agency recognized by the United States Department of Education and be a graduate of a course of study in mortuary science or funeral service arts approved by the licensing authority from a college or university accredited by the American Board of Funeral Service Education.

**Section 5** amends s. 497.377, F.S., relating to internship requirements for combined licensure as a funeral director and embalmer. The bill allows the internship requirement for licensure as funeral director and the internship requirement for licensure as an embalmer to be served concurrently. The bill provides that an applicant for combined licensure as a funeral director and embalmer who has not completed the educational credentials required for that license is eligible for licensure as a combination funeral director and embalmer intern if the applicant:

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<sup>17</sup> Sections 717.104-717.116, F.S.

- Is currently enrolled in and attending a college accredited by the American Board of Funeral Service Education in an accredited course of study in mortuary science;
- Has completed at least 75 percent of the course of study in mortuary science, as certified by the college in which the applicant is currently enrolled; and
- Has taken and received a passing grade in a college credit course in mortuary law or funeral service law and has taken and received a passing grade in a college credit course in ethics.

The bill requires an application for internship for a combination funeral director and embalmer license to include the name and address of the funeral director and the embalmer who will supervise the intern and the name of the licensed funeral establishment where the training will be conducted.

The bill provides that a combination funeral director and embalmer intern may perform only the tasks, functions, and duties relating to funeral directing and embalming which are performed under the direct supervision of a licensed funeral director or an embalmer. “Direct supervision” means supervision by a licensed:

- Funeral director who provides initial direction and periodic inspection of the arrangements and who is physically present or on the premises of the funeral establishment at all times when the tasks, functions, and duties relating to funeral directing are performed; or
- Embalmer who provides initial direction and instruction regarding the preservation of a dead human body in its entirety or in part and who is physically present or on the premises of the funeral establishment or embalming facility at all times when the tasks, functions, and duties relating to embalming are performed.<sup>18</sup>

The bill creates an exception to the direct supervision requirement upon the intern’s graduation from an accredited college with an appropriate degree and the intern’s passage of the laws and rules examination required by the Board of Funeral, Cemetery, and Consumer Services. If the intern meets those conditions and the funeral director in charge of the internship training agency certifies to the Board of Funeral, Cemetery, and Consumer Services that the intern is competent to complete the internship under general supervision, the intern may complete the internship under general supervision. “General supervision” means supervision by a licensed:

- Funeral director who is reasonably available and in a position to provide direction and guidance by being physically present, being on the premises of the funeral establishment, or being in proximity to the funeral establishment and available telephonically or by electronic communication at all times when the tasks, functions, and duties relating to funeral directing are performed; or
- Embalmer who is reasonably available and in a position to provide direction and guidance by being physically present, being on the premises of the funeral establishment or embalming facility, or being in proximity to the funeral establishment or embalming facility and available telephonically or by electronic communication at all times when the tasks, functions, and duties relating to embalming are performed.<sup>19</sup>

The bill provides that a combination funeral director and embalmer intern license expires one year after issuance. The bill allows the Board of Funeral, Cemetery, and Consumer Services to

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<sup>18</sup> Section 497.002(29), F.S.

<sup>19</sup> Section 497.002(39), F.S.



adopt rules that allow a combination funeral director and embalmer intern to renew her or his funeral director and embalmer intern license for an additional one-year period if the combination funeral director and embalmer intern demonstrates her or his failure to complete the internship before expiration of the license due to illness, personal injury, or other substantial hardship beyond her or his reasonable control or demonstrates that she or he has completed the requirements for licensure as a combination funeral director and embalmer but is awaiting the results of a licensure examination.

### ***Preneed Contracts***

**Sections 2, 3, 8, 10, and 12** amend ss. 626.8732, 497.266, 497.452, 497.458, and 497.464, F.S., to eliminate the requirement that trust companies holding care and maintenance trust funds and preneed trust funds must be operating pursuant to ch. 660, F.S., thus allowing licensees to use national trust companies.

**Section 11** amends s. 497.459, F.S., to create a form notice of intent to perform on a preneed contract for funeral or burial merchandise or services. The notice must state that the preneed licensee intends to perform on the contract upon the occurrence of the earliest of any of the following events:

- Fifty years after the date of execution of the preneed contract by the purchaser;
- The beneficiary of the preneed contract attaining the age of 105 years of age or older; or
- The beneficiary's social security number being contained within the United States Social Security Administration Death Master File.

The licensee must mail the notice to the last known mailing address of the purchaser as provided to the preneed licensee. If the purchaser or the beneficiary's legally authorized person fails to respond to the notice within 120 days after delivery of the notice, the funds held in trust must be distributed in accordance with the terms of the preneed contract.

The notice provisions do not affect a purchaser's rights to cancel the preneed contract and receive a refund or a licensee's obligations to refund.

Section 497.453, F.S., requires preneed licensees to file an annual report on the activities of any trust established pursuant to the Florida Funeral, Cemetery, and Consumer Services Act.

**Section 9** amends that section to require preneed licensees which sold 15,000 or more preneed contracts in a year to file additional trust reports. The bill defines "Year 1" as a year in which a preneed licensee sells, or a group of preneed licensees under common control sells in aggregate, 15,000 or more preneed contracts in this state. The bill defines "Year 2" as the year immediately after Year 1. In Year 2, the bill requires the licensee or licensees to prepare a report of Florida preneed operations in Year 1 on a form prescribed by rule. The licensee must cause and pay for such report to be audited by an independent certified public accounting firm concerning the accuracy and fairness of the presentation of the data provided in the report. By December 31 of Year 2, the licensee must provide the report to the Division of Funeral, Cemetery, and Consumer Services along with a written and signed opinion of the certified public accounting firm concerning the accuracy and fairness of the presentation of the data reported in the report. The report must be prepared and submitted using forms and procedures specified by DFS rule. The

bill provides that the DFS may adopt rules specifying the format of the report and the information to be reported.

### **Division of Agent and Agency Services**

Section 626.175, F.S., allows the DFS to issue temporary licenses as certain types of insurance agents. For example, the DFS may issue a temporary license as a general lines agent so a person can wind up the business affairs of another agent.<sup>20</sup> Personal lines agents are limited to transacting business related to property and casualty insurance sold to individuals and families for noncommercial purposes.<sup>21</sup> There is no provision in s. 626.175, F.S., allowing temporary licenses as personal lines agents.

**Section 18** amends that section to allow the DFS to issue a temporary license as personal lines agent:

- To the executor or administrator of the estate of a deceased individual who was licensed and appointed as a personal lines agent at the time of his or her death;
- To a surviving next of kin of the deceased individual if no administrator or executor has been appointed and qualified; or
- To an individual otherwise qualified to be licensed as an agent, who has completed the educational or training requirements, and who is appointed to represent an insurer of the industrial<sup>22</sup> or ordinary-combination class<sup>23</sup> solely for the purpose of collecting premiums and servicing in-force policies.

The bill removes industrial fire and burglary agents from the temporary license statute because the license types are being eliminated by the bill. **Section 27** Amends that section to make a conforming change to s. 626.729, F.S.

The bill removes the requirement that a temporary life agent has sat for the life agent examination prior to the termination of the temporary appointment. The temporary life agent must be appointed to represent an insurer of the industrial or ordinary-combination class solely for the purpose of collecting premiums and servicing in-force policies.

**Section 19** allows an applicant who has been found guilty of or has pleaded guilty or nolo contendere to a felony not subject to a permanent bar and not subject to a fifteen-year disqualifying period to obtain a license on a probationary basis. The applicant must have served at least half of the disqualifying period and, during that time, the applicant cannot have been

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<sup>20</sup> See s. 626.175, F.S., and <https://www.myfloridacfo.com/Division/Agents/Licensure/General/docs/T02-20.htm> (last visited Mar. 19, 2019).

<sup>21</sup> See ss. 626.015(17), 626.311, F.S.

<sup>22</sup> Section 626.782, F.S., defines an “industrial class insurer” as an insurer writing industrial life insurance and as to such insurance operates under a system of collecting a debit by its agent. Section 627.502, F.S., defines “industrial life insurance” as that form of life insurance written under policies under which premiums are payable monthly or more often, bearing the words “industrial policy” or “weekly premium policy” or words of similar import imprinted upon the policies as part of the descriptive matter, and issued by an insurer which, as to such industrial life insurance, is operating under a system of collecting a debit by its agent.

<sup>23</sup> An “ordinary-combination class insurer” is an insurer writing both ordinary class insurance and industrial class insurance. See s. 626.783, F.S.

found guilty or not pleaded guilty or nolo contendere to a crime. If the DFS issues a probationary license, the probation period ends upon the end of the disqualifying period.

**Section 20** amends s. 626.221, F.S., to provide that an applicant for an all-lines adjuster license who has been licensed as an all-lines adjuster and appointed as an independent adjuster or company employee adjuster is exempt from the examination if an application for licensure is filed within 48 months following the date of cancellation or expiration of the prior appointment.

Section 626.2815, F.S., mandates continuing education for insurance agents and insurance adjusters. **Section 21** amends that section to remove continuing education requirement for license types that have been eliminated in recent years or are being eliminated by this bill.

**Section 22** amends s. 626.321, F.S., to provide that no new or additional licenses to transact industrial fire insurance or burglary insurance<sup>24</sup> will be issued after July 1, 2019. There are approximately 100 of those licenses still active.<sup>25</sup> Current licensees will be allowed to renew their licenses and appointments. The bill eliminates the examination requirement for crop, hail, and multiple peril crop insurance.

An appointment is the authority given by an insurer or employer to a licensee to transact insurance or adjust claims on behalf of an insurer or employer.<sup>26</sup> Section 626.471, F.S., provides that an appointing entity, such as an insurance company, may terminate an appointee's, such as an insurance agent, appointment at any time subject to any contract rights. The appointing entity must give the appointee 60 days' notice prior to termination and provide the notice by mail or by delivery in person. **Section 23** amends that section to allow the appointing entity to give notice via email.

**Section 24** repeals s. 626.521, F.S., which currently requires an appointing insurer to secure a full detailed credit and character report before appointing an agent, adjuster, service representative, customer representative, or managing general agent. The bill allows insurers to require credit or character reports as a condition of appointment but leaves the decision with the insurer. **Sections 16 and 17** amend ss. 626.022 and 626.025, F.S., to make conforming changes.

**Section 25** amends s. 626.536, F.S., to remove unnecessary language. An "insurance agency" is a licensee so referring to both is redundant.

Section 626.6215, F.S., currently authorizes the DFS to refuse to issue a license or suspend or revoke an insurance agency license under certain circumstances. **Section 26** amends that section to provide for discretionary refusal, suspension, or revocation when a licensee has had a denial,

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<sup>24</sup> Section 626.729, F.S., provides "industrial fire insurance" is insurance against loss by fire of either buildings and other structures or contents, which may include extended coverage; windstorm insurance; basic limits owners, landlords, or tenants liability insurance with single limits of \$25,000; comprehensive personal liability insurance with a single limit of \$25,000; or burglary insurance, under which the premiums are collected quarterly or more often and the face amount of the insurance provided by the policy on one risk is not more than \$50,000, including the contents of such buildings and other structures, and the insurer issuing such policy is operating under a system of collecting a debit by its agents.

<sup>25</sup> See Department of Financial Services, *SB 1704 Legislative Bill Analysis* (Mar. 15, 2019) (on file with the Senate Committee on Banking and Insurance).

<sup>26</sup> Section 626.015(4), F.S.

suspension, or revocation of, or any other adverse administrative action against, a license to practice or conduct any regulated profession, business, or vocation by this state, any other state, any nation, any possession or district of the United States, any court, or any lawful agency thereof. Similar language already exists in s. 626.621, F.S., for insurance agents.

**Section 28** repeals s. 626.7355, F.S., which currently creates temporary license as a customer representative. Customer representatives obtain licensure by meeting education and background check requirements so the temporary license is obsolete.

**Sections 29 and 30** make technical changes to ss. 626.8437 and 626.844, F.S.

Section 626.865, F.S., currently provides qualifications for licensure as a public adjuster. One of the qualifications is that the applicant has been licensed in this state as an all-lines adjuster, and has been appointed on a continual basis for the previous 6 months as a public adjuster apprentice, as an independent adjuster, or as a company employee adjuster.<sup>27</sup> Section 626.8732, F.S., has a similar requirement for nonresident adjusters except they must have been employed for a year. **Section 31** amends s. 626.8732, F.S., to provide the same 6 month employment requirement for nonresident adjusters as current law has for resident adjusters.

**Section 38** amends s. 648.49, F.S., to require a bail bond agent whose license or appointment has been suspended to file an application for reinstatement with the DFS before the license or appointment can be reinstated. This revision makes the bail bond statute consistent with other DFS licensing statutes.

### **DFS Property Insurance Mediation Program**

**Section 32** amends s. 627.7015, F.S., to require the mediator to provide a written report of the results of the mediation, including any settlement amount, to the insurer, the policyholder, and the policyholder's representative, if the policyholder is represented. This report must be provided at the conclusion of the mediation.

### **Division of State Fire Marshal**

#### ***Fire Alarms***

**Section 15** creates s. 553.7921, F.S., to create a uniform fire alarm permit application that must be filed before installing or replacing a fire alarm, or repairing an existing alarm system if the local enforcement authority requires a plan review before conducting these activities. The bill establishes the form and the required information for completing the form. The uniform fire alarm permit application must be accompanied by specified supporting documentation, must be signed by a designated person, and may be filed electronically or by facsimile.

#### ***Inspections***

Section 633.218, F.S., requires the State Fire Marshal to inspect, or have inspected, each state-owned building on a recurring basis. A state-owned building or state-leased building or space

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<sup>27</sup> Section 626.8732, F.S.

must be identified through use of the United States National Grid Coordinate System.<sup>28</sup>

**Section 34** amends that section to remove this requirement. The DFS reports that it will identify locations using the FL-SOLARIS<sup>29</sup> and information from the Department of Management Services. It will not use outside vendors.<sup>30</sup>

Currently, licensed fire protection system contractors are mandated to conduct inspections of fire protection systems pursuant to the Florida Fire Prevention Code. Section 633.312, F.S., mandates that the inspecting contractor provide the building owner and the local authority having jurisdiction a copy of the inspection report. There are no limitations on inspection report format or uniform submission requirements. Some local jurisdictions have contracted with third-party software vendors and require the submission of inspection reports to their jurisdiction to be done via these systems. **Section 36** amends s. 633.312, F.S., to require submission pursuant to a statewide uniform set of procedures of fire protection system inspection reports completed by fire protection system contractors. The procedures apply to a local authority having jurisdiction or a third-party vendor contracted for the collection of such reports. The bill requires the State Fire Marshal to adopt a rule requiring all third-party vendors or local authorities having jurisdiction to follow a standardized procedure, including:

- A uniform reporting format that must be used by all local authorities having jurisdiction and that is designed to reduce the amount of information a contractor must manually input into the system; and
- A set of uniform submission procedures to be used by local authorities having jurisdiction or by vendors.

The rule must allow a contractor to attach additional documents, including the contractor's detailed inspection report, to the submission. A contractor's inspection report is not required to follow a standardized format, and a vendor or local authority having jurisdiction may not require a contractor to enter the details of the inspection report or of the deficiency repair status into an electronic system.

**Section 33** makes a conforming change in s. 633.216, F.S.

### ***Installation of Fire Extinguishers and Preengineered Systems***

Section 633.306, F.S., provides requirements for the installation of fire extinguishers and preengineered systems. A fire extinguisher is a cylinder that:

- Is portable and can be carried or is on wheels;
- Is manually operated;
- May use a variety of extinguishing agents that are expelled under pressure;
- Is rechargeable or nonrechargeable;
- Is installed, serviced, repaired, recharged, inspected, and hydrotested according to applicable procedures of the manufacturer, standards of the National Fire Protection Association, and the Code of Federal Regulations; and

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<sup>28</sup> Section 633.218(1)(f), F.S. The National Grid may be found here:

<https://www.arcgis.com/home/item.html?id=dc352c5f18854d82b32bce92c0b6656b> (last visited Mar. 21, 2019).

<sup>29</sup> See <https://floridadep.gov/lands/fl-solaris> (last visited Mar. 26, 2019).

<sup>30</sup> Email from the Department of Financial Services staff to committee staff (on file with the Committee on Banking and Insurance).

- Is listed by a nationally recognized testing laboratory.<sup>31</sup>

A preengineered system is a fire suppression system which:

- Uses any of a variety of extinguishing agents;
- Is designed to protect specific hazards;
- Must be installed according to pretested limitations and configurations specified by the manufacturer and applicable National Fire Protection Association (NFPA) standards. Only those chapters within the National Fire Protection Association standards which pertain to servicing, recharging, repairing, installing, hydrotesting, or inspecting any type of preengineered fire extinguishing system may be used;
- Must be installed using components specified by the manufacturer or components that are listed as equal parts by a nationally recognized testing laboratory such as Underwriters Laboratories, Inc., or Factory Mutual Laboratories, Inc.; and
- Must be listed by a nationally recognized testing laboratory.<sup>32</sup>

Section 633.306, F.S., provides the following requirements for installation of fire extinguishers and preengineered systems:

- Fire equipment dealers must be licensed;
- Equipment supplied must be listed by a nationally recognized testing laboratory;
- Equipment must be installed in accordance with the applicable standards of the National Fire Protection Association and the manufacturer's drawings and specifications;
- Each piece of equipment supplied shall be guaranteed for a period of 1 year against defects in material or operation; and
- The fire equipment dealer must furnish the consumer with the manufacturer's descriptive literature, including the specifications and maintenance requirements as approved by the nationally recognized testing laboratory, the operating instructions for all equipment installed, the mechanical drawings and specifications for proper installation and use of equipment, and a diagram of the final installation.

**Section 35** amends s. 633.306, F.S., to require fire extinguisher and preengineered systems equipment to be installed using only components and parts specified by the manufacturer or listed as equal parts by a nationally recognized testing laboratory, such as Underwriters Laboratories, Inc., or Factory Mutual Laboratories, Inc. The use of similar language in s. 633.306, F.S., and 633.102(25), F.S., should clarify that the use of equal parts as designated by recognized testing laboratories is permitted in the installation of fire extinguishers<sup>33</sup> and preengineered systems.<sup>34</sup>

### ***Cancer Prevention Best Practices***

Section 633.520, F.S., requires every firefighter employer to furnish and use safety devices and safeguards, adopt and use methods and processes reasonably adequate to render such an employment and place of employment safe, and do every other thing reasonably necessary to

<sup>31</sup> Section 633.102(8), F.S.

<sup>32</sup> Section 633.102(25), F.S.

<sup>33</sup> Section 633.102(8), F.S., requires that fire extinguishers be installed pursuant to the Code of Federal Regulations. Fire extinguisher installers would be required to comply with requirements in both statutes.

<sup>34</sup> Email from DFS staff to committee staff dated March 26, 2019 (on file with the Committee on Banking and Insurance).

protect the lives, health, and safety of such firefighter employees. **Section 37** amends that section to require the Division of State Fire Marshal to adopt rules to establish employer cancer prevention best practices relating to personal protective equipment, decontamination, fire suppression, and fire stations.

### **Division of Unclaimed Property**

Current law in s. 717.124, F.S., allows an apparent owner to electronically submit a claim for unclaimed property to the DFS. If a claim is submitted electronically for \$1,000 or less, the DFS may use a method of identity verification other than a copy of a valid driver license, other government-issued photographic identification, or a sworn notarized statement.<sup>35</sup> **Section 39** amends that section to change the claim amount from \$1,000 to \$5,000.

The bill contains provisions allowing the DFS to be more active in attempting to return property to owners. The bill provides that the DFS may develop and implement an identification verification and disbursement process for accounts valued at less than \$2,000. After the DFS receives the property and adds the property to the database, the account may be disbursed to an apparent owner after the DFS has verified that the apparent owner is living and has verified the apparent owner's correct, current address. The DFS must include with the payment a notification and an explanation of the dollar amount, source, and property type of each account included in the disbursement. The bill also allows the DFS to develop and implement a verification and disbursement process for accounts which the apparent owner is a government entity. The bill provides rulemaking authority to administer this program.

The bill provides that the DFS may develop a process by which a registered claimant's representative may electronically submit to the DFS electronic images of completed claims and claim-related documents, including limited powers of attorney and purchase agreements that have been personally signed and dated by a claimant or by a seller after the original documents provided by the claimant or by the seller to the claimant's representative are physically received and in the claimant's representative's possession for any respective claim.

Each claim filed by a registered claimant's representative must include a statement by the claimant's representative or buyer accurately attesting that all documents are true copies of the original documents and that all original documents are physically in the possession of the claimant's representative or buyer. All original documents must be kept in original form, by claim number, under the secure control of the claimant's representative or buyer and must be made available for inspection by the DFS.

The bill provides rulemaking authority to administer these programs.

### **Effective Date**

**Section 40** provides an effective date of July 1, 2019.

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<sup>35</sup> Section 717.124(7), F.S.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The establishment of employer cancer prevention best practices may result in increased costs of compliance for the governmental entities that employ firefighters. To the extent that such best practices are effective in reducing cancer, the best practices may reduce financial costs related to cancer treatment.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.



**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 17.56, 497.263, 497.266, 497.376, 497.377, 497.380, 497.385, 497.452, 497.453, 497.458, 497.459, 497.464, 497.604, 497.606, 626.022, 626.025, 626.175, 626.207, 626.221, 626.2815, 626.321, 626.471, 626.536, 626.6215, 626.729, 626.8437, 626.844, 626.8732, 627.7015, 633.216, 633.218, 633.306, 633.312, 633.520, 648.49, and 717.124.

This bill creates section 553.7921 of the Florida Statutes.

This bill repeals the following sections of the Florida Statutes: 626.521 and 626.7355.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Innovation, Industry, and Technology on April 10, 2019:**

The CS:

- Creates a form notice of intent to perform on a preneed contract for funeral or burial merchandise or services; provides for use of the notice, including a list of events which allow it use, and provides that the notice provisions do not affect a purchaser's rights to cancel the preneed contract and receive a refund or a licensee's obligations to refund; and
- Creates a uniform fire alarm permit application, and provides conditions for its use.

**CS by Banking and Insurance on March 25, 2019:**

The CS:

- Allows a funeral director in charge to be in charge of two locations as long as those locations are not more than 75 miles apart;
- Allows a person who is disqualified from licensure due to a felony conviction that is not subject to permanent disqualification from licensure, to obtain a probationary license after serving half of the disqualification period;
- Revises the DFS Property Insurance Mediation Program to require the mediator to provide the policyholder with the results of the mediation at the conclusion of the mediation;
- Removes a provision allowing the DFS to keep \$30 million in the Unclaimed Property Trust Fund and maintains current law; and
- Requires fire extinguisher and preengineered systems equipment to be installed using only components and parts specified by the manufacturer or listed as equal parts by a nationally recognized testing laboratory, such as Underwriters Laboratories, Inc., or Factory Mutual Laboratories, Inc.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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709198

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/11/2019	.	
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The Committee on Innovation, Industry, and Technology (Hutson)  
recommended the following:

**Senate Amendment**

Delete lines 290 - 292  
and insert:  
than a total of 4 funeral establishments, centralized embalming  
facilities, direct disposal establishments, or cinerator  
facilities, as long as the 4 locations are not more than 75

Delete lines 343 - 346  
and insert:



709198

as a funeral director in charge for not more than a total of 4  
funeral establishments, centralized embalming facilities, direct  
disposal establishments, or cinerator facilities, as long as the  
4 locations are not more than 75 miles apart as measured in a

Delete lines 444 - 447

and insert:

as a funeral director in charge for not more than a total of 4  
funeral establishments, centralized embalming facilities, direct  
disposal establishments, or cinerator facilities, as long as the  
4 locations are not more than 75 miles apart as measured in a

Delete lines 462 - 465

and insert:

as a funeral director in charge for not more than a total of 4  
funeral establishments, centralized embalming facilities, direct  
disposal establishments, or cinerator facilities, as long as the  
4 locations are not more than 75 miles apart as measured in a



567748

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/11/2019	.	
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The Committee on Innovation, Industry, and Technology (Brandes) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 466 and 467  
insert:

Section 14. Section 553.7921, Florida Statutes, is created  
to read:

553.7921 Uniform fire alarm permit application.-

(1) A contractor must file the uniform fire alarm permit  
application described in subsection (2) with the local  
enforcement agency before:



567748

(a) Installing or replacing a fire alarm, if the local enforcement agency requires a plan review for the installation or replacement; or

(b) Repairing an existing alarm system that was previously permitted by the local enforcement agency, if the local enforcement agency requires a fire alarm permit for the repair.

(2) The uniform fire alarm permit application must be submitted along with any required drawings, plans, and supporting documentation for any project where a fire alarm permit is required. Such application may be submitted electronically or by facsimile if the application is signed by the owner, contractor, or authorized representative of such person. The uniform fire alarm permit application must contain the following information:

UNIFORM FIRE ALARM PERMIT APPLICATION

Tax Folio No.: .... Application No.: ....

Owner or Representative Name: ....

Property Address: ....

City: .... State: .... Zip: .... Phone: ....

Fee Simple Titleholder's Name (if other than owner): ....

Fee Simple Titleholder's Address (if other than owner):

....

Description of Work: .... New Install .... Replacement .... Addition .... Other ....

Construction Type: .... Proposed Use: ....

Alarm Contractor's Name: ....

Alarm Contractor's Address: ....



567748

City: .... State: .... Zip: .... Phone: ....

Alarm Contractor's License No: ....

Application is hereby made to obtain a permit to do the  
work and installation as indicated. I certify that no work or  
installation has commenced before the filing of this permit  
application. I certify that all of the foregoing information is  
true and accurate.

...(Signature of Owner, Contractor, or Agent)...

Printed Name: ....

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

And the title is amended as follows:

Delete line 47

and insert:

facilities; creating s. 553.7921, F.S.; requiring  
contractors to file a uniform fire alarm permit  
application with local enforcement agencies under  
certain circumstances; requiring that such application  
be submitted with certain other required information;  
providing that the application may be submitted by  
certain means if signed by certain persons; specifying  
information required in the application; amending s.  
626.022, F.S.; conforming a



824524

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/11/2019	.	
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The Committee on Innovation, Industry, and Technology (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 987 and 988  
insert:

Section 37. Section 717.1125, Florida Statutes, is amended  
to read:

717.1125 Property held by fiduciaries under trust  
instruments.—All intangible property and any income or increment  
thereon held in a fiduciary capacity for the benefit of another  
person under a trust instrument is presumed unclaimed unless the





824524

owner has, within 2 years after it has become payable or distributable, increased or decreased the principal, accepted payment of principal or income, communicated concerning the property, or otherwise indicated an interest as evidenced by a memorandum or other record on file with the fiduciary. This section does not apply to a fiduciary with respect to money held in trust to fund a preneed merchandise or service contract sold by a person licensed under s. 497.452.

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

And the title is amended as follows:

Delete line 128

and insert:

approval by, the department; amending s. 717.1125, F.S.; providing that a certain presumption of unclaimed property does not apply to certain money held in trust to fund preneed merchandise or service contracts; amending s. 717.124,

**"575184" Not Found!!!!**



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Military and Veterans Affairs and Space, *Chair*  
Children, Families, and Elder Affairs  
Commerce and Tourism  
Environment and Natural Resources

### JOINT COMMITTEE:

Joint Administrative Procedures Committee

**SENATOR TOM A. WRIGHT**

14th District

March 25, 2019

The Honorable Wilton Simpson  
420, Senate Office Building  
404 S. Monroe Street  
Tallahassee, FL 32399

Re: Senate Bill 1704 – Department of Financial Services

Dear Chairman Simpson:

Senate Bill 1704, relating to the Department of Financial Services has been referred to the Committee on Innovation, Industry, and Technology. I am requesting your consideration on placing SB 1704 on your next agenda. Should you need any additional information please do not hesitate to contact my office.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Tom A. Wright".

Tom A. Wright, District 14

cc: Booter Imhof, Staff Director of the Committee on Innovation, Industry, and Technology  
Lynn Koon, Administrative Assistant of the Committee on Innovation, Industry, and Technology

### REPLY TO:

- ☐ 4606 Clyde Morris Blvd., Suite 2-J, Port Orange, Florida 32129 (386) 304-7630
- ☐ 312 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5014

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BILL GALVANO**  
President of the Senate

**DAVID SIMMONS**  
President Pro Tempore

Pre need Trust

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

1704

Bill Number (if applicable)

575184

Amendment Barcode (if applicable)

Long Filed

Topic

Pre need Trust Proceeds

Name

HOWARD BECKHAM

Job Title

FUNERAL DIRECTOR & EMBALMER

Address

1500 MAIN ST,

Street

ATLANTIC BEACH, FL. 32233

City

State

Zip

Phone

904-249-1166

Email

HRBECKHAM@GMAIL

.com

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Independent Funeral Directors Assoc.

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

(Last speaker, please)

THE FLORIDA SENATE

## APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

1704

Bill Number (if applicable)

075104

Amendment Barcode (if applicable)

Topic Notice of Intent

Name Wendy Wiener

Job Title Attorney

Address 215 S. Monroe St  
Street

Phone 800 205 3304

Tallahassee, FL 32301  
City State Zip

Email wendy.wiener@nelsonmullins.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Funeral Services, Inc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

4/10/2019

Speaking to Bill

Bill Number (if applicable)

1704

Topic

FDIC Funeral Director in Charge

Amendment Barcode (if applicable)

Name

Georgia McKeown

Job Title

Senior Advisor/Consultant

Address

501 E PARK AVE

Phone

904 303 1611

Street

Tallahassee FL 32301

City

State

Zip

Email georgiamc@teamjb.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

FLORIDA Cemetery Cremation & Funeral Assoc

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-10-19  
Meeting Date

1704  
Bill Number (if applicable)

Topic Dept. of Financial Services

Amendment Barcode (if applicable)

Name Beth V. (Vecchioli) (V)

Job Title Sr. Director Gov't Consulting

Address 215 S. Monroe St., Ste 500  
Street  
Tallahassee FL 32301  
City State Zip

Phone 850-425-3393

Email vecchioli@cartonfields.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Chantal Tuell

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

1704

Bill Number (if applicable)

Topic Dept. of Financial Services

Amendment Barcode (if applicable)

Name Corinne Mixon

Job Title Lobbyist

Address 511 N. Adams St.

Street

Phone (850) 766-5795

Tallahassee FL 32301

City

State

Zip

Email corinne.mixon@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Independent Funeral Directors of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

April 10, 2019

Meeting Date

CS/SB 1704

Bill Number (if applicable)

Topic Banking and Insurance

Amendment Barcode (if applicable)

Name Chief Ray Colburn

Job Title Executive Director

Address 221 Pinewood Dr

Phone 407-468-6622

Street

Tallahassee

FL

32303

City

State

Zip

Email ray@ftca.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Firechiet's Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9-10-19  
Meeting Date

1704  
Bill Number (if applicable)

Topic FDIC

Amendment Barcode (if applicable)

Name Bill Williams

Job Title President

Address 1700 Summit Lake Dr. Ste 100  
Street  
Tallahassee FL 32317  
City State Zip

Phone 850.425.1340  
Email Bill.Williams@fsitrust.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Funeral Services, Inc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

1704

Bill Number (if applicable)

Topic F D I C

Amendment Barcode (if applicable)

Name Wendy Wiener

Job Title Attorney

Address 219 S. Monroe St  
Street

Phone 850 205 3304

Tall FL  
City State

01  
Zip

Email Wendy.Wiener@nelgammullins.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FCCFA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19  
Meeting Date

1704  
Bill Number (if applicable)

Topic DFS

Amendment Barcode (if applicable)

Name Amber Hughes

Job Title Sr. Legislative Advocate

Address PO Box 1757

Phone 701-3621

Tallahassee  
City

State

Zip

Email ahughes@flcities

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida League Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

FDIC - Funeral Director in charge

1704

Bill Number (if applicable)

Speaking For Amendment

209198

Amendment Barcode (if applicable)

Topic

Name

Fiona Nicholson

Job Title

General manager, LFD Cully's meadowood

Address

700 Timber Lane Rd

Phone

850 877-8191

Street

Tallahassee FL

32312

Email

Fiona.Nicholson@dignity  
memorial.com

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Cully's meadowood funeral & crematory

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

FDIC Funeral Director incharge

Support for Bill

1704

Bill Number (if applicable)

709198

Amendment Barcode (if applicable)

Topic

Name Fiona Nicholson

Job Title General Manager, LFD

Address 700 Timberlane Rd

Street

Tallahassee FL 32312

City

State

Zip

Phone 850 877-8191

Email Fiona.Nicholson@dignity

memorial.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Culley's meadowwood Funeral + Cemetery

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic

Name

Job Title

Address

Street

City

State

Zip

Phone

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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S-001 (10/14/14)

# Locations

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10 APRIL 2019  
Meeting Date

1704  
Bill Number (if applicable)

709/98  
Amendment Barcode (if applicable)

Topic DEPT. OF FINANCIAL SERVICES

Name HOWARD BECKHAM

Job Title FUNERAL DIRECTOR & EMBALER

Address 1500 MAIN ST,

Street

ATLANTIC BEACH, FL - 32233

City

State

Zip

Phone 904-249-1166

Email HRBECKHAM@GMAIL.COM

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Independent Funeral Directors Assoc

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/11

Meeting Date

1704

Bill Number (if applicable)

109198

Amendment Barcode (if applicable)

Topic EDIC

Name Wendy Wiener

Job Title Attorney

Address 215 S. Monroe St  
Street

Phone 800 205 3304

Tal

City

FL

State

32301

Zip

Email wendy.wiener@nelsonmullins.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing ECCFA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

7100

Meeting Date

Bill Number (if applicable)

Topic Public Records / Lottery

Amendment Barcode (if applicable)

Name Jahe Felder

Job Title Director of Legislative Affairs

Address 250 Mariotta Dr  
Street

Phone 813 220 0832

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Lottery

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

4/10/2019

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 1704

*Meeting Date*

*Bill Number (if applicable)*

Topic Department of Financial Services

*Amendment Barcode (if applicable)*

Name Jim Tolley

Job Title President

Address 343 West Madison Street

Phone 850-224-7333

*Street*

Tallahassee

FL

32301

Email jimt@fpfp.org

*City*

*State*

*Zip*

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Professional Firefighters

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-10-19  
Meeting Date

1704  
Bill Number (if applicable)  
575184  
Amendment Barcode (if applicable)

Topic Notice of Intent

Name Bill Williams

Job Title PRESIDENT

Address 1700 Summit Lake Ste 100  
Street  
Tallahassee, FL 32317  
City State Zip

Phone 850.519.1197  
Email Bill.Williams@fsitrust.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Funeral Services, Inc.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

**COMMITTEE:** Innovation, Industry, and Technology  
**ITEM:** CS/SB 1704  
**FINAL ACTION:** Favorable with Committee Substitute  
**MEETING DATE:** Wednesday, April 10, 2019  
**TIME:** 1:30—3:30 p.m.  
**PLACE:** 110 Senate Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

**COMMITTEE:** Innovation, Industry, and Technology  
**ITEM:** CS/SB 1704  
**FINAL ACTION:** Favorable with Committee Substitute  
**MEETING DATE:** Wednesday, April 10, 2019  
**TIME:** 1:30—3:30 p.m.  
**PLACE:** 110 Senate Building

[illegible]

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TP=Temporarily Postponed  
VA=Vote After Roll Call  
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WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

**By** the Committees on Innovation, Industry, and Technology; and  
Banking and Insurance; and Senator Wright

580-04151-19

20191704c2

A bill to be entitled

An act relating to the Department of Financial Services; amending s. 17.56, F.S.; requiring the Division of Treasury to maintain, rather than turn over to the Division of Accounting and Auditing, warrants drawn by the Chief Financial Officer; specifying the timeframe during which such warrants must be maintained; making a technical change; amending ss. 497.263 and 497.266, F.S.; deleting a requirement that trust companies, where certain care and maintenance trust funds may be established, must operate pursuant to ch. 660, F.S.; amending s. 497.376, F.S.; specifying required educational credentials for certain applicants for a combination license as both funeral director and embalmer; amending s. 497.377, F.S.; specifying qualifications for certain applicants for a combination funeral director and embalmer intern license; providing application requirements; specifying limitations on and authorized actions of interns; specifying the expiration of intern licenses; authorizing the licensing authority to adopt certain rules; amending s. 497.380, F.S.; revising requirements for the supervision of licensed funeral establishments by funeral directors in charge; revising establishments a funeral director may be in charge of; revising funeral director licensing requirements for certain establishments; amending s. 497.385, F.S.; revising requirements for the supervision of licensed

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centralized embalming facilities; amending s. 497.452, F.S.; deleting a requirement that trust companies must operate pursuant to ch. 660, F.S., to be exempt from a certain preneed licensing requirement; amending s. 497.453, F.S.; specifying annual trust reporting requirements for certain preneed licensees or certain groups of preneed licensees; defining the term "Year 1" and "Year 2"; authorizing the department to adopt certain rules; amending s. 497.458, F.S.; deleting a requirement that trust companies must operate pursuant to ch. 660, F.S., to enter into certain revocable trust instruments; amending s. 497.459, F.S.; authorizing preneed licensees, under certain circumstances, to provide certain persons with a written notice of intent to perform under the preneed contract; specifying where such notice must be sent; providing that funds held in trust must be distributed in accordance with the contract terms if certain persons fail to respond to the notice within a certain timeframe; providing construction; amending s. 497.464, F.S.; deleting a requirement that trust companies must operate pursuant to ch. 660, F.S., to act as trustees for certain preneed contract purchasers; amending s. 497.604, F.S.; revising requirements for the supervision of direct disposal establishments; amending s. 497.606, F.S.; revising requirements for the supervision of cinerator facilities; creating s. 553.7921, F.S.; requiring contractors to file a uniform fire alarm permit



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application with local enforcement agencies under certain circumstances; requiring that such application be submitted with certain other required information; providing that the application may be submitted by certain means if signed by certain persons; specifying information required in the application; amending s. 626.022, F.S.; conforming a cross-reference; amending s. 626.025, F.S.; conforming a provision to changes made by the act; amending s. 626.175, F.S.; authorizing the department to issue nonrenewable temporary licenses authorizing the appointment of personal lines agents; deleting such authorization for industrial fire or burglary agents; revising circumstances under which the department may issue temporary licenses authorizing the appointment of life agents; specifying circumstances under which the department may issue temporary licenses authorizing the appointment of personal lines agents; prohibiting certain licensees from soliciting, negotiating, or effecting contracts of insurance; amending s. 626.207, F.S.; providing an exception from a disqualification period from licensure as an insurance representative for certain persons found guilty or pleading guilty or nolo contendere to certain felonies; authorizing the department to issue licenses on a probationary period for a certain timeframe; specifying when the probationary period ends; amending s. 626.221, F.S.; specifying that a certain exemption from an examination requirement applies to applicants for an

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all-lines adjuster license; amending s. 626.2815,  
F.S.; revising the individuals that are subject to a  
certain continuing education requirement; amending s.  
626.321, F.S.; deleting an examination requirement for  
an applicant for an industrial fire insurance or  
burglary insurance license; providing that, beginning  
on a specified date, the license and appointment may  
be renewed, but no new or additional licenses may be  
issued and the license may not be reinstated; deleting  
an examination requirement for crop hail and multiple  
peril crop insurance licenses; amending s. 626.471,  
F.S.; authorizing an appointing entity to provide a  
termination notice to the appointee by e-mail;  
providing that the e-mail must be addressed to the  
appointee's last e-mail address of record; specifying  
when notice by e-mail is deemed to have been given;  
repealing s. 626.521, F.S., relating to credit and  
character reports; amending s. 626.536, F.S.; deleting  
a requirement for insurance agencies to report certain  
administrative actions to the department; amending s.  
626.6215, F.S.; adding certain grounds for the  
department's discretionary refusal, suspension, or  
revocation of an insurance agency license; amending s.  
626.729, F.S.; revising the definition of the term  
"industrial fire insurance" relating to burglary  
insurance; repealing s. 626.7355, F.S., relating to a  
temporary license as a customer representative pending  
examination; amending ss. 626.8437 and 626.844, F.S.;  
revising certain grounds for the denial of, suspension

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of, revocation of, or refusal to renew licenses or  
appointments of title insurance agents or agencies;  
amending s. 626.8732, F.S.; revising qualifications  
for the issuance of a nonresident public adjuster's  
license; amending s. 627.7015, F.S.; requiring  
mediators in certain property insurance claim  
mediations to provide a certain written report to  
certain parties at the conclusion of the mediation;  
amending s. 633.216, F.S.; conforming a cross-  
reference; amending s. 633.218, F.S.; deleting a  
requirement that state-owned or state-leased buildings  
be identified through use of the United States  
National Grid Coordinate System; amending s. 633.306,  
F.S.; specifying requirements for components and parts  
of installed fire extinguishers and preengineered  
systems; amending s. 633.312, F.S.; specifying means  
by which local authorities having jurisdiction may  
accept inspection reports by contractors inspecting  
fire hydrants and fire protection systems; requiring  
the State Fire Marshal to adopt rules implementing a  
uniform summary inspection report and submission  
procedures; providing requirements for such report and  
procedures; amending s. 633.520, F.S.; authorizing the  
Division of State Fire Marshal to adopt certain rules  
establishing firefighter employer cancer prevention  
best practices; amending s. 648.49, F.S.; specifying  
that reinstatement of a bail bond agent license is  
contingent upon filing an application with, and  
approval by, the department; amending s. 717.124,

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20191704c2

F.S.; increasing the threshold amount of electronically submitted claims under which the department may use alternative identity verification methods; authorizing the department to develop and implement specified identification verification and disbursement processes for certain unclaimed property accounts; authorizing the department to develop processes for certain electronic submissions; specifying requirements for the submission of claims and recordkeeping; authorizing the department to adopt rules; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 17.56, Florida Statutes, is amended to read:

17.56 Division of Treasury to maintain ~~turn over to the Division of Accounting and Auditing~~ all warrants paid.—The Division of Treasury shall maintain ~~turn over to the Division of Accounting and Auditing~~ all warrants drawn by the Chief Financial Officer ~~or the Comptroller~~ and paid by the Division of Treasury for a period of 10 years from the date the warrant was presented for payment. ~~The warrants shall be turned over as soon as the Division of Treasury shall have recorded such warrants and charged the same against the accounts upon which such warrants are drawn.~~

Section 2. Paragraph (a) of subsection (3) of section 497.263, Florida Statutes, is amended to read:

497.263 Cemetery companies; license required; licensure

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20191704c2

requirements and procedures.—

(3) ACTION CONCERNING APPLICATIONS.—If the licensing authority finds that the applicant meets the criteria established in subsection (2), the applicant shall be notified that a license will be issued when all of the following conditions are satisfied:

(a) The establishment of a care and maintenance trust fund containing not less than \$50,000 has been certified by a trust company ~~operating pursuant to chapter 660~~, a state or national bank holding trust powers, or a savings and loan association holding trust powers as provided in s. 497.458, pursuant to a trust agreement approved by the licensing authority. The \$50,000 required for the care and maintenance trust fund shall be over and above the \$50,000 net worth required by subsection (2).

Section 3. Subsection (1) of section 497.266, Florida Statutes, is amended to read:

497.266 Care and maintenance trust fund; remedy of department for noncompliance.—

(1) A ~~No~~ cemetery company may not establish a cemetery, or operate a cemetery if already established, without providing for the future care and maintenance of the cemetery, for which a care and maintenance trust fund shall be established, to be known as "the care and maintenance trust fund of ....." The trust fund shall be established with a trust company ~~operating pursuant to chapter 660~~, with a state or national bank holding trust powers, or with a federal or state savings and loan association holding trust powers. Trust funds which are with a state or national bank or savings and loan association licensed in this state on October 1, 1993, shall remain in force;

580-04151-19

20191704c2

however, when the amount of any such trust fund exceeds the amount that is insured by an agency of the Federal Government, the cemetery company shall transfer that trust fund to a trust company ~~operating pursuant to chapter 660~~, to a state or national bank holding trust powers, or to a federal or state savings and loan association holding trust powers.

Section 4. Section 497.376, Florida Statutes, is amended to read:

497.376 License as funeral director and embalmer permitted.—

(1) This chapter does not prohibit a person from holding a license as an embalmer and a license as a funeral director at the same time. There may be issued and renewed by the licensing authority a combination license as both funeral director and embalmer to persons meeting the separate requirements for both licenses as set forth in this chapter. The licensing authority may adopt rules providing procedures for applying for and renewing such combination license. The licensing authority may by rule establish application, renewal, and other fees for such combination license, which fees may ~~shall~~ not exceed the sum of the maximum fees for the separate funeral director and embalmer license categories as provided in this chapter. A person ~~Persons~~ holding a combination license as a funeral director and an embalmer is ~~shall be~~ subject to regulation under this chapter both as a funeral director and an embalmer.

(2) Except as provided under s. 497.377, an applicant for a combination license as both a funeral director and an embalmer must hold the educational credentials required for licensure as a funeral director as provided under s. 497.373(1)(d).

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233 Section 5. Section 497.377, Florida Statutes, is amended to  
234 read:

235 497.377 Combination license as funeral director and  
236 embalmer; ~~Concurrent~~ internships.—

237 (1) To meet internship requirements for combined licensure  
238 as a funeral director and an embalmer, the internship  
239 requirement for funeral directors and the internship requirement  
240 for embalmers ~~and funeral directors~~ may be served concurrently  
241 pursuant to rules adopted by the licensing authority.

242 (2) (a) An applicant who has not completed the educational  
243 credentials required for a combination license as funeral  
244 director and embalmer is eligible for licensure as a combination  
245 funeral director and embalmer intern if the applicant:

246 1. Is currently enrolled in and attending a college  
247 accredited by the American Board of Funeral Service Education  
248 (ABFSE) in an ABFSE-accredited course of study in mortuary  
249 science;

250 2. Has completed at least 75 percent of the course of study  
251 in mortuary science, as certified by the college in which the  
252 applicant is currently enrolled; and

253 3. Has taken and received a passing grade in a college  
254 credit course in mortuary law or funeral service law and has  
255 taken and received a passing grade in a college credit course in  
256 ethics.

257 (b) An application for internship for a combination funeral  
258 director and embalmer license must include the name and address  
259 of the funeral director licensed under s. 497.373 or s.  
260 497.374(1) and the embalmer licensed under s. 497.368 or s.  
261 497.369 under whose supervision the intern will receive training

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and the name of the licensed funeral establishment where the training will be conducted.

(c) A combination funeral director and embalmer intern may perform only the tasks, functions, and duties relating to funeral directing and embalming which are performed under the direct supervision of a licensed funeral director who has an active, valid license under s. 497.373 or s. 497.374(1) and an embalmer who has an active, valid license under s. 497.368 or s. 497.369. However, a combination funeral director and embalmer intern may perform those tasks, functions, and duties under the general supervision of a licensed funeral director and embalmer upon the intern's graduation from a college accredited by the ABFSE with a degree as specified in s. 497.373(1)(d) and passage of the laws and rules examination required under s. 497.373(2)(b) if, after 6 months of direct supervision, the funeral director in charge of the internship training agency certifies to the licensing agency that the intern is competent to complete the internship under general supervision.

(d)1. A combination funeral director and embalmer intern license expires 1 year after issuance and, except as provided in subparagraph 2., may not be renewed.

2. The licensing authority may adopt rules that allow a combination funeral director and embalmer intern to renew her or his funeral director and embalmer intern license for an additional 1-year period if the combination funeral director and embalmer intern demonstrates her or his failure to complete the internship before expiration of the license due to illness, personal injury, or other substantial hardship beyond her or his reasonable control or demonstrates that she or he has completed



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the requirements for licensure as a combination funeral director  
and embalmer but is awaiting the results of a licensure  
examination.

Section 6. Subsection (7) of section 497.380, Florida  
Statutes, is amended to read:

497.380 Funeral establishment; licensure; display of  
license.—

(7) Each licensed funeral establishment shall have a ~~one~~  
~~full-time~~ funeral director in charge and shall have a licensed  
funeral director reasonably available to the public during  
normal business hours for the establishment. The ~~full-time~~  
funeral director in charge is responsible for ensuring that the  
facility, its operation, and all persons employed in the  
facility comply with all applicable state and federal laws and  
rules. A funeral director in charge, with appropriate active  
licenses, may serve as a funeral director in charge for not more  
than a total of 2 funeral establishments, centralized embalming  
facilities, direct disposal establishments, or cinerator  
facilities, as long as the 2 locations are not more than 75  
miles apart as measured in a straight line ~~The full-time funeral~~  
~~director in charge must have an active license and may not be~~  
~~the full-time funeral director in charge of any other funeral~~  
~~establishment or of any other direct disposal establishment.~~  
~~Effective October 1, 2010,~~ The ~~full-time~~ funeral director in  
charge must hold an active, valid funeral director license and  
an active, valid embalmer license or combination license as a  
funeral director and an embalmer. However, a funeral director  
may serve as a funeral director in charge without an embalmer  
license or combination license if the establishment does not

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320 have an embalming room on site, or may continue as the ~~full-time~~  
321 funeral director in charge without an embalmer or combination  
322 license if, as of September 30, 2010:

323 (a) The funeral establishment and the funeral director both  
324 have active, valid licenses.

325 (b) The funeral director is currently the full-time funeral  
326 director in charge of the funeral establishment.

327 (c) The name of the funeral director was included, as  
328 required in subsection (4), in the funeral establishment's most  
329 recent application for issuance or renewal of its license or was  
330 included in the establishment's report of change provided under  
331 paragraph (12)(c).

332 Section 7. Paragraph (b) of subsection (2) of section  
333 497.385, Florida Statutes, is amended to read:

334 497.385 Removal services; refrigeration facilities;  
335 centralized embalming facilities.—In order to ensure that the  
336 removal, refrigeration, and embalming of all dead human bodies  
337 is conducted in a manner that properly protects the public's  
338 health and safety, the licensing authority shall adopt rules to  
339 provide for the licensure of removal services, refrigeration  
340 facilities, and centralized embalming facilities operated  
341 independently of funeral establishments, direct disposal  
342 establishments, and cinerator facilities.

343 (2) CENTRALIZED EMBALMING FACILITIES.—In order to ensure  
344 that all funeral establishments have access to embalming  
345 facilities that comply with all applicable health and safety  
346 requirements, the licensing authority shall adopt rules to  
347 provide for the licensure and operation of centralized embalming  
348 facilities and shall require, at a minimum, the following:

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(b) Each licensed centralized embalming facility shall have at least one ~~full-time~~ embalmer in charge. The ~~full-time~~ embalmer in charge must have an active, valid embalmer license or a combination license as a funeral director and an embalmer ~~and may not be the full-time embalmer in charge, full-time funeral director in charge, or full-time direct disposer in charge of any other establishment licensed under this chapter.~~ An embalmer in charge, with appropriate active licenses, may also serve as a funeral director in charge under s. 497.380(7) or as a direct disposer in charge under s. 497.604(8). A funeral director in charge, with appropriate active licenses, may serve as a funeral director in charge for not more than a total of 2 funeral establishments, centralized embalming facilities, direct disposal establishments, or cinerator facilities, as long as the 2 locations are not more than 75 miles apart as measured in a straight line.

Section 8. Subsection (2) of section 497.452, Florida Statutes, is amended to read:

497.452 Preneed license required.—

(2) (a) No person may receive any funds for payment on a preneed contract who does not hold a valid preneed license.

(b) ~~The provisions of Paragraph (a) does de~~ not apply to a trust company ~~operating pursuant to chapter 660~~, to a national or state bank holding trust powers, or to a federal or state savings and loan association having trust powers which company, bank, or association receives any money in trust pursuant to the sale of a preneed contract.

Section 9. Subsection (8) of section 497.453, Florida Statutes, is amended to read:

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497.453 Application for preneed license, procedures and criteria; renewal; reports.—

(8) ANNUAL TRUST REPORTS.—

(a) On or before April 1 of each year, the preneed licensee shall file in the form prescribed by rule a full and true statement as to the activities of any trust established by it pursuant to this part for the preceding calendar year.

(b) A preneed licensee that sold, or a group of preneed licensees under common control which sold in aggregate, 15,000 or more preneed contracts in this state in the preceding year shall additionally comply with this paragraph.

1. As used in this paragraph, the term:

a. "Year 1" means a year in which a preneed licensee sells, or a group of preneed licensees under common control sells in aggregate, 15,000 or more preneed contracts in this state.

b. "Year 2" means the year immediately after Year 1.

2. As to each Year 1, the licensee or licensees shall, during Year 2:

a. Prepare, with respect to each such licensee, a report of Florida preneed operations in Year 1 on a form prescribed by department rule;

b. Cause and pay for such report to be audited by an independent certified public accounting firm concerning the accuracy and fairness of the presentation of the data provided in the report; and

c. By December 31 of Year 2, provide the report to the division along with a written and signed opinion of the certified public accounting firm concerning the accuracy and fairness of the presentation of the data provided in the report.

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407       2. The report must be prepared and submitted using forms  
408 and procedures specified by department rule. The department may  
409 adopt rules specifying the format of the report and the  
410 information to be reported.

411       Section 10. Paragraph (c) of subsection (1) of section  
412 497.458, Florida Statutes, is amended to read:

413       497.458 Disposition of proceeds received on contracts.—

414       (1)

415       (c) Such deposits shall be made within 30 days after the  
416 end of the calendar month in which payment is received, under  
417 the terms of a revocable trust instrument entered into with a  
418 trust company ~~operating pursuant to chapter 660~~, with a national  
419 or state bank holding trust powers, or with a federal or state  
420 savings and loan association holding trust powers.

421       Section 11. Section 497.459, Florida Statutes, is amended  
422 to read:

423       497.459 Cancellation of, or default on, preneed contracts;  
424 notice of intent to perform.—

425       (1) CANCELLATION BY CUSTOMER WITHIN 30 DAYS.—A purchaser,  
426 by providing written notice to the preneed licensee, may cancel  
427 a preneed contract within 30 days of the date that the contract  
428 was executed provided that the burial rights, merchandise and  
429 services have not yet been used. Upon providing such notice, the  
430 purchaser shall be entitled to a complete refund of the amount  
431 paid, except for the amount allocable to any burial rights,  
432 merchandise or services that have been used, and shall be  
433 released from all obligations under the contract. This  
434 subsection shall apply to all items that are purchased as part  
435 of a preneed contract, including burial rights, regardless of

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whether such burial rights are purchased as part of a preneed contract or purchased separately.

(2) CANCELLATION BY PURCHASER AFTER 30 DAYS.—

(a) A purchaser, by providing written notice to the preneed licensee, may cancel the services, facilities, and cash advance items portions of a preneed contract at any time, and shall be entitled to a full refund of the purchase price allocable to such items. Any accumulated earnings allocable to such preneed contract shall be paid to the preneed licensee upon such cancellation.

(b) Subject to subparagraphs 1. and 2., a purchaser may cancel the merchandise portion of a preneed contract by providing written notice to the preneed licensee, and shall be entitled to a full refund of the purchase price allocable to the specific item or items of merchandise that the preneed licensee cannot or does not deliver in accordance with this subsection.

1. Such refund shall be provided only if at the time that the preneed licensee is required to fulfill its obligations under the preneed contract the preneed licensee does not or cannot comply with the terms of the contract by actually delivering the merchandise, within a reasonable time, depending upon the nature of the merchandise purchased, after having been requested to do so.

2. In order to fulfill its obligations under the preneed contract, a preneed licensee may elect either or both of the following options:

a. Subcontract with a person located outside the preneed licensee's market area to provide the merchandise; or

b. Provide other items of equal or greater quality.

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465 (3) REQUIRED DISCLOSURE.—Each preneed licensee shall  
466 provide in conspicuous type in its contract that the contract  
467 purchaser may cancel the contract and receive a full refund  
468 within 30 days of the date of execution of the contract. The  
469 failure to make such provision shall not impair the contract  
470 purchaser's right to cancellation and refund as provided in this  
471 section.

472 (4) BREACH OF CONTRACT BY SELLER.—Upon breach of contract  
473 or failure of the preneed licensee to provide funeral  
474 merchandise or services under a preneed contract, the contract  
475 purchaser shall be entitled to a refund of all money paid on the  
476 contract. Such refund shall be made within 30 days after receipt  
477 by the preneed licensee of the contract purchaser's written  
478 request for refund.

479 (5) DEFAULT BY PURCHASER.—If a purchaser is 90 days past  
480 due in making payments on a preneed contract, the contract shall  
481 be considered to be in default, and the preneed licensee shall  
482 be entitled to cancel the contract, withdraw all funds in trust  
483 allocable to merchandise items, and retain such funds as  
484 liquidated damages. Upon making such withdrawal, the preneed  
485 licensee shall return all funds in trust allocable to services,  
486 facilities, or cash advance items to the purchaser, provided  
487 that the preneed licensee has provided the purchaser with 30  
488 days' written notice of its intention to exercise any of its  
489 rights under this provision. The board may by rule specify the  
490 required format and content of the notice required under this  
491 subsection and the manner in which the notice shall be sent.

492 (6) OTHER PROVISIONS.—

493 (a) All preneed contracts are cancelable and revocable as

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provided in this section, provided that a preneed contract does not restrict any contract purchaser who is the beneficiary of the preneed contract and who is a qualified applicant for, or a recipient of, supplemental security income, temporary cash assistance, or Medicaid from making her or his contract irrevocable. A preneed contract that is made irrevocable pursuant to this section may not be canceled during the life or after the death of the contract purchaser or beneficiary as described in this section. Any unexpended moneys paid on an irrevocable contract shall be remitted to the Agency for Health Care Administration for deposit into the Medical Care Trust Fund after final disposition of the beneficiary.

(b) The amounts required to be refunded by this section for contracts previously entered into shall be as follows:

1. For contracts entered into before October 1, 1993, the refund amounts as amended by s. 7, chapter 83-316, Laws of Florida, shall apply.

2. For contracts entered into on or after October 1, 1993, the refund amounts as amended by s. 99, chapter 93-399, Laws of Florida, shall apply.

(c) Persons who purchase merchandise or burial rights pursuant to this chapter shall have the right to sell, alienate, or otherwise transfer the merchandise or burial rights subject to and in accordance with rules adopted by the licensing authority.

(d) All refunds required to be made under this section to a purchaser who has canceled a contract must be made within 30 days after the date written notice of cancellation is received by the preneed licensee.



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523       (7) NOTICE OF INTENT TO PERFORM.—

524       (a) To facilitate the performance of a preneed contract, a  
525 preneed licensee may provide to the purchaser or to the  
526 beneficiary's legally authorized person written notice of the  
527 preneed licensee's intent to perform upon the occurrence of the  
528 earliest of any of the following events:

529           1. Fifty years after the date of execution of the preneed  
530 contract by the purchaser.

531           2. The beneficiary of the preneed contract attains the age  
532 of 105 years of age or older.

533           3. The social security number of the beneficiary of the  
534 preneed contract, as shown on the contract, is contained within  
535 the United States Social Security Administration Death Master  
536 File.

537       (b) The notice in paragraph (a) must be mailed to the last  
538 known mailing address of the purchaser as provided to the  
539 preneed licensee. If the purchaser or the beneficiary's legally  
540 authorized person fails to respond to such notice within 120  
541 days after delivery of the notice, the funds held in trust must  
542 be distributed in accordance with the terms of the preneed  
543 contract.

544       (c) This subsection does not affect a purchaser's rights to  
545 cancel the preneed contract and receive a refund or a licensee's  
546 obligations to refund established by this chapter.

547       Section 12. Subsection (2) of section 497.464, Florida  
548 Statutes, is amended to read:

549       497.464 Alternative preneed contracts.—

550       (2) The contract must require that a trust be established  
551 by the preneed licensee on behalf of, and for the use, benefit,

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and protection of, the purchaser and that the trustee must be a trust company ~~operating pursuant to chapter 660~~, a national or state bank holding trust powers, or a federal or state savings and loan association holding trust powers.

Section 13. Subsection (8) of section 497.604, Florida Statutes, is amended to read:

497.604 Direct disposal establishments, license required; licensing procedures and criteria; license renewal; regulation; display of license.—

(8) SUPERVISION OF FACILITIES.—

(a) ~~Effective October 1, 2010~~, Each direct disposal establishment shall have a one full-time licensed funeral director ~~acting as the direct disposer~~ in charge, subject to s. 497.380(7). However, a licensed direct disposer may continue acting as the direct disposer in charge, if, as of September 30, 2010:

1. The direct disposal establishment and the licensed direct disposer both have active, valid licenses.

2. The licensed direct disposer is currently acting as the direct disposer in charge of the direct disposal establishment.

3. The name of the licensed direct disposer was included, as required in paragraph (2)(c), in the direct disposal establishment's most recent application for issuance or renewal of its license or was included in the establishment's notice of change provided under subsection (7).

(b) The ~~licensed~~ funeral director in charge or ~~licensed~~ direct disposer in charge of a direct disposal establishment must be reasonably available to the public during normal business hours for the establishment ~~and may be in charge of~~

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581 ~~only one direct disposal establishment.~~ The ~~licensed~~ funeral  
582 director in charge or ~~licensed~~ direct disposer in charge of the  
583 establishment is responsible for making sure the facility, its  
584 operations, and all persons employed in the facility comply with  
585 all applicable state and federal laws and rules. A funeral  
586 director in charge, with appropriate active licenses, may serve  
587 as a funeral director in charge for not more than a total of 2  
588 funeral establishments, centralized embalming facilities, direct  
589 disposal establishments, or cinerator facilities, as long as the  
590 2 locations are not more than 75 miles apart as measured in a  
591 straight line.

592 Section 14. Subsection (8) of section 497.606, Florida  
593 Statutes, is amended to read:

594 497.606 Cinerator facility, licensure required; licensing  
595 procedures and criteria; license renewal; regulation.—

596 (8) SUPERVISION OF FACILITIES.—Each cinerator facility  
597 shall have a ~~one full-time licensed~~ direct disposer in charge or  
598 a ~~licensed~~ funeral director in charge for that facility. ~~Such~~  
599 ~~person may be in charge of only one facility.~~ Such ~~licensed~~  
600 funeral director in charge or ~~licensed~~ direct disposer in charge  
601 shall be responsible for making sure the facility, its  
602 operations, and all persons employed in the facility comply with  
603 all applicable state and federal laws and rules. A funeral  
604 director in charge, with appropriate active licenses, may serve  
605 as a funeral director in charge for not more than a total of 2  
606 funeral establishments, centralized embalming facilities, direct  
607 disposal establishments, or cinerator facilities, as long as the  
608 2 locations are not more than 75 miles apart as measured in a  
609 straight line.

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Section 15. Section 553.7921, Florida Statutes, is created to read:

553.7921 Uniform fire alarm permit application.-

(1) A contractor must file the uniform fire alarm permit application described in subsection (2) with the local enforcement agency before:

(a) Installing or replacing a fire alarm, if the local enforcement agency requires a plan review for the installation or replacement; or

(b) Repairing an existing alarm system that was previously permitted by the local enforcement agency, if the local enforcement agency requires a fire alarm permit for the repair.

(2) The uniform fire alarm permit application must be submitted along with any required drawings, plans, and supporting documentation for any project where a fire alarm permit is required. Such application may be submitted electronically or by facsimile if the application is signed by the owner, contractor, or authorized representative of such person. The uniform fire alarm permit application must contain the following information:

UNIFORM FIRE ALARM PERMIT APPLICATION

Tax Folio No.: .... Application No.: ....

Owner or Representative Name: ....

Property Address: ....

City: .... State: .... Zip: .... Phone: ....

Fee Simple Titleholder's Name (if other than owner): ....

Fee Simple Titleholder's Address (if other than owner):

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....

Description of Work: .... New Install .... Replacement ....  
Addition .... Other ....

Construction Type: .... Proposed Use: ....

Alarm Contractor's Name: ....

Alarm Contractor's Address: ....

City: .... State: .... Zip: .... Phone: ....

Alarm Contractor's License No: ....

Application is hereby made to obtain a permit to do the  
work and installation as indicated. I certify that no work or  
installation has commenced before the filing of this permit  
application. I certify that all of the foregoing information is  
true and accurate.

...(Signature of Owner, Contractor, or Agent)...

Printed Name: ....

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

626.022 Scope of part.—

(1) This part applies as to insurance agents, service  
representatives, adjusters, and insurance agencies; as to any  
and all kinds of insurance; and as to stock insurers, mutual  
insurers, reciprocal insurers, and all other types of insurers,  
except that:

(a) It does not apply as to reinsurance, except that ss.  
626.011-626.022, ss. 626.112-626.181, ss. 626.191-626.211, ss.  
626.291-626.301, s. 626.331, ss. 626.342-626.511 ~~ss. 626.342-~~

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668 ~~626.521~~, ss. 626.541-626.591, and ss. 626.601-626.711 shall  
669 apply as to reinsurance intermediaries as defined in s.  
670 626.7492.

671 Section 17. Subsection (4) of section 626.025, Florida  
672 Statutes, is amended to read:

673 626.025 Consumer protections.—To transact insurance, agents  
674 shall comply with consumer protection laws, including the  
675 following, as applicable:

676 (4) The submission of credit and character reports, as  
677 required by s. 626.171 ~~or s. 626.521~~.

678 Section 18. Subsection (1) of section 626.175, Florida  
679 Statutes, is amended to read:

680 626.175 Temporary licensing.—

681 (1) The department may issue a nonrenewable temporary  
682 license for a period not to exceed 6 months authorizing the  
683 appointment of a general lines insurance agent, ~~or a life agent,~~  
684 or personal lines agent ~~an industrial fire or burglary agent,~~  
685 subject to the conditions described in this section. The fees  
686 paid for a temporary license and appointment must ~~shall~~ be as  
687 specified in s. 624.501. Fees paid may ~~shall~~ not be refunded  
688 after a temporary license has been issued.

689 (a) An applicant for a temporary license must be:

690 1. A natural person at least 18 years of age.

691 2. A United States citizen or legal alien who possesses  
692 work authorization from the United States Bureau of Citizenship  
693 and Immigration Services.

694 (b)1. In the case of a general lines agent, the department  
695 may issue a temporary license to an employee, a family member, a  
696 business associate, or a personal representative of a licensed

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697 general lines agent for the purpose of continuing or winding up  
698 the business affairs of the agent or agency in the event the  
699 licensed agent has died or become unable to perform his or her  
700 duties because of military service or illness or other physical  
701 or mental disability, subject to the following conditions:

702 a. No other individual connected with the agent's business  
703 may be licensed as a general lines agent.

704 b. The proposed temporary licensee shall be qualified for a  
705 regular general lines agent license under this code except as to  
706 residence, examination, education, or experience.

707 c. Application for the temporary license shall have been  
708 made by the applicant upon statements and affidavit filed with  
709 the department on forms prescribed and furnished by the  
710 department.

711 d. Under a temporary license and appointment, the licensee  
712 shall not represent any insurer not last represented by the  
713 agent being replaced and shall not be licensed or appointed as  
714 to any additional kind, line, or class of insurance other than  
715 those covered by the last existing agency appointments of the  
716 replaced agent. If an insurer withdraws from the agency during  
717 the temporary license period, the temporary licensee may be  
718 appointed by another similar insurer but only for the period  
719 remaining under the temporary license.

720 2. A regular general lines agent license may be issued to a  
721 temporary licensee upon meeting the qualifications for a general  
722 lines agent license under s. 626.731.

723 (c) In the case of a life agent, the department may issue a  
724 temporary license:

725 1. To the executor or administrator of the estate of a

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deceased individual licensed and appointed as a life agent at the time of death;

2. To a surviving next of kin of the deceased individual, if no administrator or executor has been appointed and qualified; however, any license and appointment under this subparagraph shall be canceled upon issuance of a license to an executor or administrator under subparagraph 1.; or

3. To an individual otherwise qualified to be licensed as an agent who has completed the educational or training requirements prescribed in s. 626.7851 and who is appointed ~~has successfully sat for the required examination prior to termination of such 6-month period. The department may issue this temporary license only in the case of a life agent to represent an insurer of the industrial or ordinary-combination class solely for the purpose of collecting premiums and servicing in-force policies. Such licensee may not directly or indirectly solicit, negotiate, or effect contracts of insurance.~~

(d) In the case of a personal lines ~~limited license authorizing appointment as an industrial fire or burglary agent,~~ the department may issue a temporary license:

1. To the executor or administrator of the estate of a deceased individual who was licensed and appointed as a personal lines agent at the time of his or her death;

2. To a surviving next of kin of the deceased individual if no administrator or executor has been appointed and qualified. However, a license and appointment under this subparagraph must be canceled upon issuance of a license to an executor or administrator under subparagraph 1.; or

3. To an individual otherwise qualified to be licensed as



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an agent, who has completed the educational or training requirements prescribed in s. 626.732, and who is appointed to represent an insurer of the industrial or ordinary-combination class solely for the purpose of collecting premiums and servicing in-force policies. Such licensee may not directly or indirectly solicit, negotiate, or effect contracts of insurance to an individual otherwise qualified to be licensed as an agent who has completed the educational or training requirements prescribed in s. 626.732 and has successfully sat for the required examination prior to termination of the 6-month period.

Section 19. Paragraph (b) of subsection (3) of section 626.207, Florida Statutes, is amended to read:

626.207 Disqualification of applicants and licensees; penalties against licensees; rulemaking authority.—

(3) An applicant who has been found guilty of or has pleaded guilty or nolo contendere to a crime not included in subsection (2), regardless of adjudication, is subject to:

(b) A 7-year disqualifying period for all felonies to which neither the permanent bar in subsection (2) nor the 15-year disqualifying period in paragraph (a) applies. Notwithstanding subsection (4), an applicant who served at least half of the disqualifying period may reapply for a license if, during that time, the applicant has not been found guilty of or has not pleaded guilty or nolo contendere to a crime. The department may issue the applicant a license on a probationary basis for the remainder of the disqualifying period. The applicant's probationary period ends at the end of the disqualifying period.

Section 20. Subsection (1) and paragraph (e) of subsection (2) of section 626.221, Florida Statutes, are amended to read:

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626.221 Examination requirement; exemptions.—

(1) The department may ~~shall~~ not issue any license as agent or adjuster to any individual who has not qualified for, taken, and passed to the satisfaction of the department a written examination of the scope prescribed in s. 626.241.

(2) However, an examination is not necessary for any of the following:

(e) An applicant who has been licensed as an all-lines adjuster and appointed as an independent adjuster or company employee adjuster and who files ~~if~~ an application for an all-lines adjuster license ~~licensure is filed~~ with the department within 48 months after ~~following~~ the date of cancellation or expiration of the prior appointment.

Section 21. Paragraph (d) of subsection (3) of section 626.2815, Florida Statutes, is amended to read:

626.2815 Continuing education requirements.—

(3) Each licensee except a title insurance agent must complete a 5-hour update course every 2 years which is specific to the license held by the licensee. The course must be developed and offered by providers and approved by the department. The content of the course must address all lines of insurance for which examination and licensure are required and include the following subject areas: insurance law updates, ethics for insurance professionals, disciplinary trends and case studies, industry trends, premium discounts, determining suitability of products and services, and other similar insurance-related topics the department determines are relevant to legally and ethically carrying out the responsibilities of the license granted. A licensee who holds multiple insurance

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licenses must complete an update course that is specific to at least one of the licenses held. Except as otherwise specified, any remaining required hours of continuing education are elective and may consist of any continuing education course approved by the department under this section.

(d) An individual who holds a license as a customer representative, ~~limited customer representative, motor vehicle physical damage and mechanical breakdown insurance agent, or an industrial fire insurance or burglary insurance agent~~ and who is not a licensed life or health agent, must also complete a minimum of 5 hours of continuing education courses every 2 years.

Section 22. Paragraphs (b) and (f) of subsection (1) of section 626.321, Florida Statutes, are amended to read:

626.321 Limited licenses.—

(1) The department shall issue to a qualified applicant a license as agent authorized to transact a limited class of business in any of the following categories of limited lines insurance:

(b) *Industrial fire insurance or burglary insurance.*— License covering only industrial fire insurance or burglary insurance. ~~The applicant for such a license must pass a written examination covering such insurance.~~ A licensee under this paragraph may not hold a license as an agent for any other or additional kind or class of insurance coverage except for life insurance and health insurance. Effective July 1, 2019, all licensees holding such limited license and appointment may renew the license and appointment, but no new or additional licenses may be issued pursuant to this paragraph and a licensee whose

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842 limited license under this paragraph has been terminated,  
843 suspended, or revoked may not have such license reinstated.

844 (f) *Crop hail and multiple-peril crop insurance.*—License  
845 for insurance covering crops subject to unfavorable weather  
846 conditions, fire or lightning ~~lightening~~, flood, hail, insect  
847 infestation, disease, or other yield-reducing conditions or  
848 perils which is provided by the private insurance market, or  
849 which is subsidized by the Federal Group Insurance Corporation  
850 including multi-peril crop insurance. Notwithstanding any other  
851 ~~provision of law,~~ the limited license may be issued to a bona  
852 fide salaried employee of an association chartered under the  
853 Farm Credit Act of 1971, 12 U.S.C. ss. 2001 et seq., ~~who~~  
854 ~~satisfactorily completes the examination prescribed by the~~  
855 ~~department pursuant to s. 626.241(5).~~ The agent must be  
856 appointed by, and his or her limited license requested by, a  
857 licensed general lines agent. All business transacted by the  
858 agent must be on behalf of, in the name of, and countersigned by  
859 the agent by whom he or she is appointed. Sections 626.561 and  
860 626.748, relating to records, apply to all business written  
861 pursuant to this section. The licensee may be appointed by and  
862 licensed for only one general lines agent or agency.

863 Section 23. Subsection (1) of section 626.471, Florida  
864 Statutes, is amended to read:

865 626.471 Termination of appointment.—

866 (1) Subject to an appointee's contract rights, an  
867 appointing entity may terminate its appointment of any appointee  
868 at any time. Except when termination is upon a ground that ~~which~~  
869 would subject the appointee to suspension or revocation of his  
870 or her license and appointment under s. 626.611 or s. 626.621,

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and except as provided by contract between the appointing entity and the appointee, the appointing entity shall give at least 60 days' advance written notice of its intention to terminate such appointment to the appointee, ~~either~~ by delivery thereof to the appointee in person, ~~or~~ by mailing it, postage prepaid, or by e-mail. If delivery is by mail or e-mail, the notice must be addressed to the appointee at his or her last mailing or e-mail address of record with the appointing entity. Notice is ~~so mailed shall be~~ deemed to have been given when deposited in a United States Postal Service mail depository or when the e-mail is sent, as applicable.

Section 24. Section 626.521, Florida Statutes, is repealed.

Section 25. Section 626.536, Florida Statutes, is amended to read:

626.536 Reporting of administrative actions.—Within 30 days after the final disposition of an administrative action taken against a licensee ~~or insurance agency~~ by a governmental agency or other regulatory agency in this or any other state or jurisdiction relating to the business of insurance, the sale of securities, or activity involving fraud, dishonesty, trustworthiness, or breach of a fiduciary duty, the licensee ~~or insurance agency~~ must submit a copy of the order, consent to order, or other relevant legal documents to the department. The department may adopt rules to administer this section.

Section 26. Subsection (7) is added to section 626.6215, Florida Statutes, to read:

626.6215 Grounds for discretionary refusal, suspension, or revocation of insurance agency license.—The department may, in its discretion, deny, suspend, revoke, or refuse to continue the

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license of any insurance agency if it finds, as to any insurance agency or as to any majority owner, partner, manager, director, officer, or other person who manages or controls such insurance agency, that any one or more of the following applicable grounds exist:

(7) A denial, suspension, or revocation of, or any other adverse administrative action against, a license to practice or conduct any regulated profession, business, or vocation by this state, any other state, any nation, any possession or district of the United States, any court, or any lawful agency thereof.

Section 27. Section 626.729, Florida Statutes, is amended to read:

626.729 "Industrial fire insurance" defined.—As used in ~~For the purposes of this code, the term~~ "industrial fire insurance" means: ~~is~~

(1) Insurance against loss by fire of either buildings and other structures or contents, which may include extended coverage;

(2) Windstorm insurance;

(3) Basic limits owners, landlords, or tenants liability insurance with single limits of \$25,000;

(4) Comprehensive personal liability insurance with a single limit of \$25,000; or

(5) Burglary insurance, under which the premiums are collected quarterly or more often and the face amount of the insurance provided by the policy on one risk is not more than \$50,000, including the contents of such buildings and other structures, ~~and the insurer issuing such policy is operating under a system of collecting a debit by its agents. A temporary~~

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~~license for an industrial fire or burglary agent issued pursuant to s. 626.175 shall be solely for the purpose of collecting premiums and servicing in-force policies, and such licensee shall not directly or indirectly solicit, negotiate, or effect contracts of insurance.~~

Section 28. Section 626.7355, Florida Statutes, is repealed.

Section 29. Subsection (9) of section 626.8437, Florida Statutes, is amended to read:

626.8437 Grounds for denial, suspension, revocation, or refusal to renew license or appointment.—The department shall deny, suspend, revoke, or refuse to renew or continue the license or appointment of any title insurance agent or agency, and it shall suspend or revoke the eligibility to hold a license or appointment of such person, if it finds that as to the applicant, licensee, appointee, or any principal thereof, any one or more of the following grounds exist:

(9) Willful failure to comply with, or willful violation of, any proper order or rule of the department or willful violation of any provision of the Florida Insurance Code ~~this act~~.

Section 30. Subsection (2) of section 626.844, Florida Statutes, is amended to read:

626.844 Grounds for discretionary refusal, suspension, or revocation of license or appointment.—The department may, in its discretion, deny, suspend, revoke, or refuse to renew or continue the license or appointment of any title insurance agent or agency, and it may suspend or revoke the eligibility to hold a license or appointment of any such title insurance agent or

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agency if it finds that as to the applicant or licensee or appointee, or any principal thereof, any one or more of the following grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 626.8437:

(2) Violation of any provision of the Florida Insurance Code ~~this act~~ in the course of dealing under the license or appointment.

Section 31. Paragraph (e) of subsection (1) and paragraphs (b) and (c) of subsection (2) of section 626.8732, Florida Statutes, are amended to read:

626.8732 Nonresident public adjuster's qualifications, bond.—

(1) The department shall, upon application therefor, issue a license to an applicant for a nonresident public adjuster's license upon determining that the applicant has paid the applicable license fees required under s. 624.501 and:

(e) Has been licensed and employed as a public adjuster in the applicant's state of residence on a continual basis for the past 6 months ~~year~~, or, if the applicant's state of residence does not issue licenses to individuals who act as public adjusters, the applicant has been licensed and employed as a resident insurance company adjuster, a public adjuster, or an independent adjuster in his or her state of residence or any other state on a continual basis for the past 6 months ~~year~~.

(2) The applicant shall furnish the following with his or her application:

(b) If currently licensed as a resident public adjuster in the applicant's state of residence, a certificate or letter of



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987 authorization from the licensing authority of the applicant's  
988 state of residence, stating that the applicant holds a current  
989 or comparable license to act as a public adjuster and has held  
990 the license continuously for the past 6 months ~~year~~. The  
991 certificate or letter of authorization must be signed by the  
992 insurance commissioner or his or her deputy or the appropriate  
993 licensing official and must disclose whether the adjuster has  
994 ever had any license or eligibility to hold any license  
995 declined, denied, suspended, revoked, or placed on probation or  
996 whether an administrative fine or penalty has been levied  
997 against the adjuster and, if so, the reason for the action.

998 (c) If the applicant's state of residence does not require  
999 licensure as a public adjuster and the applicant has been  
1000 licensed as a resident insurance adjuster in his or her state of  
1001 residence or any other state, a certificate or letter of  
1002 authorization from the licensing authority stating that the  
1003 applicant holds or has held a license to act as such an  
1004 insurance adjuster and has held the license continuously for the  
1005 past 6 months ~~year~~. The certificate or letter of authorization  
1006 must be signed by the insurance commissioner or his or her  
1007 deputy or the appropriate licensing official and must disclose  
1008 whether or not the adjuster has ever had any license or  
1009 eligibility to hold any license declined, denied, suspended,  
1010 revoked, or placed on probation or whether an administrative  
1011 fine or penalty has been levied against the adjuster and, if so,  
1012 the reason for the action.

1013 Section 32. Subsection (6) of section 627.7015, Florida  
1014 Statutes, is amended to read:

1015 627.7015 Alternative procedure for resolution of disputed

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property insurance claims.—

(6) (a) Mediation is nonbinding; however, if a written settlement is reached, the policyholder has 3 business days within which the policyholder may rescind the settlement unless the policyholder has cashed or deposited any check or draft disbursed to the policyholder for the disputed matters as a result of the conference. If a settlement agreement is reached and is not rescinded, it is binding and acts as a release of all specific claims that were presented in that mediation conference.

(b) At the conclusion of the mediation, the mediator shall provide a written report of the results of mediation, including any settlement amount, to the insurer, the policyholder, and the policyholder's representative if the policyholder is represented at the mediation.

Section 33. Subsection (1) of section 633.216, Florida Statutes, is amended to read:

633.216 Inspection of buildings and equipment; orders; firesafety inspection training requirements; certification; disciplinary action.—The State Fire Marshal and her or his agents or persons authorized to enforce laws and rules of the State Fire Marshal shall, at any reasonable hour, when the State Fire Marshal has reasonable cause to believe that a violation of this chapter or s. 509.215, or a rule adopted thereunder, or a minimum firesafety code adopted by the State Fire Marshal or a local authority, may exist, inspect any and all buildings and structures which are subject to the requirements of this chapter or s. 509.215 and rules adopted thereunder. The authority to inspect shall extend to all equipment, vehicles, and chemicals

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which are located on or within the premises of any such building or structure.

(1) Each county, municipality, and special district that has firesafety enforcement responsibilities shall employ or contract with a firesafety inspector. Except as provided in s. 633.312(2), and (3), and (4), the firesafety inspector must conduct all firesafety inspections that are required by law. The governing body of a county, municipality, or special district that has firesafety enforcement responsibilities may provide a schedule of fees to pay only the costs of inspections conducted pursuant to this subsection and related administrative expenses. Two or more counties, municipalities, or special districts that have firesafety enforcement responsibilities may jointly employ or contract with a firesafety inspector.

Section 34. Paragraph (f) of subsection (1) of section 633.218, Florida Statutes, is amended to read:

633.218 Inspections of state buildings and premises; tests of firesafety equipment; building plans to be approved.—

(1)

~~(f) A state-owned building or state-leased building or space shall be identified through use of the United States National Grid Coordinate System.~~

Section 35. Paragraph (c) of subsection (1) of section 633.306, Florida Statutes, is amended to read:

633.306 Requirements for installation, inspection, and maintenance of fire suppression equipment.—

(1) The requirements for installation of fire extinguishers and preengineered systems are as follows:

(c) Equipment must ~~shall~~ be installed in accordance with

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the applicable standards of the National Fire Protection Association and the manufacturer's drawings and specifications, using only components and parts specified by the manufacturer or listed as equal parts by a nationally recognized testing laboratory, such as Underwriters Laboratories, Inc., or Factory Mutual Laboratories, Inc.

Section 36. Present subsections (4) and (5) of section 633.312, Florida Statutes, are redesignated as subsections (5) and (6), respectively, and subsection (3) of that section is amended, to read:

633.312 Inspection of fire control systems, fire hydrants, and fire protection systems.—

(3)(a) The inspecting contractor shall provide to the building owner or hydrant owner and the local authority having jurisdiction a copy of the applicable uniform summary inspection report established under this chapter. The local authority having jurisdiction may accept uniform summary inspection reports by United States mail, by hand delivery, by electronic submission, or through a third-party vendor that collects the reports on behalf of the local authority having jurisdiction.

(b) The State Fire Marshal shall adopt rules to implement a uniform summary inspection report and submission procedures to be used by all third-party vendors and local authorities having jurisdiction. For purposes of this section, a uniform summary inspection report must record the address where the fire protection system or hydrant is located, the company and person conducting the inspection and their license number, the date of the inspection, and the fire protection system or hydrant inspection status, including a brief summary of each deficiency,

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critical deficiency, noncritical deficiency, or impairment found. A contractor's detailed inspection report is not required to follow the uniform summary inspection report format. The State Fire Marshal shall establish by rule a submission procedure for each means provided under paragraph (a) by which a local authority having jurisdiction may accept uniform summary inspection reports. Each of the submission procedures must allow a contractor to attach additional documents with the submission of a uniform summary inspection report, including a physical copy of the contractor's detailed inspection report. A submission procedure may not require a contractor to submit information contained within the detailed inspection report unless the information is required to be included in the uniform summary inspection report.

(4) The maintenance of fire hydrant and fire protection systems as well as corrective actions on deficient systems is the responsibility of the owner of the system or hydrant. Equipment requiring periodic testing or operation to ensure its maintenance shall be tested or operated as specified in the Fire Prevention Code, Life Safety Code, National Fire Protection Association standards, or as directed by the appropriate authority, provided that such appropriate authority may not require a sprinkler system not required by the Fire Prevention Code, Life Safety Code, or National Fire Protection Association standards to be removed regardless of its condition. This section does not prohibit governmental entities from inspecting and enforcing firesafety codes.

Section 37. Section 633.520, Florida Statutes, is amended to read:

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1132       633.520 Safety; firefighter employer responsibilities;  
1133 division rules.—

1134       (1) Every firefighter employer shall furnish and use safety  
1135 devices and safeguards, adopt and use methods and processes  
1136 reasonably adequate to render such an employment and place of  
1137 employment safe, and do every other thing reasonably necessary  
1138 to protect the lives, health, and safety of such firefighter  
1139 employees. As used in this section, the terms "safe" and  
1140 "safety," as applied to any employment or place of employment,  
1141 mean such freedom from danger as is reasonably necessary for the  
1142 protection of the lives, health, and safety of firefighter  
1143 employees, including conditions and methods of sanitation and  
1144 hygiene. Safety devices and safeguards required to be furnished  
1145 by the firefighter employer by this section or by the division  
1146 under authority of this section do not include personal apparel  
1147 and protective devices that replace personal apparel normally  
1148 worn by firefighter employees during regular working hours.

1149       (2) The division shall adopt rules to establish employer  
1150 cancer prevention best practices relating to personal protective  
1151 equipment, decontamination, fire suppression apparatus, and fire  
1152 stations.

1153       Section 38. Subsection (1) of section 648.49, Florida  
1154 Statutes, is amended to read:

1155       648.49 Duration of suspension or revocation.—

1156       (1) The department shall, in its order suspending a license  
1157 or appointment or in its order suspending the eligibility of a  
1158 person to hold or apply for such a license or appointment,  
1159 specify the period during which the suspension is to be in  
1160 effect, but such period may not exceed 2 years. The license, ~~or~~

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1161 appointment, or ~~and~~ eligibility to hold a license or appointment  
1162 must ~~shall~~ remain suspended during the period so specified,  
1163 subject, however, to any rescission or modification of the order  
1164 by the department, or modification or reversal thereof by the  
1165 court, prior to expiration of the suspension period. A license  
1166 or appointment that ~~which~~ has been suspended may not be  
1167 reinstated, nor may ~~shall~~ the eligibility to hold such license  
1168 or appointment be reinstated, except upon the filing and  
1169 approval of an application for ~~request for such~~ reinstatement.7  
1170 ~~but~~ The department may not approve an application for ~~grant such~~  
1171 reinstatement if it finds that the circumstances for which the  
1172 license or appointment was suspended still exist or are likely  
1173 to recur. In each case involving suspension, the department has  
1174 the discretion to require the former licensee to successfully  
1175 complete a basic certification course in the criminal justice  
1176 system, consisting of not less than 80 hours approved by the  
1177 department.

1178 Section 39. Present subsection (8) of section 717.124,  
1179 Florida Statutes, is redesignated as subsection (11), a new  
1180 subsection (8) and subsections (9) and (10) are added to that  
1181 section, and subsection (7) of that section is amended, to read:

1182 717.124 Unclaimed property claims.—

1183 (7) The department may allow an apparent owner to  
1184 electronically submit a claim for unclaimed property to the  
1185 department. If a claim is submitted electronically for \$5,000  
1186 ~~\$1,000~~ or less, the department may use a method of identity  
1187 verification other than a copy of a valid driver license, other  
1188 government-issued photographic identification, or a sworn  
1189 notarized statement. The department may adopt rules to implement

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1190 this subsection.

1191 (8) Notwithstanding any other provision of this chapter,  
1192 the department may develop and implement an identification  
1193 verification and disbursement process whereby accounts valued at  
1194 \$2,000 or less, after receipt by the department and after being  
1195 added to the unclaimed property database, may be disbursed to an  
1196 apparent owner after the department has verified that the  
1197 apparent owner is living and has verified the apparent owner's  
1198 correct, current address. The department shall include with the  
1199 payment a notification and an explanation of the dollar amount,  
1200 source, and property type of each account included in the  
1201 disbursement. The department may adopt rules to administer this  
1202 subsection.

1203 (9) Notwithstanding any other provision of this chapter,  
1204 the department may develop and implement a verification and  
1205 disbursement process whereby accounts, after receipt by the  
1206 department and after being added to the unclaimed property  
1207 database, for which the apparent owner is a governmental agency  
1208 of this state or subdivision thereof; a county government of  
1209 this state or a subdivision thereof; a public school district of  
1210 this state or a subdivision thereof; a municipality of this  
1211 state or a subdivision thereof; or a special taxing district of  
1212 this state or authority may be disbursed to the apparent owner  
1213 entity or to the successor entity. The department shall include  
1214 with the payment a notification and explanation of the dollar  
1215 amount, source, and property type of each account included in  
1216 the disbursement. The department may adopt rules to administer  
1217 this subsection.

1218 (10) Notwithstanding any other provision of this chapter,



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1219 the department may develop a process whereby a registered  
1220 claimant's representative may electronically submit to the  
1221 department electronic images of completed claims and claim-  
1222 related documents pursuant to this chapter, including limited  
1223 powers of attorney and purchase agreements that have been  
1224 personally signed and dated by a claimant or by a seller  
1225 pursuant to s. 717.135 or s. 717.1351, after the original  
1226 documents provided by the claimant or by the seller to the  
1227 claimant's representative are physically received and in the  
1228 claimant's representative's possession for any respective claim.  
1229 Each claim filed by a registered claimant's representative must  
1230 include a statement by the claimant's representative or buyer  
1231 accurately attesting that all documents are true copies of the  
1232 original documents and that all original documents are  
1233 physically in the possession of the claimant's representative or  
1234 buyer. All original documents must be kept in original form, by  
1235 claim number, under the secure control of the claimant's  
1236 representative or buyer and must be made available for  
1237 inspection by the department or other governmental agencies in  
1238 accordance with s. 717.1315. The department may adopt rules to  
1239 administer this subsection.

1240       Section 40. This act shall take effect July 1, 2019.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

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BILL: CS/CS/SB 770

INTRODUCER: Innovation, Industry, and Technology Committee; Education Committee and Senator Hutson and others

SUBJECT: Education

DATE: April 10, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Sikes	ED	<b>Fav/CS</b>
2.	Oxamendi	Imhof	IT	<b>Fav/CS</b>
3.			AP	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 770 promotes career education and readiness opportunities for students in public schools. The bill creates an alternative pathway, namely the career and technical education (CTE) graduation pathway option, for students to earn a standard high school diploma, and specifies related requirements. Additionally, the bill provides responsibilities for district school boards and the Department of Education (DOE) regarding career education opportunities, specifies options for students to substitute computer science credit for certain credits required for high school graduation, and revises requirements related to CAPE Digital Tool Certificates and adjunct educator certification.

Specifically, the bill:

- Requires students to successfully complete at least 18 credits to receive a standard high school diploma under the CTE graduation pathway option, and exempts a charter school that exclusively offers the CTE pathway option from application requirements related to district school boards but specifies that such charter schools must comply with the application requirements relating to the DOE.
- Modifies the 24-credit pathway for earning a standard high school diploma by revising computer science credit substitution for mathematics or science credits, and creates a mechanism for the review of the sufficiency of career education course standards to meet the Algebra I credit requirement.

- Revises the acceleration mechanism component for the school grade calculation for high schools by specifying that dual enrollment courses include career clock-hour dual enrollment courses.
- Increases from 15 to 30, the limit on the number of CAPE Digital Tool Certificates that must be identified annually.
- Restores middle grades career education and planning course requirements which were eliminated in 2017, with some modifications.
- Requires district school boards to declare a “College and Career Decision Day” to recognize high school seniors and encourage them to prepare for college and pursue advanced career pathways.
- Requires the DOE to provide assistance to specified entities when notifying students, parents, and members of the community about apprenticeship and preapprenticeship opportunities.
- Authorizes school districts to issue an adjunct teaching certificate for a full-time teaching position, but specifies that such certificates are valid for a period of three years and are not renewable. The bill also specifies reporting requirements for school districts.
- Creates the “Strengthening Alignment between Industry and Learning to 60” Initiative and establishing a statewide attainment goal to increase the percentage of working-age adults who hold a high-value postsecondary certificate, degree, or training experience to 60 percent by the year 2030.
- Creates the Florida Apprenticeship Grant Program to provide competitive grants to expand and enhance apprenticeship and preapprenticeship programs.
- Requires the Department of Business and Professional Regulation, in consultation with the DOE, to submit a report by December 31, 2019, regarding apprenticeship programs that may be substituted for the educational and experience training otherwise required for licensure.

The bill takes effect July 1, 2019, except as otherwise provided.

## **II. Present Situation:**

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

## **III. Effect of Proposed Changes:**

The Legislature has made policy and funding investments to provide students access to career education and readiness opportunities in public schools.

### **Standard High School Diploma Requirements (Sections 15, 13, and 26)**

To graduate from high school with a standard high school diploma, a student must successfully complete 24 credits or 18 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.<sup>1</sup>

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<sup>1</sup> Sections 1002.3105(5) and 1003.4282(1)(a), F.S.

***Present Situation*****24-Credit Requirement**

A student must successfully complete 24 credits in the following subject areas:<sup>2</sup>

- Four credits in English Language Arts (ELA) I, II, III, and IV. A student must pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score, in order to earn a standard high school diploma.
- Four credits in mathematics, including one each in Algebra I and Geometry. A student's performance on the statewide, standardized Algebra I end-of-course (EOC) assessment and Geometry EOC assessment each constitute 30 percent of the student's final course grade. A student must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, to earn a standard high school diploma. A student who earns an industry certification<sup>3</sup> for which there is a statewide college credit articulation agreement approved by the State Board of Education (state board or SBE) may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I and Geometry.
- Three credits in science, including one credit in Biology I and two credits in equally rigorous courses.<sup>4</sup> The Biology I EOC assessment constitutes 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the state board may substitute for one science credit, except for Biology I.
- Three credits in social studies, including one credit each in United States History and World History; 0.5 credit in economics, which must include financial literacy; and 0.5 credit in United States Government. The United States History EOC assessment constitutes 30 percent of the student's final course grade.
- One credit in fine or performing arts, speech and debate, or practical arts that incorporates artistic content and techniques of creativity, interpretation, and imagination.
- One credit in physical education that must include the integration of health.
- Eight credits in electives. School districts are required to develop and offer coordinated electives to enable a student to develop knowledge and skills in his or her area of interest and such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit.

Florida law specifies that at least one of the 24 credits required for earning a standard high school diploma must be completed through online learning.<sup>5</sup> Finally, to earn a standard high

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<sup>2</sup> Section 1003.4282(3), F.S.

<sup>3</sup> Industry certification is a voluntary process through which students are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies, resulting in the award of a credential that is nationally recognized and must be at least one of the following: within an industry that addresses a critical local or statewide economic need; linked to an occupation that is included in the workforce system's targeted occupation list; or linked to an occupation that is identified as emerging. Section 1003.492(2), F.S.

<sup>4</sup> Two of the three required science credits must have a laboratory component. Section 1003.4282(3)(c), F.S.

<sup>5</sup> Section 1003.4282(4), F.S.

school diploma, students must also earn a cumulative grade point average (GPA) of 2.0 on a 4.0 scale.<sup>6</sup>

### 18-Credit ACCEL Requirement

Students may also earn a standard high school diploma after completing 18 credits under the Academically Challenging Curriculum to Enhance Learning (ACCEL) option.<sup>7</sup> ACCEL options are educational options that provide academically challenging curriculum or accelerated instruction to eligible public school students in kindergarten through grade 12.<sup>8</sup>

At a minimum, each school must offer the following ACCEL options: whole-grade and midyear promotion; subject-matter acceleration; virtual instruction in higher grade level subjects; and the Credit Acceleration Program.<sup>9</sup> Additional ACCEL options may include, but are not limited to, enriched science, technology, engineering, and mathematics coursework; enrichment programs; flexible grouping; advanced academic courses; combined classes; self-paced instruction; rigorous industry certifications that are articulated to college credit and approved in accordance with the law;<sup>10</sup> work-related internships or apprenticeships; curriculum compacting; advanced-content instruction; and telescoping curriculum.<sup>11</sup>

Under the ACCEL option, students need to earn fewer elective credits (i.e., 3 credits in electives instead of the required eight credits under the 24-credit standard high school diploma pathway) and students are not required to earn one credit in physical education.<sup>12</sup> Additionally, similar to the requirements specified in law for the 24-credit pathway for earning a standard high school diploma, under the ACCEL option, students must earn a cumulative GPA of 2.0 on a 4.0 scale.<sup>13</sup>

### Exceptions to the Credit Requirements to Earn a Standard High School Diploma

An adult student in an adult general education program<sup>14</sup> must be awarded a standard high school diploma if the student meets the specified requirements for the 24-credit pathway or the 18-credit ACCEL option, except that:<sup>15</sup>

- One elective credit may be substituted for the one-credit requirement in fine or performing arts, speech and debate, or practical arts.
- The requirement that two of the science credits include a laboratory component may be waived by the district school board.
- The one credit in physical education may be substituted with an elective credit.

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<sup>6</sup> *Id.*, (6)(a).

<sup>7</sup> Section 1002.3105(5), F.S.

<sup>8</sup> Section 1002.3105(1)(a), F.S.

<sup>9</sup> Section 1002.3105(1)(b), F.S. The Credit Acceleration Program is created to allow a student to earn high school credit in courses required for high school graduation through passage of a statewide, standardized end-of-course (EOC) assessment, an Advanced Placement (AP) Examination, or a College Level Examination Program (CLEP). A school district must award course credit to a student who is not enrolled in the course, or who has not completed the course, if the student attains a passing score on the corresponding EOC assessment, AP Examination, or CLEP. Section 1003.4295(3), F.S.

<sup>10</sup> Sections 1003.492 and 1008.44, F.S.

<sup>11</sup> Section 1002.3105(1)(b), F.S.

<sup>12</sup> Section 1002.3105(5), F.S.

<sup>13</sup> Sections 1002.3105(5) and 1003.4282(6)(a), F.S.

<sup>14</sup> Section 1004.93, F.S.

<sup>15</sup> Section 1003.4282(6)(b), F.S.

### Certificate of Completion

A student who earns the required 24 credits, or the required 18 credits, but fails to pass the required assessments or achieve a 2.0 GPA must be awarded a certificate of completion in a form prescribed by the State Board of Education. However, a student who is otherwise entitled to a certificate of completion may elect to remain in high school either as a full-time student or a part-time student for up to one additional year and receive special instruction designed to remedy his or her identified deficiencies.<sup>16</sup>

### ***Effect of Proposed Changes***

#### 24-Credit Requirement

The bill modifies the 24-credit pathway for earning a standard high school diploma by modifying the mathematics and science credit requirements in the following ways:

- A student who earns a computer science credit may substitute the credit for up to one credit of the mathematics requirement, with the exception of Algebra I and Geometry, if the commissioner identifies the computer science credit as being equivalent in rigor to the mathematics credit. A student who earns an industry certification in 3D rapid prototype printing may satisfy up to two credits of the mathematics requirement, with the exception of Algebra I, if the commissioner identifies the certification as being equivalent in rigor to the mathematics credit or credits.
- A student who earns a computer science credit may substitute the credit for up to one credit of the science requirement, with the exception of Biology I, if the commissioner identifies the computer science credit as being equivalent in rigor to the science credit.
- An identified computer science credit may not be used to substitute for both a mathematics credit and a science credit.

The bill authorizes a student to earn two mathematics credits by successfully completing Algebra I through two full-year courses. Currently, Algebra 1A and 1B satisfy a total of one credit of mathematics core for state university system admission purposes.<sup>17</sup>

The bill provisions are similar to computer science and computer technology credit substitutions that are authorized in law.<sup>18</sup> However, current law authorizes mathematics or science credit substitutions for students who earn at least one credit in computer science and also earn a related industry certification.<sup>19</sup> The bill does not require the earning of an industry certification for the computer science credit substitution for mathematics credit or science credit.

In contrast to the Algebra I credit exception specified for computer science credit substitution for one mathematics credit, the bill creates a mechanism for the review of the sufficiency of career education course standards to meet the Algebra I credit requirement. Specifically, the bill

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<sup>16</sup> Section 1003.4282(6)(c), F.S.

<sup>17</sup> Florida Department of Education, *Florida Counseling for Future Education Handbook* (2018-2019), available at <https://dlss.flvc.org/documents/210036/217302/Florida+Counseling+for+Future+Education+Handbook.pdf/8e147e5f-857c-490e-be68-f145b084fc12>, at 47 and 57; see also Board of Governors of the State University System of Florida, Regulation 6.002.

<sup>18</sup> Section 1007.2616(6)(a), F.S.

<sup>19</sup> *Id.*

modifies the state board's responsibilities regarding the determination of academic standards for career education courses that warrant the award of academic credit by requiring the state board to make such determination at least biennially.

### 18-Credit ACCEL Requirement

The bill authorizes the required three electives under the ACCEL graduation pathway to include credits in work-based learning and career and technical education resulting in program completion and an industry certification.

### At least 18 Credit-Career and Technical Education Graduation Pathway Option

The bill also creates an alternative pathway, as an option, for students to earn a standard high school diploma. The bill specifies that, beginning with the 2019-2020 school year, a student is eligible to complete an alternative pathway to earning a standard high school diploma through the Career and Technical Education (CTE) pathway option.

Receipt of a standard high school diploma awarded through the CTE pathway option requires the student's successful completion of at least 18 credits. The bill specifies that a student completing the CTE pathway option must earn at least a cumulative GPA of 2.0 on a 4.0 scale. This GPA requirement is consistent with the existing 24-credit and 18-credit requirements for earning a standard high school diploma.<sup>20</sup>

Under the CTE pathway option, the bill establishes high school credit requirements that are different from the 24-credit and 18-credit options but maintains the assessment requirements which are specified in law. The bill also allows for industry certification substitution for mathematics or science credits if a student earns the industry certifications for which there is a statewide college credit articulation agreement approved by the state board. In 2017-2018, students earned 63,520 certifications for which there are statewide articulation agreements.<sup>21</sup>

The bill specifies that a student must be awarded a standard high school diploma if the student:

- Completes four credits in ELA I, II, III, and IV, consistent with the existing 24-credit and 18-credit requirements for earning a standard high school diploma. The bill:
  - Specifies that a student may substitute up to four credits in ELA honors, AP, AICE, IB, or dual enrollment courses for the required ELA credits.
  - Authorizes a student to complete the ELA courses online and complete two or more ELA credits in a single year.

The bill maintains the existing ELA assessment requirement by specifying that a student must pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score, to earn a standard high school diploma.

- Completes four credits in mathematics, consistent with the existing 24-credit and 18-credit requirements for earning a standard high school diploma. Additionally, consistent with the existing 24-credit and 18-credit requirements, the bill specifies the following:
  - A student must earn one credit each in Algebra I and Geometry.

<sup>20</sup> Sections 1002.3105(5) and 1002.4282(6)(a), F.S.

<sup>21</sup> Florida Department of Education, *2019 Agency Legislative Bill Analysis for HB 661* (March 14, 2019), at 5.

- A student's performance on the statewide, standardized Algebra I EOC assessment and Geometry EOC assessment, each constitute 30 percent of the student's final course grade.
- A student must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, to earn a standard high school diploma.
- A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the state board may substitute the certification for one mathematics credit, except for Algebra I and Geometry.
- Completes three credits in science, which is consistent with the existing 24-credit and 18-credit requirements for earning a standard high school diploma. Additionally, consistent with the existing 24-credit and 18-credit requirements, the bill specifies that:
  - Two of the three required science credits must have a laboratory component.
  - A student must earn one credit in Biology I and two credits in equally rigorous courses.
  - The Biology I EOC assessment constitutes 30 percent of the student's final course grade. However, in contrast to the existing 24-credit and 18-credit requirements, a student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the state board may substitute the certification for two science credits, except for Biology I. The existing 24-credit and 18-credit requirements authorize industry certification substitution for one science credit that is not Biology I.<sup>22</sup>
- Completes three and one-half credits in social studies, which is similar to the existing 24-credit and 18-credit requirements for earning a standard high school diploma. Specifically, the bill requires that:
  - A student earn one credit each in United States History and World History, 0.5 credit in United States Government, 0.5 credit in economics, and 0.5 credit financial literacy.
  - The United States History EOC assessment constitutes 30 percent of the student's final course grade.

Currently, financial literacy is a component of the 0.5 credit in economics, under the social studies credit requirements.<sup>23</sup>
- Completes two credits in CTE, which is not a specified requirement under the existing 24-credit and 18-credit requirements for earning a standard high school diploma. The bill specifies that the courses must result in a program completion and an industry certification.
  - The bill does not specify the number of CTE courses that students must take to complete a program and earn an industry certification. Current law requires the state board to adopt rules to implement the requirements associated with the award of a standard high school diploma.<sup>24</sup> Accordingly, the state board has the authority to specify the courses that students may take to complete relevant programs and earn the three credits in CTE.
- Completes 1.5 credits in work-based learning programs, which is not a specified requirement under the existing 24-credit and 18-credit requirements for earning a standard high school diploma. The bill specifies that a student must earn 1.5 credits through work-based learning program courses. A student may substitute up to 1.5 credits of electives for work-based learning program courses to fulfill this requirement. The state board may need to modify existing rules to identify work-based learning programs that students may participate in to generate the 1.5 credits toward earning a standard high school diploma.

<sup>22</sup> Sections 1002.3105(5) and 1003.4282(3)(c), F.S.

<sup>23</sup> Section 1003.4282(3)(d), F.S.

<sup>24</sup> Section 1003.4282(11), F.S.



- According to the DOE, the CTE frameworks include a variety of courses (contained in the course code directory) that could qualify as work-based learning.<sup>25</sup> In addition to the CTE courses, section 3 of the course code directory<sup>26</sup> includes four Executive Internship courses that could be classified as work-based learning.<sup>27</sup>
- Sits for the statewide, standardized Geometry EOC assessment, Biology EOC assessment, and United States History EOC assessment.

In contrast to the existing 24-credit requirement for earning a standard high school diploma,<sup>28</sup> the CTE graduation pathway option does not require students to:

- Earn:
  - One credit in fine or performing arts, speech and debate, or practical arts that incorporates artistic content and techniques of creativity, interpretation, and imagination.
  - One credit in physical education that must include the integration of health.<sup>29</sup>
  - Eight credits in electives.<sup>30</sup> However, the bill authorizes a student to substitute up to 1.5 credits of electives to fulfill the work-based learning program requirement.
- Complete 1 of the 24 credits through online learning.

The bill also provides requirements for principals and district school boards. Specifically, the bill requires:

- Each principal or the principal's faculty designee, who must be designated as an academic advisor, to:
  - Inform parents and students about the CTE graduation pathway option available at the school and the related requirements;
  - Establish a process by which a parent may request student participation in the CTE graduation pathway option. The student must be provided the opportunity to participate in the CTE graduation pathway option;
  - Establish a process to verify a student's progress and completion of the CTE graduation pathway option; and
  - Meet with any student who has a cumulative GPA that falls below 2.0 during the first semester in which his or her GPA falls below 2.0, and any subsequent semester in which his or her GPA remains below 2.0, to discuss CTE pathway options.
- Each district school board to incorporate the CTE graduation pathway option in the district's student progression plan.

The bill promotes career and technical education and training opportunities for high school students, which may prepare students with the knowledge, skills, and credentials to enter the

<sup>25</sup> Florida Department of Education, *2019 Agency Legislative Bill Analysis for HB 661* (March 14, 2019), at 4.

<sup>26</sup> The Course Code Directory (CCD) lists all public preK-12 and postsecondary career and technical education courses that are available for use by school districts. Programs and courses that are funded through the Florida Education Finance Program and courses or programs for which students may earn credit toward high school graduation must be listed in the CCD. The CCD maintains course listings for administration and service assignments, K-12 education, exceptional student education, career and technical education, and adult education, with details regarding appropriate teacher certification levels. The CCD provides course information to schools, districts, and the state. Fla. Admin. Code R. 6A-1.09441 (2019).

<sup>27</sup> Florida Department of Education, *2019 Agency Legislative Bill Analysis for HB 661* (March 14, 2019), at 4.

<sup>28</sup> Section 1003.4282(3), F.S.

<sup>29</sup> The Academically Challenging Curriculum to Enhance Learning (ACCEL) option does not require students to earn 1 credit in physical education. Section 1002.3105(5), F.S.

<sup>30</sup> The ACCEL option requires students to earn 3 credits in electives. Section 1002.3105(5), F.S.

workforce. The CTE graduation pathway option does not specify any credits in electives which could potentially include 2 credits in foreign language that are required for admission into an undergraduate degree program at a state university in Florida.<sup>31</sup>

### Certificate of Completion

Under the bill, a student who earns any industry certification and the required 24 credits, or the required 18 credits, but fails to pass the required assessments or achieve to a 2.0 GPA must be awarded a certificate of completion in a form prescribed by the DOE. The certificate of completion must specify that the student is workforce-ready in any field in which he or she has earned an industry certification. However, the student may elect to remain in high school as a full-time student or a part-time student for up to one additional year and receive special instruction designed to remedy the student's identified deficiencies. The bill requires the DOE to adopt rules to administer these provisions.

Additionally, the bill provides an alternative application process for charter schools that exclusively offer the CTE pathway option.

### **Charter School Application Process**

#### ***Present Situation***

Under current law, a district school board may sponsor a charter school in the county over which the district school board has jurisdiction.<sup>32</sup> Additionally, a state university may grant a charter to a developmental research (laboratory) school<sup>33</sup> and must be considered to be the school's sponsor.<sup>34</sup> Such school must be considered a charter lab school.<sup>35</sup>

A sponsor receives and reviews all charter school applications<sup>36</sup> and, within 90 calendar days of receipt, must approve or deny the application.<sup>37</sup> All charter applicants must prepare and submit an application on a standard application form prepared by the Department of Education (DOE or department), which:<sup>38</sup>

- Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
- Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
- Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.

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<sup>31</sup> Board of Governors, Regulation 6.002(2)(a).

<sup>32</sup> Section 1002.33(5)(a)1., F.S.

<sup>33</sup> Section 1002.32, F.S.

<sup>34</sup> Section 1002.33(5)(a)2., F.S.

<sup>35</sup> *Id.*

<sup>36</sup> Section 1002.33(6)(b), F.S.

<sup>37</sup> *Id.* at 3.a.

<sup>38</sup> Section 1002.33(6)(a), F.S.

- Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor must deny an application if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.
- Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.
- Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor must consider in deciding whether to approve or deny the application.
- Contains additional information a sponsor may require, which must be attached as an addendum to the charter school application described in this paragraph.
- For the establishment of a virtual charter school, documents that the applicant has contracted with a provider of virtual instruction services in accordance with the law.<sup>39</sup>

If a sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must provide specific written reasons for the denial within 10 calendar days after such denial.<sup>40</sup> An applicant may appeal any denial of that applicant's application or failure to act on an application to the SBE no later than 30 calendar days after receipt of the sponsor's decision or failure to act and must notify the sponsor of its appeal.<sup>41</sup> Any response of the sponsor must be submitted to the state board within 30 calendar days after notification of the appeal.<sup>42</sup>

Upon receipt of notification from the state board that a charter school applicant is filing an appeal, the Commissioner of Education (commissioner) must convene a meeting of the Charter School Appeal Commission (commission) to study and make recommendations to the SBE regarding its pending decision about the appeal.<sup>43</sup> The commission must forward its recommendation to the state board at least 7 calendar days before the date on which the appeal is to be heard.<sup>44</sup> The state board's decision is a final action subject to judicial review in the district court of appeal.<sup>45</sup>

### ***Effect of Proposed Changes***

The bill requires that a charter school that expands its scope to include additional pathways to graduation to comply with the charter school application requirements specified in law. The bill

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<sup>39</sup> Section 1002.45(1)(d), F.S.

<sup>40</sup> Section 1002.33(6)(b)3.c., F.S.

<sup>41</sup> Section 1002.33(6)(c)1, F.S.

<sup>42</sup> *Id.*

<sup>43</sup> Section 1002.33(6)(c)1., F.S.

<sup>44</sup> *Id.*

<sup>45</sup> Section 1002.33(6)(d), F.S.

exempts a charter school that exclusively offers the CTE pathway option from application requirements related to district school boards but specifies that such charter schools must comply with the application requirements relating to the department. Current law does not provide for an alternative to the charter school application process that is specified in law.

### **Standard High School Diploma Designation (Section 16)**

#### ***Present Situation***

Florida law specifies the academic requirements for a student to earn a “Scholar” designation on the standard high school diploma, including a requirement that the student earn one credit in Algebra II and one credit in statistics or an equally rigorous course.<sup>46</sup>

#### ***Effect of Proposed Changes***

Effective upon becoming law, the bill revises the requirements for a student to earn a “Scholar” designation by permitting the one credit in Algebra II to be substituted with one credit in another equally rigorous course.

### **School Grading System (Section 28)**

#### ***Present Situation***

Florida law specifies the components of the school grading system, with each component worth 100 points.<sup>47</sup> For a school comprised of grades 9, 10, 11, and 12, or grades 10, 11, and 12, the school’s grade must also be based on the following components, each worth 100 points:<sup>48</sup>

- The 4-year high school graduation rate of the school as defined by state board rule.
- 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, 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.

#### ***Effect of Proposed Changes***

The bill elevates the importance of career education by revising a school grade component for high schools to specify that dual enrollment courses include career clock-hour dual enrollment courses totaling 450 or more hours, beginning with the 2019-2020 school year.

### **Career Education Opportunities (Section 17, 18, and 22)**

#### ***Present Situation***

The purpose of career education is to enable students who complete career programs to attain and sustain employment and realize economic self-sufficiency.<sup>49</sup> The state board must adopt, by

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<sup>46</sup> Section 1002.4285(1)(a), F.S.

<sup>47</sup> Section 1008.34(3)(b)1., F.S.

<sup>48</sup> Section 1008.34(3)(b)2., F.S.

<sup>49</sup> Section 1004.92(1), F.S.

rule, standards of basic skill mastery for completion of certificate career education programs.<sup>50</sup> Each school district and Florida College System (FCS) institution that conducts programs that confer career and technical certificates must provide applied academics instruction through which students receive the basic skills instruction.<sup>51</sup>

The CTE Programs section within the Division of Career and Adult Education, DOE, is responsible for developing and maintaining educational programs that prepare individuals for occupations important to Florida's economic development.<sup>52</sup> Each CTE program is aligned to a career cluster and is detailed in curriculum frameworks adopted by the state board.<sup>53</sup> The programs and courses adopted range from middle grades through associate in science degree level. With the help of educators, business and industry representatives, and trade associations, CTE programs are aligned with the skill requirements needed in today's workforce. For 2018-19, the following total K-12 programs are approved:<sup>54</sup>

- 88 Middle School Programs.
- 194 High School Programs.
- 81 Practical Arts/single course offerings.

The Legislature enacted the Florida Career and Professional Education (CAPE) Act to provide a statewide planning partnership between the business and education communities to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.<sup>55</sup> The primary purpose of the CAPE Act is to:<sup>56</sup>

- Improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
- Provide rigorous and relevant career-themed courses that articulate to postsecondary-level coursework and lead to industry certification;
- Support local and regional economic development;
- Respond to Florida's critical workforce needs; and
- Provide state residents with access to high-wage and high-demand careers.

Florida's job market is growing, but 1.7 million more jobs will be needed by 2030.<sup>57</sup> Sixty-four percent of Florida jobs in 2025 will require a postsecondary degree or certificate (postsecondary vocational, associate, bachelor's, master's or higher).<sup>58</sup> Currently, 48 percent of working age

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<sup>50</sup> Section 1004.91(1), F.S.

<sup>51</sup> *Id.*

<sup>52</sup> Florida Department of Education, *2019 Agency Legislative Bill Analysis for HB 661* (March 14, 2019), at 4.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> Section 1003.491, F.S.

<sup>56</sup> *Id.* at (1).

<sup>57</sup> Florida Department of Education, *Presentation to Florida House of Representatives Education Committee* (Feb. 5, 2019), available at

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2996&Session=2019&DocumentType=Meeting%20Packets&FileName=edc%202-5-19.pdf>, at 27 of 77. (Last visited Mar. 27, 2019).

<sup>58</sup> Florida Department of Economic Opportunity, *Florida Strategic Plan for Economic Development*, at 13, available at <http://www.floridajobs.org/docs/default-source/division-of-strategic-business-development/fl5yrplan/fl-strategic-plan-booklet-2.pdf?sfvrsn=6>, (Last visited Mar. 27, 2019).

Floridians have a high quality credential or degree.<sup>59</sup> Florida ranks 21<sup>st</sup> in the nation for percentage of adults with education and high-quality workforce credentials.<sup>60</sup>

District school boards are required to provide transportation for students to and from school. District school boards may also use motor vehicles other than school buses to transport students to and from other education sites, including to and from specialized education programs and agriculture education sites.<sup>61</sup>

### *Effect of Proposed Changes*

The bill amends the Career and Professional Education Act<sup>62</sup> to require that each school board's strategic three-year plan include a provision for school boards to provide opportunities for students whose cumulative GPA drops below a 2.0 to enroll in career-themed courses or participate in career and professional academies. Such students must be provided in-person academic advising that includes information on career education programs by a certified school counselor or the school principal or his or her designee during any semester the student is at risk of dropping out or has a cumulative GPA below a 2.0.

The bill also requires the commissioner to conduct an annual review of K-12 and postsecondary career and technical education offerings, in consultation with the Department of Economic Opportunity, CareerSource Florida, Inc., leaders of business and industry, the Board of Governors of the State University System of Florida (BOG), the FCS, school districts, and other education stakeholders, to determine the alignment of existing offerings with employer demand, postsecondary degree or certificate programs, and professional industry certifications. The review must identify career and technical education offerings that are linked to occupations that are in high-demand by employers, require high-level skills, and provide middle- and high-level wages.

Using the findings from the annual review, the commissioner must phase out career and technical education programs that are not aligned with the needs of employers or do not provide those who complete such programs with a middle- or high-wage occupation. The bill encourages school districts and FCS institutions to offer programs that are not offered currently.

The bill establishes the “Strengthening Alignment between Industry and Learning (SAIL) to 60” Initiative. The SAIL to 60 Initiative sets a statewide attainment goal to increase the percentage of working-age adults who hold a high-value postsecondary certificate, degree, or training experience to 60 percent by the year 2030. The initiative also requires the SBE and the BOG to work collaboratively to carry out the following duties:

- Increase awareness and the use of the following:

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<sup>59</sup> Lumina Foundation, *Presentation to Florida House of Representatives Higher Education & Career Readiness Subcommittee* (Feb. 7, 2019), at 8 of 58, available at <https://www.myfloridahouse.gov/Sections/Documents/loadaddoc.aspx?PublicationType=Committees&CommitteeId=3016&Session=2019&DocumentType=Meeting%20Packets&FileName=hec%202-7-19.pdf%20>, (Last visited Mar. 27, 2019).

<sup>60</sup> *Id.*

<sup>61</sup> Section 1006.22(1)(a), F.S.

<sup>62</sup> Ch. 2007-216, L.O.F.

- The K-20 statewide computer-assisted student advising system.
- The Complete Florida Degree Initiative that facilitates degree completion for adult learners. The Chancellor of the State University System and the Chancellor of the FCS must consult with the Complete Florida Degree Initiative to identify barriers to program expansion and develop recommendations to increase the number of participating institutions and students served by the program. Recommendations must consider, at a minimum, methods for increasing outreach efforts and a strategy for creating and implementing a “Last Mile” scholarship program that provides financial assistance to students who are within 12 credit hours of completing their first associate or baccalaureate degree. Recommendations must be submitted to the BOG, the SBE, and the Governor no later than October 1, 2019.
- The summer bridge programs at state universities and FCS institutions that help students transition to postsecondary education.
- Support and publicize the efforts of the Florida College Access Network to:
  - Increase the number of high school seniors who submit at least one completed postsecondary education application.
  - Increase the number of high school seniors who submit a completed Free Application for Federal Student Aid to receive financial aid to help pay for their postsecondary education expenses.
  - Recognize and celebrate high school seniors for their postsecondary education and career plans and encourage early preparation for college.
  - Conduct regional meetings with postsecondary educational institutions, business leaders, and community organizations to solve community-specific issues related to attainment of postsecondary certificates, associate degrees, and baccalaureate degrees.
- Facilitate a reverse transfer agreement between the SBE and BOG to award postsecondary education credentials to students who have earned them.
- Facilitate the establishment of career pathways agreements between career centers and FCS institutions.
- Develop a systematic, cross-sector approach to awarding credit for prior learning.

The bill provides incentives to school districts, charter schools, and FCS institutions to expand student access to career education opportunities. The bill permits district school boards to use motor vehicles other than school buses to transport students to and from a career education program that is not offered at the high school in which a student is enrolled, provided that those vehicles are not used for customary transportation between a student’s residence and such sites.

### **CAPE Digital Tool Certificates (Section 30)**

#### ***Present Situation***

The DOE must identify, by June 15 of each year, CAPE Digital Tool certificates that indicate a student’s digital skills.<sup>63</sup> The department must notify each school district when the certificates are available.<sup>64</sup> The certificates must be made available to all public elementary and middle grades students.<sup>65</sup> It is the intent of the Legislature that by July 1, 2018, on an annual basis, at

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<sup>63</sup> Section 1003.4203(3), F.S.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

least 75 percent of public middle grades students earn at least one CAPE Digital Tool certificate.<sup>66</sup> During the 2017-2018 school year, students earned 40,953 CAPE Digital Tool certificates.<sup>67</sup>

Current law limits CAPE Digital Tool certificates to no more than 15 annually, limited to the areas of word processing; spreadsheets; sound, motion, and color presentations; digital arts; cybersecurity; and coding that do not articulate for college credit.<sup>68</sup> Such certificates must be annually identified on the CAPE Industry Certification Funding List and updated solely by the Chancellor of Career and Adult Education.<sup>69</sup> The certificates must be made available to students in elementary school and middle school grades and, if earned by a student, must be eligible for additional 0.025 full-time equivalent membership in accordance with the law.<sup>70</sup>

### ***Effect of Proposed Changes***

The bill promotes career education opportunities for students in elementary and middle schools by increasing from 15 to 30, the limit on the number of CAPE Digital Tool Certificates that must be identified annually. As a result, the bill increases the number of certificates that may be available to students, which may result in the school districts receiving additional bonus funds for each of such certificates earned by students.

## **Articulation Agreements and Degree Requirements (Sections 23, 24, 25, and 27)**

### ***Present Situation***

#### **Dual Enrollment**

Dual enrollment 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.<sup>71</sup> 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.<sup>72</sup>

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 the requirements specified in law<sup>73</sup> and provides a secondary curriculum pursuant to the law.<sup>74</sup> Students who meet the eligibility requirements specified in law and who choose to participate in dual enrollment programs are exempt from the payment of registration, tuition, and laboratory fees.<sup>75</sup>

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<sup>66</sup> *Id.*, at (c).

<sup>67</sup> Florida Department of Education, *Industry Certifications Earned by Certification – 2013-14 to 2017-18*, available at <http://www.fldoe.org/core/fileparse.php/9904/urlt/ic-earned1314-1718.xls> (Last visited Apr. 10, 2019).

<sup>68</sup> Section 1008.44(1)(b), F.S.

<sup>69</sup> *Id.*

<sup>70</sup> Sections 1008.44(1)(b) and 1011.62(1)(o)1., F.S.

<sup>71</sup> Section 1007.271(1), F.S.

<sup>72</sup> *Id.*

<sup>73</sup> Section 1002.42(2), F.S.

<sup>74</sup> Section 1007.271(2), F.S.

<sup>75</sup> Section 1007.271(16), F.S. Florida law specifies that the provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, do not apply to students who select the option of enrolling in an eligible independent institution. Section 1011.62(1)(i), F.S. An eligible independent



Student eligibility requirements for initial enrollment in college credit dual enrollment courses must include a 3.0 unweighted high school grade point average (GPA) and the minimum score on a common placement test<sup>76</sup> adopted by the State Board of Education (state board) which indicates that the student is ready for college-level coursework.<sup>77</sup> For continued enrollment in college credit dual enrollment courses, students must maintain a 3.0 unweighted high school GPA and the minimum postsecondary GPA established by the postsecondary institution.<sup>78</sup> For initial and continued enrollment in career certificate dual enrollment courses, students must have a 2.0 unweighted high school GPA.<sup>79</sup> Exceptions to the required GPA may be granted on an individual student basis if the educational entities agree and the terms of the agreement are contained within the dual enrollment articulation agreement.<sup>80</sup> Students are required to provide their own transportation, unless provided for in the articulation agreement.<sup>81</sup>

Career dual enrollment includes courses offered through career certificate clock hour programs and career associate degree (college credit) programs that lead to an industry certification.<sup>82</sup> For career certificate dual enrollment courses, the DOE awards a one-half credit in an equivalent high school course for each 75 hours in the career certificate course, rounded down to the nearest one-half credit.<sup>83</sup>

### Statewide Articulation Agreement

Current law requires that the SBE and the BOG enter into a statewide articulation agreement, which must preserve Florida's "2+2" system of articulation and facilitate the seamless articulation of student credit across Florida's educational entities.<sup>84</sup> This articulation agreement must provide that every associate in arts graduate from a Florida College System (FCS) institution must have met all the general education requirements and must be granted admission to a state university or an FCS institution if the institution offers baccalaureate degree programs, except for a limited access or teacher certification program or a major program requiring an audition.<sup>85</sup>

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institution is 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. *Id.*

<sup>76</sup> The Postsecondary Education Readiness Test (PERT) is Florida's customized common placement test. The purpose of the PERT is to determine accurate course placement based on the student's skills and abilities. The PERT is aligned with the Postsecondary Readiness Competencies identified by Florida faculty as necessary for success in entry-level college credit coursework. The PERT assessment system includes Placement and Diagnostic tests in mathematics, reading and writing. Rule 6A-10.0315, F.A.C. establishes the test scores used to determine whether a student is ready for college level coursework. Florida Department of Education, *Common Placement Testing*, <http://www.fldoe.org/schools/higher-ed/fl-college-system/common-placement-testing.stml> (last visited April 2, 2019). As an alternative to PERT, students may take the ACCUPLACER, SAT, and ACT to demonstrate readiness to perform college-level work. Rule 6A-10.0315(2), F.A.C.; *see also* Rule 6A-14.064(1)(b), F.A.C.

<sup>77</sup> Section 1007.271(3), F.S.

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> Section 1007.271(13)(b)3., (21)(o), and (24)(a)2., F.S.

<sup>82</sup> Florida Department of Education, 2019-2020 Dual Enrollment Course-High School Subject Area Equivalency List (Feb. 2019), available at: <http://www.fldoe.org/core/fileparse.php/7744/urlt/22719-AgendaPacket-C-Career.pdf>.

<sup>83</sup> *Id.*

<sup>84</sup> Section 1007.23(1), F.S.

<sup>85</sup> Section 1007.23(2)(a)1-2, F.S.

The articulation agreement must also guarantee the statewide articulation of appropriate workforce development programs and courses between school districts and FCS institutions.<sup>86</sup> Students who complete designated career education programs can articulate credits into related associate in science (AS) and associate in applied science (AAS) degree programs. Currently, there are 46 statewide articulation agreements between career certificate programs and AS and AAS degree programs.<sup>87</sup>

### ***Effect of Proposed Changes***

#### **Career Dual Enrollment**

The bill requires each career center operated by a district school board to 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 DOE by August 1. The agreement must:

- 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.
- Delineate the high school credit earned for the completion of each career dual enrollment course.
- Identify any college credit articulation agreements associated with each clock hour program.
- Describe how students and 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.
- Establish any additional eligibility requirements for participation and a process for determining eligibility and monitoring the progress of participating students.
- Delineate costs to be incurred by each entity and determine how transportation will be provided for students who are unable to provide their own transportation.

#### **Reverse Transfer Agreement**

The bill requires that the statewide articulation agreement between the SBE and BOG provide for a reverse transfer agreement for FCS associate in arts (AA) degree-seeking students who transfer to a state university before earning their associate in arts degree.

The bill:

- Specifies that if a student has earned more than 30 credit hours toward an associate in arts degree from an FCS institution, the student must be awarded an AA degree by the FCS institution upon completion of the degree requirements at the state university.
- Requires state universities to:

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<sup>86</sup> Section 1007.33(4), F.S.

<sup>87</sup> Florida Department of Education, Career and Adult Education, *PSAV to AAS/AS Degree*, <http://www.fldoe.org/academics/career-adult-edu/career-technical-edu-agreements/psav-to-aas-as-degree.shtml> (last visited Apr. 11, 2019)

- Identify the transfer students from FCS institutions who have completed the requirements for an AA degree and transfer credits earned at the state university back to the FCS institution so that the AA degree may be awarded by that FCS institution.
- Notify students of the criteria and process for requesting an AA certificate during orientation and provide additional notification to students upon completion of the AA degree requirements by the students.

### Regional Career Pathways Agreement

The bill also requires that each career center and FCS institution with overlapping service areas execute a regional career pathways agreement for each certificate program offered by the career center that is aligned with an associate degree offered by the FCS institution in the service area. These agreements must guarantee college credit toward an aligned associate degree program for students who graduate with a career and technical certificate from a career center and meet specified requirements. Regional agreements may not award less credit than the amount guaranteed through the existing statewide articulation agreement.

Each career pathway agreement must outline certificate program completion requirements and any licenses or industry certifications that must be earned prior to enrolling in an FCS associate degree program. Articulated college credit must be awarded in accordance with the agreement upon a student's initial enrollment in the associate degree program. Each regional career pathways agreement must be annually submitted to the DOE no later than May 1.

### **Career and Education Planning Course (Section 14)**

#### ***Present Situation***

Florida law specifies the general requirements for middle grades promotion.<sup>88</sup> Accordingly, students must successfully complete the specified courses to be promoted to high school.<sup>89</sup> In 2006, the Legislature created the requirements for middle grades promotion, which included one course in career and education planning.<sup>90</sup> In 2017, the requirement for students to complete the career and education planning course was eliminated.<sup>91</sup>

#### ***Effect of Proposed Changes***

The bill restores successful completion of the career education and planning course, with some modifications, as a requirement for students to be promoted to high school. The bill reinstates the career education and planning course requirements that were eliminated in 2017, except that the bill:

- Clarifies that the required academic and career plan must include information about the requirements for each type<sup>92</sup> of Florida Bright Futures Scholarship.

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<sup>88</sup> Section 1003.4156(1), F.S.

<sup>89</sup> *Id.*

<sup>90</sup> Section 21, ch. 2006-74, L.O.F.

<sup>91</sup> Section 60, ch. 2017-116, L.O.F.

<sup>92</sup> The Florida Bright Futures Scholarship Program consists of the following types of awards: Florida Academic Scholarship, Florida Medallion Scholarship, Florida Gold Seal Vocational Scholarship, and Florida Gold Seal CAPE Scholarship. Section 1009.53(2) and 1009.536, F.S.

- Requires the course to emphasize employability skills.
- Requires that upon completion of the career and education planning course, a student's personalized academic and career plan must be sent to the student's academic advisor who must inform the student about the CTE graduation pathway option.
- Does not require the course to emphasize technology or the application of technology in career fields.
- Does not specify the requirements for:
  - Schools to inform parents about the course curriculum and activities;
  - Each student to complete a personal education plan that must be signed by the student and the student's parent;
  - The DOE to develop course frameworks and professional development materials for the course; and
  - The commissioner to collect longitudinal high school course enrollment data by student ethnicity to analyze course-taking patterns.

## **Recognition of Academic and Workforce Achievement (Section 11)**

### ***Present Situation***

District school boards are authorized to exercise powers and duties in accordance with the law or SBE rule.<sup>93</sup> For instance, a district school board is encouraged to adopt policies and procedures to provide for a student "Academic Scholarship Signing Day" by declaring the third Tuesday in April each year as "Academic Scholarship Signing Day." The "Academic Scholarship Signing Day" must recognize the outstanding academic achievement of high school seniors who sign a letter of intent to accept an academic scholarship offered to the student by a postsecondary educational institution.<sup>94</sup>

District school board policies and procedures may include events in which students offered academic scholarships assemble and sign actual or ceremonial documents accepting those scholarships.<sup>95</sup>

### ***Effect of Proposed Changes***

The bill maintains district school boards' authority to recognize students' academic achievement, but specifies that a district school board must adopt policies and procedures to declare a "College and Career Decision Day" to recognize high school seniors for their postsecondary education plans and to encourage:

- Early preparation for college, and
- Students to pursue advanced career pathways through the attainment of industry certifications for which there are statewide college credit articulation agreements.

Accordingly, the bill provides a mechanism for acknowledging workforce education and readiness of students.

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<sup>93</sup> Section 1001.43, F.S.

<sup>94</sup> *Id.* at (14)(b).

<sup>95</sup> *Id.*

## **Workforce Education Funding (Sections 21 and 32)**

### ***Present Situation***

Funds provided for career and charter technical centers are appropriated separately from other K-12 programs in the General Appropriations Act (GAA). Proviso language included in the GAA specifies that the funds appropriated shall not be used to support K-12 programs or district K-12 administrative indirect costs. The Auditor General verifies compliance with this requirement during scheduled audits of these institutions.<sup>96</sup> As part of the school district, career and charter technical centers benefit from the use of school district personnel and services for many activities which may include: payroll/human resources; building maintenance and repair; pest control; lawn care; risk management and liability insurance; marketing; financial and legal services; professional development; school police; technology and management information systems; transportation for limited high school students; and utilities.

By sharing services, the centers do not have to hire additional full-time staff, or contract for these activities. School districts, in turn, charge their center(s) associated indirect and administrative fees for usage. Currently, the DOE's financial data system does not separate secondary expenditures from postsecondary expenditures. The indirect costs charged by school districts to the 48 centers vary in percentage of total allocations.

Postsecondary education, including workforce education programs, once conformed to a calculated percentage of the average cost of instruction funded with 75 percent from state general revenue and 25 percent from student fees. This ratio is no longer applicable, as tuition and fee revenues currently make up a larger percentage of total funding. Funding for workforce education is currently calculated based on weighted enrollment minus fee revenues generated to offset program operational costs.

### ***Effect of Proposed Changes***

Subject to appropriation, the bill creates the Florida Apprenticeship Grant (FLAG) Program to provide grants to high schools, career centers, charter technical career centers, FCS institutions, and other entities authorized to sponsor apprenticeship or preapprenticeship programs for the purpose of expanding existing programs and establishing new apprenticeship or preapprenticeship programs. The bill:

- Requires program applications to contain projected enrollment and cost data for new and expanded apprenticeship program.
- Requires the DOE to give priority to apprenticeship programs with demonstrated regional demand.
- Specifies that grant funds:
  - May be used for instructional equipment, supplies, personnel, student services, and other expenses associated with the creation or expansion of an apprenticeship program.
  - May not be used for recurring instructional costs or indirect costs.
- Requires grant recipients to submit quarterly reports in a format prescribed by the DOE.
- Authorizes the state board to adopt rules to administer the FLAG Program.

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<sup>96</sup> Ch. 2015-232, Laws of Fla., *see* Specific Appropriation 118 proviso referencing Specific Appropriations 10, 116, and 118.

The bill requires each school district and FCS institution receiving state appropriations for workforce education programs to maintain adequate and accurate records, including a system to record school district workforce education funding and expenditures in order to maintain separation of postsecondary workforce education expenditures from secondary education expenditures. These records must be submitted to the DOE in accordance with rules of the SBE.

The bill revises the calculation methodology for determining state funding for workforce education programs consistent with the current method used to allocate funds, and removes obsolete references for programs that are no longer funded.

### **Apprenticeship and Preapprenticeship Programs (Sections 1 through 9, and 33)**

The Florida Legislature has established educational opportunities for young people in the state to be trained for trades, occupations, and professions suited to their abilities.<sup>97</sup>

#### ***Present Situation***

The National Apprenticeship Act (Act) of 1937 authorized the Department of Labor to formulate and promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging their inclusion in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, and to cooperate with state agencies engaged in the formulation and promotion of standards of apprenticeship.<sup>98</sup>

Nationally, registered apprenticeship programs increased by 56 percent between 2013 and 2018.<sup>99</sup> There are over 585,000 apprentices currently obtaining the skills they need to succeed while earning the wages they need to build financial security.<sup>100</sup> Over 71,000 participants graduated from apprenticeship programs in fiscal year 2018, and over 47,000 veterans nationwide are participating in an apprenticeship program.<sup>101</sup>

#### **Apprenticeship Programs**

An apprenticeship program is an organized course of instruction, registered and approved by the DOE,<sup>102</sup> which contains all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices<sup>103</sup> including such matters as the requirements for a

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<sup>97</sup> Chapter 446, F.S.

<sup>98</sup> United States Department of Labor, *Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations*, Federal Register, Vol. 73, No. 210, amending 29 CFR Part 29, available at <https://doleta.gov/OA/pdf/FinalRule29CFRPart29.pdf> (Last visited Mar. 27, 2019). See also 29 U.S.C. s. 50 (1937), as amended.

<sup>99</sup> United States Department of Labor, *Apprenticeship: Data and Statistics*, [https://www.doleta.gov/oa/data\\_statistics.cfm](https://www.doleta.gov/oa/data_statistics.cfm) (last visited March 27, 2019).

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> Registration of an apprenticeship program means acceptance and recording of such program by the Department as meeting the basic standards and requirements of the Department for approval of such program. Approval is evidenced by a certificate or other written indicia. Fla. Admin. Code R. 6A-23.002(18) (2019) Eligibility and requirements for registration are established in State Board of Education rule. Fla. Admin. Code R. 6A-23.003 (2019).

<sup>103</sup> An “apprentice” means “a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which training should be combined with properly

written apprenticeship agreement.<sup>104</sup> The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs.<sup>105</sup> Florida law specifies general duties of the DOE for apprenticeship training.<sup>106</sup> Presently, there are 223 registered apprenticeship programs and 11,879 active registered apprentices located statewide.<sup>107</sup>

### Preapprenticeship Programs

A preapprenticeship program is an organized course of instruction in the public school system or elsewhere, which is designed to prepare a person 16 years of age or older to become an apprentice<sup>108</sup> and is approved by and registered with the DOE and sponsored by a registered apprenticeship program.<sup>109</sup> The DOE, under regulations established by the state board, may administer the provisions in law<sup>110</sup> which relate to preapprenticeship programs in cooperation with district school boards and community college district boards of trustees.<sup>111</sup> Additionally, Florida law requires cooperation between district school boards, community college district boards of trustees, and registered program sponsors, and specifies responsibilities for such entities regarding apprenticeship and preapprenticeship programs.<sup>112</sup> Presently, there are 29 preapprenticeship programs and 647 preapprentices located statewide.<sup>113</sup>

### State Apprenticeship Advisory Council

The State Apprenticeship Advisory Council advises DOE on matters relating to apprenticeship. The council may not establish policy, adopt rules, or consider whether particular apprenticeship programs should be approved by DOE. The council is composed of 10 voting members appointed by the Governor and two ex officio nonvoting members.<sup>114</sup>

The Commissioner of Education or the commissioner's designee must serve ex officio as chair of the State Apprenticeship Advisory Council, but may not vote. The state director of the USDOL must serve ex officio as a nonvoting member of the council. The Governor is required to appoint to the council four members representing employee organizations and four members representing employer organizations. Each of these eight members must represent industries that have registered apprenticeship programs. The Governor must also appoint two public members who

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coordinated studies of technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprentice agreement, with a registered apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee." Section 446.021(2), F.S. A "journeyman means" "a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation." Section 446.021(4), F.S.  
<sup>104</sup> Section 446.021(6), F.S. An apprenticeship agreement may not operate to invalidate any apprenticeship provision in a collective agreement between employers and employees which establishes higher apprenticeship standards. Section 446.081(1), F.S.

<sup>105</sup> Section 446.041, F.S.

<sup>106</sup> Section 446.032, F.S.

<sup>107</sup> Email, Florida Department of Education (March 15, 2019).

<sup>108</sup> A "preapprentice" means any person 16 years of age or over engaged in any course of instruction in the public school system or elsewhere, which course is registered as a preapprenticeship program with the department. Section 446.021(1), F.S.

<sup>109</sup> Section 446.021(5), F.S.

<sup>110</sup> Sections 446.011-446.092, F.S.

<sup>111</sup> Section 446.052(2), F.S.

<sup>112</sup> Section 446.052, F.S.

<sup>113</sup> Email, Florida Department of Education (March 19, 2019).

<sup>114</sup> Section 446.045(2)(a)-(b), F.S.

are knowledgeable about registered apprenticeship and apprenticeable occupations, one of whom must be recommended by joint organizations, and one of whom must be recommended by nonjoint organizations.

### ***Effect of Proposed Changes***

The bill promotes apprenticeship and preapprenticeship programs through notification about such programs to students, parents, and members of the community. Specifically, the bill:

- Adds to the DOE's general duties regarding apprenticeship training to require the department to provide assistance to district school boards, FCS institution boards of trustees, program sponsors, and local workforce development boards in notifying students, parents, and members of the community of the availability of apprenticeship and preapprenticeship opportunities, including data provided in the economic security report.<sup>115</sup>
- Updates terms to replace community colleges' responsibilities regarding apprenticeship and preapprenticeship programs with FCS institutions' responsibilities. Updates the term "journeyman" to "journeyworker."
- Modifies the requirements for the two public members appointed to the State Apprenticeship Advisory Council by the Governor to require that these members must be independent of any joint or non-joint organization.

The bill requires the Department of Business and Professional Regulation (DBPR), in consultation with the applicable board and the DOE, to outline potential apprenticeship programs or conduct a review of existing registered apprenticeship programs to determine which, if completed by an applicant, could substitute for the required educational training otherwise required for licensure. The DBPR must submit its findings and recommendations to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2019.

### **Adjunct Educator Certification (Sections 15 and 34)**

#### ***Present Situation***

It is the intent of the Legislature to allow school districts to tap the wealth of talent and expertise represented in Florida's citizens who may wish to teach part-time in a Florida public school by permitting school districts to issue adjunct certificates to qualified applicants.<sup>116</sup>

District school boards are required to adopt rules to allow for the issuance of an adjunct teaching certificate to any applicant who fulfills the requirements specified in law<sup>117</sup> and who has expertise in the subject area to be taught.<sup>118</sup> An applicant must be considered to have expertise in

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<sup>115</sup> Beginning December 31, 2013, and annually thereafter, the Department of Economic Opportunity, in consultation with the Department of Education, is required to prepare, or contract with an entity to prepare, an economic security report of employment and earning outcomes for degrees or certificates earned at public postsecondary educational institutions. Section 445.07, F.S.

<sup>116</sup> Section 1012.57(2), F.S.

<sup>117</sup> An applicant must fulfill the requirements of ss. 1012.56(2)(a)-(f) and (10), F.S. The requirements specified in law for adjunct teacher certification does not include the requirement to demonstrate mastery of general knowledge. Section 1012.57(1), F.S.

<sup>118</sup> Section 1012.57(1), F.S.



the subject area to be taught if the applicant demonstrates sufficient subject area mastery through passage of a subject area test.<sup>119</sup> The adjunct teaching certificate must be used for part-time teaching positions.<sup>120</sup>

### ***Effect of Proposed Changes***

The bill provides flexibilities to district school boards by expanding the boards' authority regarding the issuance of adjunct educator certificates to permit the issuance of such certificates for full-time teaching positions. However, consistent with the terms of the temporary educator certificate,<sup>121</sup> the bill specifies that an adjunct teaching certificate issued for a full-time teaching position is valid for no more than three years and is nonrenewable. Additionally, the bill requires each school district to:

- Post on the district's website requirements for issuance of an adjunct teaching certificates, which must specify the subject area test by which an applicant demonstrates subject area mastery.
- Annually report to the DOE the number of adjunct teaching certificates issued for full-time and part-time teaching positions.

The bill also specifies that adjunct educators, who are certified in accordance with the law,<sup>122</sup> may administer courses in the CTE pathway option.

### **Higher Education Coordinating Council (Section 10, 12, 19, 20, and 31)**

#### ***Present Situation***

The Higher Education Coordinating Council (HECC) was created in 2010 for the purpose of identifying unmet needs; facilitating solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers; and facilitating solutions to data issues identified by the Articulation Coordinating Committee.<sup>123</sup> The HECC is comprised of eleven members:

- One member of the BOG.
- One member of the SBE.
- Chancellor of the State University System.
- Chancellor of the Florida College System.
- Executive Director of the Florida Association of Postsecondary Schools and Colleges.
- President of the Independent Colleges and Universities of Florida.
- President of Workforce Florida, Inc.
- President of Enterprise Florida, Inc.

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<sup>119</sup> *Id.*

<sup>120</sup> *Id.*

<sup>121</sup> Section 1012.56(7), F.S.

<sup>122</sup> Florida law requires district school boards to adopt rules to allow for the issuance of an adjunct teaching certificate to any applicant who fulfills the requirements of s. 1012.56(2)(a)-(f) and (10), F.S., and who has expertise in the subject area to be taught. An applicant must be considered to have expertise in the subject area to be taught if the applicant demonstrates sufficient subject area mastery through passage of a subject area test. The adjunct teaching certificate must be used for part-time teaching positions. Section 1012.57, F.S. The requirements specified in law for adjunct teacher certification does not include the requirement to demonstrate mastery of general knowledge. *Id.*

<sup>123</sup> Section 1004.015, F.S.

- Three business community representatives, one appointed by the Speaker of the House of Representatives, one appointed by the President of the Senate, and one appointed by the Governor.<sup>124</sup>

The Office of K-20 Articulation, in collaboration with the Board of Governors and the Division of Florida Colleges provides administrative support for the council.<sup>125</sup>

### *Effect of Proposed Changes*

The bill reconstitutes the HECC as the Florida Talent Development Council for the purpose of developing a data-driven, statewide approach to meeting Florida's need for a 21<sup>st</sup> century workforce, which utilizes the in-state talent supply system. The DOE must provide support for the council.

The membership of the council is revised to include the following:

- One member, appointed by the Governor, to serve as the chair.
- One member of the Florida Senate, appointed by the President of the Senate.
- One member of the Florida House of Representatives, appointed by the Speaker of the House.
- The President of CareerSource Florida, Inc.
- The President of Enterprise Florida, Inc.
- The Executive Director of the Department of Economic Opportunity.
- The Commissioner of Education.
- The President of the Florida Council of 100.
- The President of the Florida Chamber of Commerce.
- One member of the SBE, appointed by the chair of the SBE.
- One member of the BOG, appointed by the chair of the BOG.

The membership of the council must also include the following members serving as ex officio nonvoting members of the council:

- The Chancellor of the State University System.
- The Chancellor of the FCS.
- The Chancellor of Career and Adult Education.
- The President of the Independent Colleges and Universities of Florida.
- The Executive Director of the Florida Association of Postsecondary Schools and Colleges.

The bill requires the council to develop a strategic plan for talent development to accomplish the goal of 60 percent of working age adults with a high-value postsecondary credential by 2030, to be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the BOG, and the SBE by December 31, 2019.

The bill specifies that the strategic plan must, at a minimum:

- Identify Florida's fastest-growing industry sectors and the postsecondary credentials required for employment in those industries.

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<sup>124</sup> *Id.*

<sup>125</sup> *Id.*

- Assess whether postsecondary degrees, certificates, and other credentials awarded by Florida's postsecondary institutions align with high demand employment needs and job replacement rates.
- Identify strategies to deepen and expand cross-sector collaboration to align higher education programs with targeted industry needs.
- Establish targeted strategies to increase certifications and degrees for all populations with attention to closing equity gaps for underserved populations and incumbent workers requiring an upgrade of skills.
- Assess the role of apprenticeship programs in meeting targeted workforce needs and identification of any barriers to program expansion.
- Identify common metrics and benchmarks to demonstrate progress toward the 60 percent goal and how the SAIL to 60 Initiative can provide coordinated cross-sector support for the strategic plan.
- Recommend improvements to the consistency of workforce education data collected and reported by the FCS institutions and school districts, including the establishment of common elements and definitions for any data that is used for state and federal funding and program accountability.
- Establish a timeline for regularly updating the strategic plan and the established goals.

## **Postsecondary Feedback of Information to High Schools**

### ***Present Situation***

Florida law requires the Commissioner of Education to annually report, by high school, to the SBE, the BOG, and the Legislature, by November 30, the number of prior year Florida high school graduates who enrolled for the first time in public postsecondary education in this state during the previous summer, fall, or spring term, indicating the number of students whose scores on the common placement test indicated the need for developmental education<sup>126</sup> or for applied academics<sup>127</sup> for adult education.<sup>128</sup>

### ***Effect of Proposed Changes***

The bill revises the deadline from November 30 to April 30 for the annual reporting of postsecondary feedback information by the commissioner to specified entities. The change in the

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<sup>126</sup> Developmental education means instruction through which a high school graduate who applies for any college credit program may attain the communication and computation skills necessary to successfully complete college credit instruction. Developmental education may be delivered through a variety of accelerated and corequisite strategies and includes any of the following: (a) modularized instruction that is customized and targeted to address specific skills gaps, (b) compressed course structures that accelerate student progression from developmental instruction to college-level coursework, (c) contextualized developmental instruction that is related to meta-majors, and (d) corequisite developmental instruction or tutoring that supplements credit instruction while a student is concurrently enrolled in a credit-bearing course. Section 1008.02(1), F.S. Meta-major means a collection of programs of study or academic discipline groupings that share common foundational skills. Florida Department of Education, *Florida's Public High School Graduates*, <https://app2.fldoe.org/publicapps/articulation/perfCPT/default.asp> (last visited Apr. 10, 2019).

<sup>127</sup> Any student found to lack the required level of basic skills for such program must be referred to applied academics instruction or another adult general education program for a structured program of basic skills instruction. Section 1004.91(2), F.S.

<sup>128</sup> Section 1008.37(2), F.S.

reporting deadline for the postsecondary feedback information will allow the DOE to use the data that are provided by the postsecondary education institutions by March of each year.

Additionally, the bill amends s. 1003.4282(7), F.S., relating to uniform transfer of high school credits, to update an outdated reference to the Elementary and Secondary Education Act (ESEA) to reflect the current federal law as amended by the Every Student Succeeds Act of 2015 (ESSA).

#### **Effective Date**

The bill takes effect July 1, 2019, except as otherwise provided.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Increasing the number of CAPE Digital Tool certificates may allow some school districts to generate additional bonus funding through the Florida Education Finance Program. School districts receive bonus funding of approximately \$105 for each CAPE Digital Tool certificate awarded in the 2018-2019 academic year.

**VI. Technical Deficiencies:**

Although the bill requires a student completing the Career and Technical Education (CTE) pathway option to earn a cumulative GPA of 2.0 on a 4.0 scale, the criteria for awarding a standard high school diploma under the CTE pathway option does not include the GPA requirement.

**VII. Related Issues:**

The bill creates paragraph (6)(d) of s. 1003.4282, F.S., to require the Department of Education (DOE or department) to adopt rules to implement the provisions specified in the bill regarding the award of a certificate of completion to a student who earns the number of credits required for high school graduation and industry certification but who fails to pass the required assessments specified in law. Additionally, the bill authorizes the DOE to adopt rules regarding the application requirements for charter schools that expand their scope to include additional pathways to graduation and that exclusively offer the Career and Technical Education pathway option.

The State Board of Education (SBE) is the agency authorized to adopt rules to implement provisions of law conferring duties upon it for the improvement of the state system of K-20 public education, except for the State University System.<sup>129</sup> The SBE may delegate its general powers to the Commissioner of Education or the directors of the divisions of the department.<sup>130</sup>

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 446.011, 446.021, 446.032, 446.045, 446.052, 446.081, 446.091, 446.092, 445.213, 1001.02, 1001.43, 1001.706, 1002.3105, 1003.4156, 1003.4156, 1003.4282, 1003.4285, 1003.491, 1004.015, 1004.6495, 1004.935, 1006.22, 1007.23, 1007.25, 1007.2616, 1007.271, 1008.34, 1008.37, 1008.44, 1009.21, 1011.80, and 1012.57.

The bill creates the following sections of the Florida Statutes: 1004.013, 1007.233, and 1011.802.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Innovation, Industry, and Technology on April 10, 2019:**

The committee substitute:

- Changes the title of the bill from “education” to “workforce education.”
- Revises terminology, including the terms community college district (to “Florida College System institution”) and “journeyman” (to “journeyworker”).

<sup>129</sup> Section 1001.02(1), F.S.

<sup>130</sup> *Id.*

- Requires the DOE to provide assistance to certain entities relating to notify specified persons of apprenticeship and preapprenticeship opportunities.
- Revises the membership criteria for certain appointments to the State Apprenticeship Advisory Council.
- Limits the applicability of state apprenticeship and job-training program requirements to provisions for veterans, minority persons, and women.
- Requires the DBPR to consult with the DOE to evaluate certain apprenticeship programs to determine potential substitutions for certain licensure requirements.
- Specifies that certain career education credits may be used to satisfy elective credit requirements for the accelerated high school graduation option.
- Revises the credit requirements for students who earn an industry certification.
- Corrects a cross-reference to the Every Student Succeeds Act.
- Revises the financial literacy requirement for the CTE graduation pathway.
- Revises the requirements to earn the scholar designation on a standard high school diploma.
- Requires the Commissioner of Education to annually review career and technical offerings in consultation with certain entities, and to phase out certain career and technical education offerings.
- Creates the “SAIL to 60 Initiative” for specified purposes and the SBE responsibilities relating to the initiative.
- Renames the Higher Education Coordinating Council as the Florida Talent Development Council, revises the membership of the council, revises the duties and responsibilities of the council; and requires the council to submit a strategic plan to the Governor and Legislature by a specified date.
- Authorizes district school boards to use motor vehicles to transport students to and from career education programs.
- Provides requirements for the statewide articulation agreements.
- Requires career centers and FCS institutions to submit a career pathways agreement to the DOE by a specified date, and provides requirements for such agreements.
- Requires state universities to notify students of the criteria and process for requesting an associate in arts certificate at specified times.
- Requires career centers to enter into agreements with specified high schools to offer certain courses to high school students, and provides requirements for such agreements.
- Modifies the date by which the Commissioner of Education is annually required to report certain information to the SBE, the BOG, and the Legislature.
- Requires certain school districts and FCS institutions to maintain certain records, and revises the calculation method for funds and fees for certain workforce education programs.
- Creates the Florida Apprenticeship Grant (FLAG) and authorizes the DOE to adopt rules.
- Revises requirements relating to adjunct teaching certificates.

**CS by Education on March 19, 2019:**

The committee substitute:

- Modifies the bill provisions regarding the Career and Technical Education (CTE) graduation pathway option in the following ways:
  - Revises the number of English Language Arts (ELA) credits that a student must complete to earn a standard high school diploma from 3 to 4, consistent with the existing 24-credit and 18-credit ACCEL option requirements specified in law.
  - Authorizes a student to complete ELA courses online and complete 2 or more ELA credits in a single year.
  - Revises the number of mathematics credits that a student must complete to earn a standard high school diploma from 3 to 4, consistent with the existing 24-credit and 18-credit ACCEL option requirements specified in law.
  - Changes the credit requirement for social studies from 3.5 to 3, similar to the existing 24-credit and 18-credit ACCEL option requirements specified in law, with the exception of the financial literacy requirement.
  - Specifies a 0.5 credit requirement each in economics and financial literacy under the CTE graduation pathway option to earn a standard high school diploma.
  - Revises the number of CTE credits that a student must complete to earn a standard high school diploma from 3 to 2.
  - Changes the credit requirements for work-based learning programs from 2.5 to 1.5.
- Adds provisions related to the CTE pathway option that:
  - Exempt a charter school that exclusively offers the CTE pathway option from application requirements related to district school boards but specify that such charter schools must comply with the application requirements relating to the department.
  - Specify that adjunct educators, who are certified in accordance with the law, may administer courses in the CTE pathway option.
- Adds provisions related to career education that:
  - Modify the 24-credit pathway for earning a standard high school diploma by revising computer science credit substitution for mathematics or science credits, and creates a mechanism for the review of the sufficiency of career education course standards to meet the Algebra I credit requirement.
  - Revise the acceleration mechanism component for the school grade calculation for high schools by specifying that dual enrollment courses include career clock-hour dual enrollment courses, and applies the revision to the 2019-2020 school year and thereafter.
  - Create the Florida Pathways to Career Opportunities Grant Program to enable high school and Florida College System (FCS) institutions to offer applied learning opportunities for students in high-demand career pathways linked to occupations that will provide students with middle-level and high-level wages.
  - Increase from 15 to 30, the limit on the number of CAPE Digital Tool Certificates that must be identified annually.
  - Restore middle grades career education and planning course requirements which were eliminated in 2017, with some modifications.
  - Require district school boards to also declare a “College and Career Decision Day” to recognize high school seniors for their postsecondary education plans and to encourage them to pursue college and career pathways.

- Require the Department of Education to provide assistance to district school boards, FCS institution boards of trustees, program sponsors, and local workforce development boards in notifying students, parents, and members of the community about apprenticeship and preapprenticeship opportunities.
- Adds a provision regarding adjunct educator certification that extends the issuance of the adjunct teaching certificates to full-time teaching positions, and specifies that such certificates are valid for a period of three years and are not renewable. The committee substitute also specifies reporting requirements for school districts.

B. Amendments:

None.





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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2019	.	
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The Committee on Innovation, Industry, and Technology (Hutson) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsections (1) and (2) of section 446.011,  
Florida Statutes, are amended to read:

446.011 Legislative intent regarding apprenticeship  
training.—

(1) It is the intent of the State of Florida to provide  
educational opportunities for its residents ~~young people~~ so that



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they can be trained for trades, occupations, and professions suited to their abilities. It is the intent of this act to promote the mode of training known as apprenticeship in occupations throughout industry in the state that require physical manipulative skills. By broadening job training opportunities and providing for increased coordination between public school academic programs, career programs, and registered apprenticeship programs, the residents of this ~~young people of the~~ state will benefit from the valuable training opportunities developed when on-the-job training is combined with academic-related classroom experiences. This act is intended to develop the apparent potentials in apprenticeship training by assisting in the establishment of preapprenticeship programs in the public school system and elsewhere and by expanding presently registered programs as well as promoting new registered programs in jobs that lend themselves to apprenticeship training.

(2) It is the intent of the Legislature that the Department of Education have responsibility for the development of the apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and that the department have responsibility for assisting district school boards and Florida College System institution ~~community college district~~ boards of trustees in developing preapprenticeship programs.

Section 2. Subsections (2) and (4) of section 446.021, Florida Statutes, are amended to read:

446.021 Definitions of terms used in ss. 446.011-446.092.—  
As used in ss. 446.011-446.092, the term:

(2) "Apprentice" means a person at least 16 years of age who is engaged in learning a recognized skilled trade through



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actual work experience under the supervision of journeyworkers  
~~journeymen~~ craftsmen, which training should be combined with  
properly coordinated studies of related technical and  
supplementary subjects, and who has entered into a written  
agreement, which may be cited as an apprentice agreement, with a  
registered apprenticeship sponsor who may be either an employer,  
an association of employers, or a local joint apprenticeship  
committee.

(4) "Journeyworker ~~Journeyman~~" means a person working in an  
apprenticeable occupation who has successfully completed a  
registered apprenticeship program or who has worked the number  
of years required by established industry practices for the  
particular trade or occupation.

Section 3. Section 446.032, Florida Statutes, is amended to  
read:

446.032 General duties of the department for apprenticeship  
training.—The department shall:

(1) Establish uniform minimum standards and policies  
governing apprentice programs and agreements. The standards and  
policies shall govern the terms and conditions of the  
apprentice's employment and training, including the quality  
training of the apprentice for, but not limited to, such matters  
as ratios of apprentices to journeyworkers ~~journeymen~~, safety,  
related instruction, and on-the-job training; but these  
standards and policies may not include rules, standards, or  
guidelines that require the use of apprentices and job trainees  
on state, county, or municipal contracts. The department may  
adopt rules necessary to administer the standards and policies.

(2) By September 1 of each year, publish an annual report



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on apprenticeship and preapprenticeship programs. The report must be published on the department's website and, at a minimum, include all of the following:

(a) A list of registered apprenticeship and preapprenticeship programs, sorted by local educational agency, as defined in s. 1004.02(18), and apprenticeship sponsor, under s. 446.071.

(b) A detailed summary of each local educational agency's expenditure of funds for apprenticeship and preapprenticeship programs, including:

1. The total amount of funds received for apprenticeship and preapprenticeship programs;

2. The total amount of funds allocated to each trade or occupation;

3. The total amount of funds expended for administrative costs per trade or occupation; and

4. The total amount of funds expended for instructional costs per trade and occupation.

(c) The number of apprentices and preapprentices per trade and occupation.

(d) The percentage of apprentices and preapprentices who complete their respective programs in the appropriate timeframe.

(e) Information and resources related to applications for new apprenticeship programs and technical assistance and requirements for potential applicants.

(f) Documentation of activities conducted by the department to promote apprenticeship and preapprenticeship programs through public engagement, community-based partnerships, and other initiatives.



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(3) Provide assistance to district school boards, Florida College System institution boards of trustees, program sponsors, and local workforce development boards in notifying students, parents, and members of the community of the availability of apprenticeship and preapprenticeship opportunities, including data provided in the economic security report pursuant to s. 445.07.

(4) ~~(2)~~ Establish procedures to be used by the State Apprenticeship Advisory Council.

Section 4. Paragraph (b) of subsection (2) of section 446.045, Florida Statutes, is amended to read:

446.045 State Apprenticeship Advisory Council.—

(2)

(b) The Commissioner of Education or the commissioner's designee shall serve ex officio as chair of the State Apprenticeship Advisory Council, but may not vote. The state director of the Office of Apprenticeship of the United States Department of Labor shall serve ex officio as a nonvoting member of the council. The Governor shall appoint to the council four members representing employee organizations and four members representing employer organizations. Each of these eight members shall represent industries that have registered apprenticeship programs. The Governor shall also appoint two public members who are knowledgeable about registered apprenticeship and apprenticeable occupations and who are independent of any joint or nonjoint organization, one of whom shall be recommended by joint organizations, and one of whom shall be recommended by nonjoint organizations. Members shall be appointed for 4-year staggered terms. A vacancy shall be filled for the remainder of



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the unexpired term.

Section 5. Subsections (2) and (3) of section 446.052, Florida Statutes, are amended to read:

446.052 Preapprenticeship program.—

(2) The department, under regulations established by the State Board of Education, may administer the provisions of ss. 446.011-446.092 which relate to preapprenticeship programs in cooperation with district school boards and Florida College System institution ~~community college district~~ boards of trustees. District school boards, Florida College System institution ~~community college district~~ boards of trustees, and registered program sponsors shall cooperate in developing and establishing programs that include career instruction and general education courses required to obtain a high school diploma.

(3) The department, the district school boards, and the Florida College System institution ~~community college district~~ boards of trustees shall work together with existing registered apprenticeship programs in order that individuals completing the preapprenticeship programs may be able to receive credit towards completing a registered apprenticeship program.

Section 6. Subsection (1) of section 446.081, Florida Statutes, is amended to read:

446.081 Limitation.—

(1) Nothing in ss. 446.011-446.092 or in any apprentice agreement approved under those sections may ~~shall operate to~~ invalidate:

(a) Any apprenticeship provision in any collective agreement between employers and employees setting up higher



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apprenticeship standards.

(b) Any special provision for veterans, minority persons, or women in the standards, apprenticeship qualifications, or operation of the program that is not otherwise prohibited by law, executive order, or authorized regulation.

Section 7. Section 446.091, Florida Statutes, is amended to read:

446.091 On-the-job training program.—All provisions of ss. 446.011-446.092 relating to apprenticeship and preapprenticeship, including, but not limited to, programs, agreements, standards, administration, procedures, definitions, expenditures, local committees, powers and duties, limitations, grievances, and ratios of apprentices and job trainees to journeyworkers ~~journeymen~~ on state, county, and municipal contracts, shall be appropriately adapted and made applicable to a program of on-the-job training authorized under those provisions for persons other than apprentices.

Section 8. Section 446.092, Florida Statutes, is amended to read:

446.092 Criteria for apprenticeship occupations.—An apprenticeable occupation is a skilled trade which possesses all of the following characteristics:

(1) It is customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training.

(2) It is clearly identified and commonly recognized throughout an ~~the~~ industry ~~or recognized with a positive view towards changing technology.~~

(3) It involves manual, mechanical, or technical skills and



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knowledge which, in accordance with the industry standards for the occupation, would require a minimum of 2,000 hours of on-the-job work and training, which hours are excluded from the time spent at related instruction.

(4) It requires related instruction to supplement on-the-job training. Such instruction may be given in a classroom, through occupational or industrial courses or through correspondence courses of equivalent value, through electronic media, or through other forms of self-study approved by the department.

~~(5) It involves the development of skill sufficiently broad to be applicable in like occupations throughout an industry, rather than of restricted application to the products or services of any one company.~~

~~(6) It does not fall into any of the following categories:~~

~~(a) Selling, retailing, or similar occupations in the distributive field.~~

~~(b) Managerial occupations.~~

~~(c) Professional and scientific vocations for which entrance requirements customarily require an academic degree.~~

Section 9. Subsection (13) is added to section 455.213, Florida Statutes, to read:

455.213 General licensing provisions.—

(13) Notwithstanding any other provision of law, the department, in consultation with the applicable board and the Department of Education, shall outline potential apprenticeship programs or review existing apprenticeship programs registered under chapter 446 or the United States Department of Labor for each of the professions licensed under parts XV and XVI of





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chapter 468 and chapters 476, 477, and 489 to determine which programs, if completed by an applicant, could substitute for the required educational and experience training otherwise required for licensure. The department shall report its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2019.

Section 10. Paragraph (a) of subsection (3) of section 1001.02, Florida Statutes, is amended to read:

1001.02 General powers of State Board of Education.—

(3)(a) The State Board of Education shall adopt a strategic plan that specifies goals and objectives for the state's public schools and Florida College System institutions. The plan shall be formulated in conjunction with plans of the Board of Governors in order to provide for the roles of the universities and Florida College System institutions to be coordinated to best meet state needs and reflect cost-effective use of state resources. The strategic plan must clarify the mission statements of each Florida College System institution and the system as a whole and identify degree programs, including baccalaureate degree programs, to be offered at each Florida College System institution in accordance with the objectives provided in this subsection and the coordinated 5-year plan pursuant to paragraph (2)(v). The strategic plan must cover a period of 5 years, with modification of the program lists after 2 years. Development of each 5-year plan must be coordinated with and initiated after completion of the master plan. The strategic plans must specifically include programs and procedures for responding to the educational needs of teachers



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and students in the public schools of this state and consider reports and recommendations of the Florida Talent Development Council ~~Higher Education Coordinating Council~~ pursuant to s. 1004.015 and the Articulation Coordinating Committee pursuant to s. 1007.01. The state board shall submit a report to the President of the Senate and the Speaker of the House of Representatives upon modification of the plan and as part of its legislative budget request.

Section 11. Paragraph (b) of subsection (14) of section 1001.43, Florida Statutes, is amended to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(14) RECOGNITION OF ACADEMIC ACHIEVEMENT.—

(b) The district school board is encouraged to adopt policies and procedures to celebrate the academic and workforce achievement of students by: ~~provide for a student~~

1. Declaring an "Academic Scholarship Signing Day" by  
~~declaring the third Tuesday in April each year as "Academic Scholarship Signing Day."~~ The "Academic Scholarship Signing Day" to ~~shall~~ recognize the outstanding academic achievement of high school seniors who sign a letter of intent to accept an academic scholarship offered to the student by a postsecondary educational institution.

2. Declaring a "College and Career Decision Day" to  
recognize high school seniors for their postsecondary education  
plans, to encourage early preparation for college, and to  
encourage students to pursue advanced career pathways through



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the attainment of industry certifications for which there are  
statewide college credit articulation agreements.

District school board policies and procedures may include, ~~but~~  
~~need not be limited to,~~ conducting assemblies or other  
appropriate public events in which students ~~offered academic~~  
~~scholarships assemble and~~ sign actual or ceremonial documents  
accepting ~~these~~ scholarships or enrollment. The district school  
board may encourage holding such events in an assembly or  
gathering of the entire student body as a means of making  
academic success and recognition visible to all students.

Section 12. Paragraph (b) of subsection (5) and subsection  
(9) of section 1001.706, Florida Statutes, are amended to read:

1001.706 Powers and duties of the Board of Governors.—

(5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

(b) The Board of Governors shall develop a strategic plan  
specifying goals and objectives for the State University System  
and each constituent university, including each university's  
contribution to overall system goals and objectives. The  
strategic plan must:

1. Include performance metrics and standards common for all  
institutions and metrics and standards unique to institutions  
depending on institutional core missions, including, but not  
limited to, student admission requirements, retention,  
graduation, percentage of graduates who have attained  
employment, percentage of graduates enrolled in continued  
education, licensure passage, average wages of employed  
graduates, average cost per graduate, excess hours, student loan  
burden and default rates, faculty awards, total annual research



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expenditures, patents, licenses and royalties, intellectual property, startup companies, annual giving, endowments, and well-known, highly respected national rankings for institutional and program achievements.

2. Consider reports and recommendations of the Florida Talent Development Council ~~Higher Education Coordinating Council~~ pursuant to s. 1004.015 and the Articulation Coordinating Committee pursuant to s. 1007.01.

3. Include student enrollment and performance data delineated by method of instruction, including, but not limited to, traditional, online, and distance learning instruction.

4. Include criteria for designating baccalaureate degree and master's degree programs at specified universities as high-demand programs of emphasis. Fifty percent of the criteria for designation as high-demand programs of emphasis must be based on achievement of performance outcome thresholds determined by the Board of Governors, and 50 percent of the criteria must be based on achievement of performance outcome thresholds specifically linked to:

a. Job placement in employment of 36 hours or more per week and average full-time wages of graduates of the degree programs 1 year and 5 years after graduation, based in part on data provided in the economic security report of employment and earning outcomes produced annually pursuant to s. 445.07.

b. Data-driven gap analyses, conducted by the Board of Governors, of the state's job market demands and the outlook for jobs that require a baccalaureate or higher degree. Each state university must use the gap analyses to identify internship opportunities for students to benefit from mentorship by



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industry experts, earn industry certifications, and become employed in high-demand fields.

(9) COOPERATION WITH OTHER BOARDS.—The Board of Governors shall implement a plan for working on a regular basis with the State Board of Education, the Commission for Independent Education, the Florida Talent Development Council ~~the Higher Education Coordinating Council~~, the Articulation Coordinating Committee, the university boards of trustees, representatives of the Florida College System institution boards of trustees, representatives of the private colleges and universities, and representatives of the district school boards to achieve a seamless education system.

Section 13. Subsection (5) of section 1002.3105, Florida Statutes, is amended to read:

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

(5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—A student who meets the applicable grade 9 cohort graduation requirements of s. 1003.4282(3)(a)-(e) or s. 1003.4282(9)(a)1.-5., (b)1.-5., (c)1.-5., or (d)1.-5.; 7 earns three credits in electives, which may include credits in work-based learning and career and technical education resulting in a program completion and an industry certification identified pursuant to s. 1008.44; and earns a cumulative grade point average (GPA) of 2.0 on a 4.0 scale shall be awarded a standard high school diploma in a form prescribed by the State Board of Education.

Section 14. Paragraph (e) is added to subsection (1) of section 1003.4156, Florida Statutes, to read:

1003.4156 General requirements for middle grades



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promotion.—

(1) In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

(e) One course in career and education planning to be completed in grades 6, 7, or 8, which may be taught by any member of the instructional staff. The course must be internet-based, customizable to each student, and include research-based assessments to assist students in determining educational and career options and goals. In addition, the course must result in a completed personalized academic and career plan for the student that may be revised as the student progresses through middle school and high school; must emphasize the importance of entrepreneurship and employability skills; and must include information from the Department of Economic Opportunity's economic security report under s. 445.07. The required personalized academic and career plan must inform students of high school graduation requirements, including a detailed explanation of the requirements for earning a high school diploma designation under s. 1003.4285; the requirements for each scholarship in the Florida Bright Futures Scholarship Program; state university and Florida College System institution admission requirements; available opportunities to earn college credit in high school, including Advanced Placement courses; the International Baccalaureate Program; the Advanced International Certificate of Education Program; dual enrollment, including career dual enrollment; and career education courses, including career-themed courses, preapprenticeship and apprenticeship programs, and course sequences that lead to industry



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certification pursuant to s. 1003.492 or s. 1008.44. The course may be implemented as a stand-alone course or integrated into another course or courses.

Section 15. Present subsection (11) of section 1003.4282, Florida Statutes, is redesignated as subsection (12), a new subsection (11) is added to that section, and paragraphs (b) and (c) of subsection (3), paragraph (d) of subsection (6), subsection (7), and paragraph (a) of subsection (8) of that section are amended, to read:

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(b) *Four credits in mathematics.*—

1. A student must earn one credit in Algebra I and one credit in Geometry. A student's performance on the statewide, standardized Algebra I end-of-course (EOC) assessment constitutes 30 percent of the student's final course grade. A student must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, in order to earn a standard high school diploma. A student's performance on the statewide, standardized Geometry EOC assessment constitutes 30 percent of the student's final course grade.

2. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I and Geometry. A student may earn two mathematics credits by successfully completing Algebra I through two full-year courses.



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3. A student who earns a computer science credit may substitute the credit for up to one credit of the mathematics requirement, with the exception of Algebra I and Geometry, if the commissioner identifies the computer science credit as being equivalent in rigor to the mathematics credit. An identified computer science credit may not be used to substitute for both a mathematics and a science credit. A student who earns an industry certification in 3D rapid prototype printing may satisfy up to two credits of the mathematics requirement, with the exception of Algebra I, if the commissioner identifies the certification as being equivalent in rigor to the mathematics credit or credits.

(c) *Three credits in science.*—

1. Two of the three required credits must have a laboratory component. A student must earn one credit in Biology I and two credits in equally rigorous courses. The statewide, standardized Biology I EOC assessment constitutes 30 percent of the student's final course grade.

2. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one science credit, except for Biology I.

3. A student who earns a computer science credit may substitute the credit for up to one credit of the science requirement, with the exception of Biology I, if the commissioner identifies the computer science credit as being equivalent in rigor to the science credit. An identified computer science credit may not be used to substitute for both a mathematics and a science credit.





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(6) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—

(d) Notwithstanding paragraph (c), a student who earns any industry certification and the required 24 credits, or the required 18 credits under s. 1002.3105(5), but fails to pass the assessments required under s. 1008.22(3) or achieve a 2.0 GPA shall be awarded a certificate of completion in a form prescribed by the department. The certificate of completion must specify that the student is workforce ready in any field in which he or she has earned an industry certification. A student who is otherwise entitled to a certificate of completion under this paragraph may elect to remain in high school either as a full-time student or a part-time student for up to 1 additional year and receive special instruction designed to remedy his or her identified deficiencies. The department shall adopt rules to administer this paragraph.

(7) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning with the 2012-2013 school year, if a student transfers to a Florida public high school from out of country, out of state, a private school, or a home education program and the student's transcript shows a credit in Algebra I, the student must pass the statewide, standardized Algebra I EOC assessment in order to earn a standard high school diploma unless the student earned a comparative score, passed a statewide assessment in Algebra I administered by the transferring entity, or passed the statewide mathematics assessment the transferring entity uses to satisfy the requirements of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (ESSA), 20 U.S.C. ss. 6301 et seq ~~20 U.S.C. s. 6301~~. If a student's transcript shows a credit in high school reading or English Language Arts



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II or III, in order to earn a standard high school diploma, the student must take and pass the statewide, standardized grade 10 Reading assessment or, when implemented, the grade 10 ELA assessment, or earn a concordant score. If a transfer student's transcript shows a final course grade and course credit in Algebra I, Geometry, Biology I, or United States History, the transferring course final grade and credit shall be honored without the student taking the requisite statewide, standardized EOC assessment and without the assessment results constituting 30 percent of the student's final course grade.

(8) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL CREDIT REQUIREMENTS.—

(a) Participation in career education courses engages students in their high school education, increases academic achievement, enhances employability, and increases postsecondary success. ~~By July 1, 2014,~~ The department shall develop, for approval by the State Board of Education, multiple, additional career education courses or a series of courses that meet the requirements set forth in s. 1003.493(2), (4), and (5) and this subsection and allow students to earn credit in both the career education course and courses required for high school graduation under this section and s. 1003.4281.

1. The state board must determine at least biennially if sufficient academic standards are covered to warrant the award of academic credit, including satisfaction of assessment requirements under this section.

2. Career education courses must:

a. Include workforce and digital literacy skills. ~~and the integration of~~



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b. Integrate required course content with practical applications and designated rigorous coursework that results in one or more industry certifications or clearly articulated credit or advanced standing in a 2-year or 4-year certificate or degree program, which may include high school junior and senior year work-related internships or apprenticeships. The department shall negotiate state licenses for material and testing for industry certifications.

The instructional methodology used in these courses must comprise ~~be comprised of~~ authentic projects, problems, and activities for contextual academic learning and emphasize workplace skills identified under s. 445.06 ~~contextually learning the academics.~~

3. A student who earns credit upon completion of an apprenticeship or preapprenticeship program registered with the Department of Education under chapter 446 may use such credit to satisfy the high school graduation credit requirements in paragraph (3)(e) or paragraph (3)(g). The state board shall approve and identify in the Course Code Directory the apprenticeship and preapprenticeship programs from which earned credit may be used pursuant to this subparagraph.

(11) CAREER AND TECHNICAL EDUCATION GRADUATION PATHWAY OPTION.—Beginning with the 2019-2020 school year, a student is eligible to complete an alternative pathway to earning a standard high school diploma through the Career and Technical Education (CTE) pathway option. Receipt of a standard high school diploma awarded through the CTE pathway option requires the student's successful completion of at least 18 credits. A



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student completing the CTE pathway option must earn at least a cumulative grade point average (GPA) of 2.0 on a 4.0 scale.

(a) In order for a student to satisfy the requirements of the CTE pathway option, he or she must:

1. Complete four credits in English Language Arts. The four credits must be in ELA I, II, III, and IV; however, a student may substitute up to four credits in ELA honors, AP, AICE, IB, or dual enrollment courses for the required ELA credits. A student may complete ELA courses online and may complete two or more ELA credits in a single year. A student also must pass the statewide, standardized grade 10 Reading assessment or, when implemented, the grade 10 ELA assessment, or earn a concordant score, in order to earn a standard high school diploma;

2. Complete four credits in mathematics. A student must earn one credit in Algebra I and one credit in Geometry. A student's performance on the statewide, standardized Algebra I EOC assessment constitutes 30 percent of the student's final course grade. A student also must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, in order to earn a standard high school diploma. A student's performance on the statewide, standardized Geometry EOC assessment constitutes 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I and Geometry;

3. Complete three credits in science. Two of the three



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required credits must have a laboratory component. A student must earn one credit in Biology I and two credits in equally rigorous courses. The statewide, standardized Biology I EOC assessment constitutes 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for two science credits, except for Biology I;

4. Complete three and one-half credits in social studies. A student must earn one credit in United States History; one credit in World History; one-half credit in United States Government; one-half credit in economics; and one-half credit in financial literacy. The United States History EOC assessment constitutes 30 percent of the student's final course grade;

5. Complete two credits in career and technical education. The courses must result in a program completion and an industry certification;

6. Complete one and one-half credits in work-based learning programs. A student must earn one and one-half credits through work-based learning program courses. A student may substitute up to one and one-half credits of electives for work-based learning program courses to fulfill this requirement; and

7. Sit for the statewide, standardized Geometry EOC assessment, Biology I EOC assessment, and United States History EOC assessment.

(b) Upon completion of the requirements specified in paragraph (a), a student shall be awarded a standard high school diploma in a form prescribed by the State Board of Education.

(c) Each district school board shall incorporate the CTE



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pathway option to graduation in the student progression plan required under s. 1008.25.

(d) A charter school that expands its scope to include any additional pathways to graduation shall comply with application requirements pursuant to s. 1002.33. A charter school that exclusively offers the CTE pathway option is exempt from application requirements relating to district school boards pursuant to s. 1002.33, but the charter school must comply with application requirements relating to the department. The department may adopt rules regarding application requirements for such charter schools.

(e) Adjunct educators certified pursuant to s. 1012.57 may administer courses in the CTE pathway option.

Section 16. Effective upon this act becoming a law, paragraph (a) of subsection (1) of section 1003.4285, Florida Statutes, is amended to read:

1003.4285 Standard high school diploma designations.—

(1) Each standard high school diploma shall include, as applicable, the following designations if the student meets the criteria set forth for the designation:

(a) *Scholar designation*.—In addition to the requirements of s. 1003.4282, in order to earn the Scholar designation, a student must satisfy the following requirements:

1. Mathematics.—Earn one credit in Algebra II or an equally rigorous course and one credit in statistics or an equally rigorous course. Beginning with students entering grade 9 in the 2014-2015 school year, pass the Geometry statewide, standardized assessment.

2. Science.—Pass the statewide, standardized Biology I EOC



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assessment and earn one credit in chemistry or physics and one credit in a course equally rigorous to chemistry or physics. However, a student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) Biology course who takes the respective AP, IB, or AICE Biology assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized Biology I EOC assessment.

3. Social studies.—Pass the statewide, standardized United States History EOC assessment. However, a student enrolled in an AP, IB, or AICE course that includes United States History topics who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized United States History EOC assessment.

4. Foreign language.—Earn two credits in the same foreign language.

5. Electives.—Earn at least one credit in an Advanced Placement, an International Baccalaureate, an Advanced International Certificate of Education, or a dual enrollment course.

Section 17. Paragraph (j) of subsection (3) of section 1003.491, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

1003.491 Florida Career and Professional Education Act.—The Florida Career and Professional Education Act is created to



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provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.

(3) The strategic 3-year plan developed jointly by the local school district, local workforce development boards, economic development agencies, and state-approved postsecondary institutions shall be constructed and based on:

(j) Strategies to recruit students into career-themed courses and career and professional academies which include opportunities for students who have been unsuccessful in traditional classrooms but who are interested in enrolling in career-themed courses or a career and professional academy. School boards shall provide opportunities for students who may be deemed as potential dropouts or whose cumulative grade point average drops below a 2.0 to enroll in career-themed courses or participate in career and professional academies. Such students must be provided in-person academic advising that includes information on career education programs by a certified school counselor or the school principal or his or her designee during any semester the students are at risk of dropping out or have a cumulative grade point average below a 2.0;

(5) (a) The Commissioner of Education shall conduct an annual review of K-12 and postsecondary career and technical education offerings, in consultation with the Department of Economic Opportunity, CareerSource Florida, Inc., leaders of business and industry, the Board of Governors, the Florida College System, school districts, and other education stakeholders, to determine the alignment of existing offerings





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with employer demand, postsecondary degree or certificate programs, and professional industry certifications. The review shall identify career and technical education offerings that are linked to occupations that are in high demand by employers, require high-level skills, and provide middle-level and high-level wages.

(b) Using the findings from the annual review required in paragraph (a), the commissioner shall phase out career and technical education offerings that are not aligned with the needs of employers or do not provide program completers with a middle-wage or high-wage occupation and encourage school districts and Florida College System institutions to offer programs that are not offered currently.

Section 18. Section 1004.013, Florida Statutes, is created to read:

1004.013 SAIL to 60 Initiative.—

(1) The SAIL (Strengthening Alignment between Industry and Learning) to 60 Initiative is created to increase to 60 percent the percentage of working age adults in this state with a high-value postsecondary certificate, degree, or training experience by 2030.

(2) The State Board of Education and the Board of Governors shall work collaboratively to, at a minimum:

(a) Increase the awareness and use of:

1. The student advising system established under s. 1006.735(4) (b) .

2. The Complete Florida Degree Initiative established under s. 1006.735(2) that facilitates degree completion for the state's adult learners. The Chancellor of the State University



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System and the Chancellor of the Florida College System shall consult with the Complete Florida Degree Initiative to identify barriers to program expansion and develop recommendations to increase the number of participating institutions and students served by the program. The recommendations must consider, at a minimum, methods for increasing outreach efforts to help students complete the "last mile" by providing financial assistance to students who are within 12 credit hours of completing their first associate or baccalaureate degree, but have separated from their institution of enrollment for more than one semester. Recommendations must be submitted to the Board of Governors, the State Board of Education, and the Governor no later than October 1, 2019.

3. Summer bridge programs at state universities and Florida College System institutions that help students transition to postsecondary education.

(b) Support and publicize the efforts of the Florida College Access Network in developing public and private partnerships to:

1. Increase the number of high school seniors who submit at least one completed postsecondary education application.

2. Increase the number of high school seniors who submit a completed Free Application for Federal Student Aid to receive financial aid to help pay for their postsecondary education expenses.

3. Recognize and celebrate high school seniors for their postsecondary education and career plans and encourage early preparation for college in accordance with s. 1001.43(14).

4. Conduct regional meetings with postsecondary educational



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institutions, business leaders, and community organizations to solve community-specific issues related to attainment of postsecondary certificates, associate degrees, and baccalaureate degrees.

(c) Facilitate a reverse transfer agreement between the State Board of Education and the Board of Governors to award postsecondary education credentials to students who have earned them.

(d) Facilitate the establishment of career pathways agreements between career centers and Florida College System institutions pursuant to s. 1007.233.

(e) Develop a systematic, cross-sector approach to awarding credit for prior learning.

Section 19. Section 1004.015, Florida Statutes, is amended to read:

1004.015 Florida Talent Development Council ~~Higher Education Coordinating Council~~.—

(1) The Florida Talent Development Council ~~Higher Education Coordinating Council~~ is created for the purposes of developing a coordinated, data-driven, statewide approach to meeting Florida's needs for a 21st century workforce that employers and educators use as part of Florida's talent supply system ~~identifying unmet needs; facilitating solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers; and facilitating solutions to data issues identified by the Articulation Coordinating Committee pursuant to s. 1007.01 to improve the K-20 education performance accountability system.~~

(2) Members of the council shall include:



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(a) One member, appointed by the Governor, to serve as chair.

(b) One member of the Florida Senate, appointed by the President of the Senate.

(c) One member of the Florida House of Representatives, appointed by the Speaker of the House.

(d) The president of CareerSource Florida, Inc.

(e) The president of Enterprise Florida, Inc.

(f) The executive director of the Department of Economic Opportunity.

(g) The Commissioner of Education.

(h) The chair of the Florida Council of 100.

(i) The president of the Florida Chamber of Commerce.

(j)~~(a)~~ One member of the Board of Governors, appointed by the chair of the Board of Governors.

~~(b) The Chancellor of the State University System.~~

~~(c) The Chancellor of the Florida College System.~~

(k)~~(d)~~ One member of the State Board of Education, appointed by the chair of the State Board of Education.

(l) The following members, who shall serve as ex officio nonvoting members:

1. The Chancellor of the State University System.

2. The Chancellor of the Florida College System.

3. The Chancellor of Career and Adult Education.

4. The president of the Independent Colleges and Universities of Florida.

5. The president of the Florida Association of Postsecondary Schools and Colleges.

~~(e) The Executive Director of the Florida Association of~~



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~~Postsecondary Schools and Colleges.~~

~~(f) The president of the Independent Colleges and Universities of Florida.~~

~~(g) The president of CareerSource Florida, Inc., or his or her designee.~~

~~(h) The president of Enterprise Florida, Inc., or a designated member of the Stakeholders Council appointed by the president.~~

~~(i) Three representatives of the business community, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives, and one appointed by the Governor, who are committed to developing and enhancing world class workforce infrastructure necessary for Florida's citizens to compete and prosper in the ever-changing economy of the 21st century.~~

~~(3) Appointed members shall serve 2-year terms, and a single chair shall be elected annually by a majority of the members.~~

~~(4) The council shall serve as an advisory board to the Legislature, the State Board of Education, and the Board of Governors. Recommendations of the council shall be consistent with the following guiding principles:~~

~~(a) To achieve within existing resources a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida's students.~~

~~(b) To promote consistent education policy across all educational delivery systems, focusing on students.~~

~~(c) To promote substantially improved articulation across~~



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~~all educational delivery systems.~~

~~(d) To promote a system that maximizes educational access and allows the opportunity for a high-quality education for all Floridians.~~

~~(e) To promote a system of coordinated and consistent transfer of credit and data collection for improved accountability purposes between the educational delivery systems.~~

~~(4)(5) The council shall annually~~ By December 31, 2019, the council 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 strategic plan for talent development to accomplish the goal established in s. 1004.013 to have 60 percent of working-age Floridians hold a high-value postsecondary credential by 2030. The strategic plan must, at a minimum ~~report outlining its recommendations relating to:~~

(a) Identify Florida's fastest-growing industry sectors and the postsecondary credentials required for employment in those industries.

(b) Assess whether postsecondary degrees, certificates, and other credentials awarded by Florida's postsecondary institutions align with high-demand employment needs and job placement rates.

(c) Identify strategies to deepen and expand cross-sector collaboration to align higher education programs with targeted industry needs.

(d) Establish targeted strategies to increase certifications and degrees for all populations with attention to



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closing equity gaps for underserved populations and incumbent workers requiring an upgrade of skills.

(e) Assess the role of apprenticeship programs in meeting targeted workforce needs and identify any barriers to program expansion.

(f) Identify common metrics and benchmarks to demonstrate progress toward the 60 percent goal and how the Sail to 60 Initiative under s. 1004.013 can provide coordinated cross-sector support for the strategic plan.

(g) Recommend improvements to the consistency of workforce education data collected and reported by Florida College System institutions and school districts, including the establishment of common elements and definitions for any data that is used for state and federal funding and program accountability.

(h) Establish a timeline for regularly updating the strategic plan and the established goals.

~~(a) The primary core mission of public and nonpublic postsecondary education institutions in the context of state access demands and economic development goals.~~

~~(b) Performance outputs and outcomes designed to meet annual and long-term state goals, including, but not limited to, increased student access, preparedness, retention, transfer, and completion. Performance measures must be consistent across sectors and allow for a comparison of the state's performance to that of other states.~~

~~(c) The state's articulation policies and practices to ensure that cost benefits to the state are maximized without jeopardizing quality. The recommendations shall consider return on investment for both the state and students and propose~~



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~~systems to facilitate and ensure institutional compliance with  
state articulation policies.~~

~~(d) Workforce development education, specifically  
recommending improvements to the consistency of workforce  
education data collected and reported by Florida College System  
institutions and school districts, including the establishment  
of common elements and definitions for any data that is used for  
state and federal funding and program accountability.~~

~~(5)(6) The Department of Economic Opportunity Office of K-  
20 Articulation, in collaboration with the Board of Governors  
and the Division of Florida Colleges, shall provide  
administrative support for the council.~~

Section 20. Paragraph (b) of subsection (5) and paragraph  
(c) of subsection (8) of section 1004.6495, Florida Statutes,  
are amended to read:

1004.6495 Florida Postsecondary Comprehensive Transition  
Program and Florida Center for Students with Unique Abilities.—

(5) CENTER RESPONSIBILITIES.—The Florida Center for  
Students with Unique Abilities is established within the  
University of Central Florida. At a minimum, the center shall:

(b) Coordinate, facilitate, and oversee the statewide  
implementation of this section. At a minimum, the director  
shall:

1. Consult and collaborate with the National Center and the  
Coordinating Center, as identified in 20 U.S.C. s. 1140q,  
regarding guidelines established by the center for the effective  
implementation of the programs for students with disabilities  
and for students with intellectual disabilities which align with  
the federal requirements and with standards, quality indicators,





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and benchmarks identified by the National Center and the Coordinating Center.

2. Consult and collaborate with the Florida Talent Development Council ~~Higher Education Coordinating Council~~ to identify meaningful credentials for FPCTPs and to engage businesses and stakeholders to promote experiential training and employment opportunities for students with intellectual disabilities.

3. Establish requirements and timelines for the:

a. Submission and review of an application.

b. Approval or disapproval of an initial or renewal application.

c. Implementation of an FPCTP, which must begin no later than the academic year immediately following the academic year during which the approval is granted.

4. Administer scholarship funds.

5. Administer FPCTP start-up and enhancement grants. From funds appropriated in the 2016-2017 fiscal year for the FPCTP, \$3 million shall be used for such grants. Thereafter, funds appropriated for the FPCTP may only be used for such grants if specifically authorized in the General Appropriations Act. The maximum annual start-up and enhancement grant award shall be \$300,000 per institution.

6. Report on the implementation and administration of this section by planning, advising, and evaluating approved degree, certificate, and nondegree programs and the performance of students and programs pursuant to subsection (8).

(8) ACCOUNTABILITY.—

(c) ~~Beginning in the 2016-2017 fiscal year,~~ The center, in



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collaboration with the Board of Governors, State Board of Education, ~~Higher Education Coordinating Council~~, and other stakeholders, by December 1 of each year, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives statutory and budget recommendations for improving the implementation and delivery of FPCTPs and other education programs and services for students with disabilities.

Section 21. Subsection (7) of section 1004.935, Florida Statutes, is amended to read:

1004.935 Adults with Disabilities Workforce Education Program.—

(7) Funds for the scholarship shall be provided from the appropriation from the school district's Workforce Development Fund in the General Appropriations Act for students who reside in the Hardee County School District, the DeSoto County School District, the Manatee County School District, or the Sarasota County School District. The scholarship amount granted for an eligible student with a disability shall be equal to the cost per unit of a full-time equivalent adult general education student, multiplied by the adult general education funding factor, and multiplied by the district cost differential pursuant to the formula required by s. 1011.80(7)(a) ~~s. 1011.80(6)(a)~~ for the district in which the student resides.

Section 22. Paragraph (a) of subsection (1) of section 1006.22, Florida Statutes, is amended to read:

1006.22 Safety and health of students being transported.—Maximum regard for safety and adequate protection of health are primary requirements that must be observed by district school



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boards in routing buses, appointing drivers, and providing and operating equipment, in accordance with all requirements of law and rules of the State Board of Education in providing transportation pursuant to s. 1006.21:

(1)(a) District school boards shall use school buses, as defined in s. 1006.25, for all regular transportation. Regular transportation or regular use means transportation of students to and from school or school-related activities that are part of a scheduled series or sequence of events to the same location. "Students" means, for the purposes of this section, students enrolled in the public schools in prekindergarten disability programs and in kindergarten through grade 12. District school boards may regularly use motor vehicles other than school buses only under the following conditions:

1. When the transportation is for physically handicapped or isolated students and the district school board has elected to provide for the transportation of the student through written or oral contracts or agreements.

2. When the transportation is a part of a comprehensive contract for a specialized educational program between a district school board and a service provider who provides instruction, transportation, and other services.

3. When the transportation is provided through a public transit system.

4. When the transportation is for trips to and from school sites or agricultural education sites or for trips to and from agricultural education-related events or competitions, but is not for customary transportation between a student's residence and such sites.



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5. When the transportation is for trips to and from school sites to allow students to participate in a career education program that is not offered at the high school in which such students are enrolled but is not for customary transportation between a student's residence and such sites.

Section 23. Subsection (7) is added to section 1007.23, Florida Statutes, to read:

1007.23 Statewide Articulation Agreement.—

(7) The articulation agreement must specifically provide for a reverse transfer agreement for Florida College System associate in arts degree-seeking students who transfer to a state university before earning an associate in arts degree. Students must be awarded an associate in arts degree by the Florida College System institution upon completion of degree requirements at the state university if the student earned more than 30 credit hours toward the associate in arts degree from the Florida College System institution. State universities must identify students who have completed the requirements for the associate in arts degree and transfer credits earned at the state university back to the Florida College System institution so that the associate in arts degree may be awarded by the Florida College System institution.

Section 24. Section 1007.233, Florida Statutes, is created to read:

1007.233 Career pathways agreements.—

(1) Each career center and Florida College System institution with overlapping service areas must annually submit to the Department of Education, on or before May 1, a regional career pathways agreement for each certificate program offered



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by the career center that is aligned with an associate degree offered by the Florida College System institution in the service area. Each career pathways agreement must guarantee college credit toward an aligned associate degree program for students who graduate from a career center with a career or technical certificate and meet specified requirements in accordance with the terms of the agreement. Regional agreements may not award less credit than the amount guaranteed through existing statewide articulation agreements.

(2) Each career pathways agreement must outline certificate program completion requirements and any licenses or industry certifications that must be earned before enrolling in an associate degree program. Articulated college credit must be awarded in accordance with the agreement upon initial enrollment in the associate degree program.

Section 25. Subsection (11) of section 1007.25, Florida Statutes, is amended to read:

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

(11) Students at state universities may request associate in arts certificates if they have successfully completed the minimum requirements for the degree of associate in arts (A.A.). The university must grant the student an associate in arts degree if the student has successfully completed minimum requirements. Universities must notify students of the criteria and process for requesting an associate in arts certificate during orientation. Additional notification must be provided to each state university student upon completion of the requirements for an associate in arts degree ~~for college-level~~



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~~communication and computation skills adopted by the State Board of Education and 60 academic semester hours or the equivalent within a degree program area, including 36 semester hours in general education courses in the subject areas of communication, mathematics, social sciences, humanities, and natural sciences, consistent with the general education requirements specified in the articulation agreement pursuant to s. 1007.23.~~

Section 26. Subsection (6) of section 1007.2616, Florida Statutes, is amended to read:

1007.2616 Computer science and technology instruction.—

(6) High school students must be provided opportunities to take computer science courses and earn technology-related industry certifications to satisfy high school graduation requirements as provided in s. 1003.4282(3). Computer science courses and technology-related industry certifications that are identified as eligible for meeting mathematics or science requirements for high school graduation must be included in the Course Code Directory., ~~including, but not limited to, the following:~~

~~(a) High school computer science courses of sufficient rigor, as identified by the commissioner, such that one credit in computer science and the earning of related industry certifications constitute the equivalent of up to one credit of the mathematics requirement, with the exception of Algebra I or higher-level mathematics, or up to one credit of the science requirement, with the exception of Biology I or higher-level science, for high school graduation. Computer science courses and technology-related industry certifications that are identified as eligible for meeting mathematics or science~~



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~~requirements for high school graduation shall be included in the Course Code Directory.~~

~~(b) High school computer technology courses in 3D rapid prototype printing of sufficient rigor, as identified by the commissioner, such that one or more credits in such courses and related industry certifications earned may satisfy up to two credits of mathematics required for high school graduation with the exception of Algebra I. Computer technology courses in 3D rapid prototype printing and related industry certifications that are identified as eligible for meeting mathematics requirements for high school graduation shall be included in the Course Code Directory.~~

Section 27. Subsection (7) of section 1007.271, Florida Statutes, is amended to read:

1007.271 Dual enrollment programs.—

(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 August 1. The agreement must:

(a) Identify the courses and programs that are available to students through career dual enrollment and the clock hour



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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 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.

Section 28. 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 2019-2020 ~~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).





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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.



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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; Advanced International Certificate of Education examinations; or dual enrollment courses, including career clock-hour dual enrollment courses totaling 450 or more hours that are identified by the State Board of Education 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 or successfully completed a registered preapprenticeship program as defined in s. 446.021(5) with a minimum length of 300 hours, pursuant to rules adopted by the state board.

Section 29. Subsection (2) of section 1008.37, Florida Statutes, is amended to read:



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1008.37 Postsecondary feedback of information to high schools.—

(2) The Commissioner of Education shall report, by high school, to the State Board of Education, the Board of Governors, and the Legislature, no later than April 30 ~~November 30~~ of each year, on the number of prior year Florida high school graduates who enrolled for the first time in public postsecondary education in this state during the ~~previous~~ summer, fall, or spring term of the previous academic year, indicating the number of students whose scores on the common placement test indicated the need for developmental education under s. 1008.30 or for applied academics for adult education under s. 1004.91.

Section 30. Paragraph (b) of subsection (1) of section 1008.44, Florida Statutes, is amended to read:

1008.44 CAPE Industry Certification Funding List and CAPE Postsecondary Industry Certification Funding List.—

(1) Pursuant to ss. 1003.4203 and 1003.492, the Department of Education shall, at least annually, identify, under rules adopted by the State Board of Education, and the Commissioner of Education may at any time recommend adding the following certificates, certifications, and courses:

(b) No more than 30 ~~45~~ CAPE Digital Tool certificates limited to the areas of word processing; spreadsheets; sound, motion, and color presentations; digital arts; cybersecurity; and coding pursuant to s. 1003.4203(3) that do not articulate for college credit. Such certificates shall be annually identified on the CAPE Industry Certification Funding List and updated solely by the Chancellor of Career and Adult Education. The certificates shall be made available to students in



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elementary school and middle school grades and, if earned by a student, shall be eligible for additional full-time equivalent membership pursuant to s. 1011.62(1)(o)1.

Section 31. Subsection (11) of section 1009.21, Florida Statutes, is amended to read:

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

(11) Once a student has been classified as a resident for tuition purposes, an institution of higher education to which the student transfers is not required to reevaluate the classification unless inconsistent information suggests that an erroneous classification was made or the student's situation has changed. However, the student must have attended the institution making the initial classification within the prior 12 months, and the residency classification must be noted on the student's transcript. ~~The Higher Education Coordinating Council shall consider issues related to residency determinations and make recommendations relating to efficiency and effectiveness of current law.~~

Section 32. Subsections (3) through (11) of section 1011.80, Florida Statutes, are redesignated as subsections (4) through (12), respectively, paragraph (b) of subsection (5) is amended, and a new subsection (3) is added to that section, to read:



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1011.80 Funds for operation of workforce education programs.—

(3) Each school district and Florida College System institution receiving state appropriations for workforce education programs must maintain adequate and accurate records, including a system to record school district workforce education funding and expenditures, to maintain the separation of postsecondary workforce education expenditures and secondary workforce education expenditures. These records must be submitted to the Department of Education in accordance with rules of the State Board of Education.

(5) State funding and student fees for workforce education instruction shall be established as follows:

(b) For all other workforce education programs, state funding shall be calculated based on a weighted enrollment and program cost minus fee revenues generated to offset program operational costs, including any supplemental cost factors recommended by the District Workforce Education Funding Steering Committee ~~equal 75 percent of the average cost of instruction with the remaining 25 percent made up from student fees.~~ Fees for courses within a program shall not vary according to the cost of the individual program, but instead shall be as provided in s. 1009.22 ~~based on a uniform fee calculated and set at the state level, as adopted by the State Board of Education,~~ unless otherwise specified in the General Appropriations Act.

Section 33. Section 1011.802, Florida Statutes, is created to read:

1011.802 FLAG program.—

(1) Subject to appropriations provided in the General



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Appropriations Act, the FLAG (Florida Apprenticeship Grant) program is created to provide grants to high schools, career centers, charter technical career centers, Florida College System institutions, and other entities authorized to sponsor an apprenticeship or preapprenticeship program, as defined in s. 446.021, on a competitive basis to establish new apprenticeship or preapprenticeship programs and expand existing apprenticeship or preapprenticeship programs. The Department of Education shall administer the grant program.

(2) Applications must contain projected enrollment and projected costs for the new or expanded apprenticeship program.

(3) The department shall give priority to apprenticeship programs with demonstrated regional demand. Grant funds may be used for instructional equipment, supplies, personnel, student services, and other expenses associated with the creation or expansion of an apprenticeship program. Grant funds may not be used for recurring instructional costs or for indirect costs. Grant recipients must submit quarterly reports in a format prescribed by the department.

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

Section 34. Subsections (1) through (4) of section 1012.57, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

1012.57 Certification of adjunct educators.—

(1) Notwithstanding the provisions of ss. 1012.32, 1012.55, and 1012.56, or any other provision of law or rule to the contrary, district school boards shall adopt rules to allow for the issuance of an adjunct teaching certificate to any applicant



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who fulfills the requirements of s. 1012.56(2)(a)-(f) and (10) and who has expertise in the subject area to be taught. An applicant shall be considered to have expertise in the subject area to be taught if the applicant demonstrates sufficient subject area mastery through passage of a subject area test. ~~The adjunct teaching certificate shall be used for part-time teaching positions.~~

(2) The Legislature intends that this section allow school districts to tap the wealth of talent and expertise represented in Florida's citizens who may wish to teach ~~part-time~~ in a Florida public school by permitting school districts to issue adjunct certificates to qualified applicants.

(3) Adjunct certificateholders should be used primarily as a strategy to enhance the diversity of course offerings offered to all students. School districts may use the expertise of individuals in the state who wish to provide online instruction to students by issuing adjunct certificates to qualified applicants.

(4) Each adjunct teaching certificate is valid through the term of the annual contract between the educator and the school district. An additional annual certification and an additional annual contract may be awarded by the district at the district's discretion but only if the applicant is rated effective or highly effective under s. 1012.34 during each year of teaching under adjunct teaching certification. A school district may issue an adjunct teaching certificate for a part-time or full-time teaching position; however, an adjunct teaching certificate issued for a full-time teaching position is valid for no more than 3 years and is nonrenewable.



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(6) Each school district shall:

(a) Post requirements on its website for the issuance of an adjunct teaching certificate, which must specify the subject area test through which an applicant demonstrates subject area mastery.

(b) Annually report to the department the number of adjunct teaching certificates issued for part-time teaching positions and full-time teaching positions pursuant to this section.

Section 35. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2019.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to workforce education; amending s. 446.011, F.S.; revising terminology; amending s. 446.021, F.S.; revising definitions; amending s. 446.032, F.S.; requiring the Department of Education to annually publish a specified report; providing requirements for the report; requiring the department to provide assistance to certain entities in notifying specified persons of apprenticeship and preapprenticeship opportunities; amending s. 446.045, F.S.; revising the membership criteria for certain appointments to the State Apprenticeship Advisory





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1374 Council; amending s. 446.052, F.S.; revising  
1375 terminology; amending s. 446.081, F.S.; limiting the  
1376 applicability of state apprenticeship and job-training  
1377 program requirements to provisions for veterans,  
1378 minority persons, and women; amending s. 446.091,  
1379 F.S.; conforming a provision to changes made by the  
1380 act; amending s. 446.092, F.S.; revising the criteria  
1381 for apprenticeship occupations; amending s. 455.213,  
1382 F.S.; requiring the Department of Business and  
1383 Professional Regulation to consult with the Department  
1384 of Education to evaluate certain apprenticeship  
1385 programs to determine potential substitutions for  
1386 certain licensure requirements; amending s. 1001.02,  
1387 F.S.; conforming provisions to changes made by the  
1388 act; amending s. 1001.43, F.S.; encouraging district  
1389 school boards to declare an "Academic Scholarship  
1390 Signing Day" and "College and Career Decision Day" for  
1391 specified purposes; amending s. 1001.706, F.S.;  
1392 conforming provisions to changes made by the act;  
1393 amending s. 1002.3105, F.S.; providing that certain  
1394 career education credits may be used to satisfy  
1395 elective credit requirements for the accelerated high  
1396 school graduation option; amending s. 1003.4156, F.S.;  
1397 requiring students to take a career education planning  
1398 course for promotion to high school; providing  
1399 requirements for such course; requiring each student  
1400 that takes the course to receive an academic and  
1401 career plan; providing requirements for such plan;  
1402 amending s. 1003.4282, F.S.; authorizing a student to



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1403       earn two mathematics credits under certain  
1404       circumstances; authorizing a credit in computer  
1405       science to meet specified graduation requirements  
1406       under certain circumstances; requiring the department  
1407       to award a certificate of completion to students who  
1408       fulfill specified requirements; requiring that the  
1409       certificate of completion specify that the student is  
1410       workforce ready; providing that students who are  
1411       otherwise entitled to receive a certificate of  
1412       completion may elect to remain in high school for up  
1413       to a specified period of time to receive special  
1414       instruction to remedy their deficiencies; requiring  
1415       the department to adopt rules; correcting a cross-  
1416       reference relating to the federal Elementary and  
1417       Secondary Education Act (ESEA), as amended by the  
1418       Every Student Succeeds Act (ESSA); requiring a student  
1419       who earns a credit through a career education course  
1420       to pass specified assessments; revising the  
1421       requirements for the instructional methodology of  
1422       certain courses; providing that, as of a specified  
1423       school year, certain students are eligible for an  
1424       alternative pathway to a standard high school diploma  
1425       through the Career and Technical Education (CTE)  
1426       pathway option; providing requirements for the CTE  
1427       pathway option; requiring district school boards to  
1428       incorporate certain information in the student  
1429       progression plan; requiring certain charter schools to  
1430       comply with specified application requirements;  
1431       providing that charter schools that exclusively offer



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1432 the CTE pathway option are exempt from specified  
1433 application requirements; authorizing the department  
1434 to adopt rules relating to application requirements  
1435 for certain charter schools; authorizing adjunct  
1436 educators to administer courses in the CTE pathway  
1437 option; amending s. 1003.4285, F.S.; revising the  
1438 requirements to earn the scholar designation on a  
1439 standard high school diploma; amending s. 1003.491,  
1440 F.S.; requiring school districts to provide  
1441 opportunities for certain students to enroll in  
1442 specified courses or academies; requiring school  
1443 districts to provide academic advising to students  
1444 under certain circumstances; providing requirements  
1445 for such academic advising; requiring the Commissioner  
1446 of Education to annually review career and technical  
1447 offerings in consultation with certain entities for  
1448 specified purposes; requiring the commissioner to  
1449 phase out certain career and technical education  
1450 offerings and encourage specified entities to offer  
1451 certain programs; creating s. 1004.013, F.S.;  
1452 establishing the SAIL to 60 Initiative for specified  
1453 purposes; providing State Board of Education and the  
1454 Board of Governors responsibilities relating to the  
1455 initiative; providing Chancellor of the State  
1456 University System and the Chancellor of the Florida  
1457 College System responsibilities; amending s. 1004.015,  
1458 F.S.; renaming the Higher Education Coordinating  
1459 Council as the Florida Talent Development Council;  
1460 revising the membership of the council; revising the



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1461 duties and responsibilities of the council; requiring  
1462 the council to submit a strategic plan to the Governor  
1463 and Legislature by a specified date; providing  
1464 requirements for the strategic plan; requiring the  
1465 Department of Economic Opportunity to provide  
1466 administrative support for the council; amending s.  
1467 1004.6495, F.S.; conforming provisions to changes made  
1468 by the act; amending s. 1004.935, F.S.; conforming a  
1469 cross-reference; amending s. 1006.22, F.S.; expanding  
1470 the circumstances in which motor vehicles may be used  
1471 for public school transportation; amending s. 1007.23,  
1472 F.S.; requiring the statewide articulation agreement  
1473 to provide for a reverse transfer agreement; providing  
1474 for an associate degree to be awarded to certain  
1475 students by Florida College System institutions;  
1476 providing requirements for state universities;  
1477 creating s. 1007.233, F.S.; requiring certain career  
1478 centers and Florida College System institutions to  
1479 annually submit a career pathways agreement to the  
1480 Department of Education by a specified date; providing  
1481 requirements for such agreements; amending s. 1007.25,  
1482 F.S.; requiring state universities to notify students  
1483 of the criteria and process for requesting an  
1484 associate in arts certificate at specified times;  
1485 amending s. 1007.2616, F.S.; conforming provisions to  
1486 changes made by the act; amending s. 1007.271, F.S.;  
1487 requiring a career center to enter into an agreement  
1488 with specified high schools to offer certain courses  
1489 to high school students; providing requirements for



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1490 such agreement; amending s. 1008.34, F.S.; revising  
1491 school grade components to specify that career dual  
1492 enrollment includes career clock-hour courses and the  
1493 completion of certain preapprenticeship programs;  
1494 amending s. 1008.37, F.S.; revising the date on a  
1495 required report by the commissioner; amending s.  
1496 1008.44, F.S.; increasing the number of CAPE Digital  
1497 Tool certificates relating to specified subjects that  
1498 may be included on the CAPE Industry Certification  
1499 Funding List; amending s. 1009.21, F.S.; conforming  
1500 provisions to changes made by the act; amending s.  
1501 1011.80, F.S.; requiring certain school districts and  
1502 Florida College System institutions to maintain  
1503 certain records; requiring such records be submitted  
1504 to the department; revising the calculation for fund  
1505 and fees for certain workforce education programs;  
1506 creating s. 1011.802, F.S.; creating the FLAG program;  
1507 providing for funding; providing purpose,  
1508 requirements, and administration of the program;  
1509 requiring certain career centers and institutions to  
1510 provide quarterly reports; authorizing rulemaking;  
1511 amending s. 1012.57, F.S.; deleting a requirement that  
1512 the adjunct teaching certificate be used only for  
1513 part-time teaching positions; authorizing school  
1514 districts to issue adjunct teaching certificates for  
1515 part-time and full-time teaching positions; providing  
1516 limitations on adjunct teaching certificates for full-  
1517 time positions; providing school district  
1518 requirements; providing effective dates.

## CS/SB 770: Education (Proposed CTE Graduation Pathway)

High School Requirements	24 Credit Traditional (S. 1003.4282(3), F.S.)	18-Credit ACCEL (S. 1002.3105(5), F.S.)	Proposed 18-Credit CTE (S. 1003.4282(11), F.S.)
<b>Statewide Standardized Assessments</b> (Comprehensive and End of Course Exams)	<ul style="list-style-type: none"> <li>Must pass grade 10 English Language Arts (ELA) or earn concordant score</li> <li>Must pass Algebra I EOC or earn comparative score</li> <li>Sit for: Algebra I, Geometry, Biology I, US History EOCs</li> </ul>	<ul style="list-style-type: none"> <li>Same</li> <li>Same</li> <li>Same</li> </ul>	<ul style="list-style-type: none"> <li><a href="#">Same</a></li> <li><a href="#">Same</a></li> <li><a href="#">Same</a></li> </ul>
<b>English</b>	4 credits <ul style="list-style-type: none"> <li>ELA I – IV</li> <li>ELA honors, AP, AICE, IB, and dual enrollment courses may substitute</li> </ul>	Same <ul style="list-style-type: none"> <li>Same</li> <li>Same</li> </ul>	<a href="#">Same</a> <ul style="list-style-type: none"> <li><a href="#">Same</a></li> <li><a href="#">Same</a></li> </ul>
<b>Math</b>	4 credits <ul style="list-style-type: none"> <li>1 Algebra I</li> <li>1 Geometry</li> <li>2 additional               <ul style="list-style-type: none"> <li>May substitute for Industry Certifications</li> <li><a href="#">1 Computer Science credit can substitute for 1 Math credit, except Algebra I, Geometry</a></li> </ul> </li> </ul>	Same <ul style="list-style-type: none"> <li>Same</li> <li>Same</li> <li>Same               <ul style="list-style-type: none"> <li>Same</li> <li>Same</li> </ul> </li> </ul>	<a href="#">Same</a> <ul style="list-style-type: none"> <li><a href="#">Same</a></li> <li><a href="#">Same</a></li> <li><a href="#">Same</a> <ul style="list-style-type: none"> <li><a href="#">Same</a></li> </ul> </li> </ul>
<b>Science</b>	3 credits <ul style="list-style-type: none"> <li>1 Biology 1</li> <li>2 equally rigorous courses</li> <li>2 of 3 courses with Lab Component               <ul style="list-style-type: none"> <li>Industry certification may substitute for 1 Science Credit, except Biology 1</li> <li><a href="#">1 Computer Science credit can substitute for 1 Science credit, except Biology I</a></li> </ul> </li> </ul>	Same <ul style="list-style-type: none"> <li>Same</li> <li>Same</li> <li>Same               <ul style="list-style-type: none"> <li>Same</li> <li>Same</li> </ul> </li> </ul>	<a href="#">Same</a> <ul style="list-style-type: none"> <li><a href="#">Same</a></li> <li><a href="#">Same</a></li> <li><a href="#">Same</a> <ul style="list-style-type: none"> <li><a href="#">Industry Certification may substitute for 2 Science Credits, except Biology I</a></li> </ul> </li> </ul>
<b>Social Studies</b>	3 credits <ul style="list-style-type: none"> <li>1 US History</li> <li>1 World History</li> <li>0.5 US Government</li> </ul>	Same <ul style="list-style-type: none"> <li>Same</li> <li>Same</li> <li>Same</li> </ul>	<a href="#">Same</a> <ul style="list-style-type: none"> <li><a href="#">Same</a></li> <li><a href="#">Same</a></li> <li><a href="#">Same</a></li> </ul>
	<ul style="list-style-type: none"> <li><b>0.5 Economics w/ Financial Literacy</b></li> </ul>	<ul style="list-style-type: none"> <li><b>Same</b></li> </ul>	<ul style="list-style-type: none"> <li><a href="#">0.5 Economics</a></li> </ul>
<b>Arts</b>	1 Credit <ul style="list-style-type: none"> <li>Fine &amp; Performing Arts, Speech &amp; Debate, or Practical Arts</li> </ul>	Same <ul style="list-style-type: none"> <li>Same</li> </ul>	<a href="#">Not Required</a>
<b>Physical Education</b>	1 Credit	Not Required	<a href="#">Not Required</a>
<b>Electives</b>	8 Credits	3 Credits	<a href="#">Not Required</a>
<b>Career &amp; Technical Education</b>	Not Required	Not Required	<a href="#">2 Credits</a> <ul style="list-style-type: none"> <li><a href="#">Must Result in program completion and Industry Certification</a></li> </ul>
<b>Work-Based Learning Programs</b>	Not Required	Not Required	<a href="#">1.5 Credits</a>
<b>Financial Literacy</b>	Not Required	Not Required	<a href="#">0.5 Credit</a>



The Florida Senate

## Committee Agenda Request

**To:** Senator Wilton Simpson, Chair  
Committee on Innovation, Industry, and Technology

**Subject:** Committee Agenda Request

**Date:** April 9, 2019

---

I respectfully request that **Senate Bill #770**, relating to Education, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink, appearing to read "Travis A. Hutson", written over a horizontal line.

Senator Travis Hutson  
Florida Senate, District 7

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-10-19

Meeting Date

SB 770

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Holly Sagues Say-guess

Job Title Ex. Dir. Gov. Affairs

Address Metro Center Blvd  
Street

Phone 321-695-1073

Orlando  
City

FL  
State

32835  
Zip

Email hsagues@flus.net

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Virtual School

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**form is part of the public record for this meeting.**

S-001 (10/14/14)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/2019

*Meeting Date*

770

*Bill Number (if applicable)*

Topic Education

*Amendment Barcode (if applicable)*

Name Matthew Choy

Job Title Director

Address 136 S Bronough St

Phone 561-386-3451

*Street*

Tallahassee

Florida

32301

Email mchoy@flchamber.com

*City*

*State*

*Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

*Form is part of the public record for this meeting.*

S-001 (10/14/14)

# APPEARANCE RECORD

110-SOB

4-10-19

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 770

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Amy Datz

Job Title Retired Scientist

Address \_\_\_\_\_

Phone \_\_\_\_\_

Street

Tallahassee

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19  
Meeting Date

770  
Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior VP

Address 516 N Adams St  
Street

Phone \_\_\_\_\_

TLH FL 3234  
City State Zip

Email bbevis@carb.ca.gov

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19  
Meeting Date

770  
Bill Number (if applicable)  
920704

Topic Education

Amendment Barcode (if applicable)

Name Theresa King

Job Title President

Address Po Box 10888 / College St  
Street

Phone 850-228-8940

Tallahassee FL 32302  
City State Zip

Email fbt.tking@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Building & Construction Trades

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19  
Meeting Date

770  
Bill Number (if applicable)

Topic EDUCATION

920704  
Amendment Barcode (if applicable)

Name NANCY STEPHENS

Job Title

Address 1625 SUMMIT LAKE DR  
Street  
TALLAHASSEE FL 32317  
City State Zip

Phone 850 402 2954

Email nancy@nstephens.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing MANUFACTURERS ASSOCIATION OF FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

SB 770

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name David Shepp

Job Title Lobbyist

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Street

Phone 863 581-4250

Lakeland FL 33802  
City State Zip

Email shepp@sostrategy.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Independent Electrical Contractors

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-10-19

Meeting Date

SA 970

Bill Number (if applicable)

Topic

Education

Amendment Barcode (if applicable)

Name

Keri Hebrank Keri Hebrank

Job Title

Address

Street

113 East College Ave

Phone

514-5183

City

Jacksonville

State

FL

Zip

32201

Email

Kari@wilsonmgmt.com

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Florida Home Builders

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

770

Bill Number (if applicable)

Topic SB 770

Amendment Barcode (if applicable)

Name Mark Anderson

Job Title

Address 110 S. Monroe

Street

Phone 813-705-0658

Tallahassee

City

FL

State

32301

Zip

Email mark@consultantebisen.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Council on Economic Education

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

770

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Theresa King

Job Title President

Address PO Box 10888 / 200 College St  
Street

Phone 850-228-8940

Tallahassee FL 32302  
City State Zip

Email fbt.tking

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Building & Construction Trades

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-10-19

Meeting Date

SB0770

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Adam Campbell

Job Title

Address 3738 Kenyon Road

Street

Phone 561-452-7748

Lake Worth

City

FL

State

33461

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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4/10/19

Meeting Date

SB 0770

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Jeneane Maddaloni

Job Title Teacher

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Phone 813 997 5364

Spring Hills FL 34610

City

State

Zip

Email maddaloniscience@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing \_\_\_\_\_

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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4/10/19

Meeting Date

SB 0770

Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Ginger Blomeley

Job Title

Address 30561 Scott St

Street

Phone

San Antonio, FL 33576

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

770

Bill Number (if applicable)

Topic

Education

Amendment Barcode (if applicable)

Name

Carol BOWEN

Job Title

Chief Lobbyist

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(954) 465-6811

Street

Coconut Creek, FL

State

33066

Zip

Email

cbowen@coconutcreek.com

City

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Associated Builders and Contractors

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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**This form is part of the public record for this meeting.**

S-001 (10/14/14)

**COMMITTEE:** Innovation, Industry, and Technology  
**ITEM:** CS/SB 770  
**FINAL ACTION:** Favorable with Committee Substitute  
**MEETING DATE:** Wednesday, April 10, 2019  
**TIME:** 1:30—3:30 p.m.  
**PLACE:** 110 Senate Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

**By** the Committees on Innovation, Industry, and Technology; and Education; and Senators Hutson and Perry

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A bill to be entitled

An act relating to workforce education; amending s. 446.011, F.S.; revising terminology; amending s. 446.021, F.S.; revising definitions; amending s. 446.032, F.S.; requiring the Department of Education to annually publish a specified report; providing requirements for the report; requiring the department to provide assistance to certain entities in notifying specified persons of apprenticeship and preapprenticeship opportunities; amending s. 446.045, F.S.; revising the membership criteria for certain appointments to the State Apprenticeship Advisory Council; amending s. 446.052, F.S.; revising terminology; amending s. 446.081, F.S.; limiting the applicability of state apprenticeship and job-training program requirements to provisions for veterans, minority persons, and women; amending s. 446.091, F.S.; conforming a provision to changes made by the act; amending s. 446.092, F.S.; revising the criteria for apprenticeship occupations; amending s. 455.213, F.S.; requiring the Department of Business and Professional Regulation to consult with the Department of Education to evaluate certain apprenticeship programs to determine potential substitutions for certain licensure requirements; amending s. 1001.02, F.S.; conforming provisions to changes made by the act; amending s. 1001.43, F.S.; encouraging district school boards to declare an "Academic Scholarship Signing Day" and "College and Career Decision Day" for

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specified purposes; amending s. 1001.706, F.S.;  
conforming provisions to changes made by the act;  
amending s. 1002.3105, F.S.; providing that certain  
career education credits may be used to satisfy  
elective credit requirements for the accelerated high  
school graduation option; amending s. 1003.4156, F.S.;  
requiring students to take a career education planning  
course for promotion to high school; providing  
requirements for such course; requiring each student  
that takes the course to receive an academic and  
career plan; providing requirements for such plan;  
amending s. 1003.4282, F.S.; authorizing a student to  
earn two mathematics credits under certain  
circumstances; authorizing a credit in computer  
science to meet specified graduation requirements  
under certain circumstances; requiring the department  
to award a certificate of completion to students who  
fulfill specified requirements; requiring that the  
certificate of completion specify that the student is  
workforce ready; providing that students who are  
otherwise entitled to receive a certificate of  
completion may elect to remain in high school for up  
to a specified period of time to receive special  
instruction to remedy their deficiencies; requiring  
the department to adopt rules; correcting a cross-  
reference relating to the federal Elementary and  
Secondary Education Act (ESEA), as amended by the  
Every Student Succeeds Act (ESSA); requiring a student  
who earns a credit through a career education course



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59 to pass specified assessments; revising the  
60 requirements for the instructional methodology of  
61 certain courses; providing that, as of a specified  
62 school year, certain students are eligible for an  
63 alternative pathway to a standard high school diploma  
64 through the Career and Technical Education (CTE)  
65 pathway option; providing requirements for the CTE  
66 pathway option; requiring district school boards to  
67 incorporate certain information in the student  
68 progression plan; requiring certain charter schools to  
69 comply with specified application requirements;  
70 providing that charter schools that exclusively offer  
71 the CTE pathway option are exempt from specified  
72 application requirements; authorizing the department  
73 to adopt rules relating to application requirements  
74 for certain charter schools; authorizing adjunct  
75 educators to administer courses in the CTE pathway  
76 option; amending s. 1003.4285, F.S.; revising the  
77 requirements to earn the scholar designation on a  
78 standard high school diploma; amending s. 1003.491,  
79 F.S.; requiring school districts to provide  
80 opportunities for certain students to enroll in  
81 specified courses or academies; requiring school  
82 districts to provide academic advising to students  
83 under certain circumstances; providing requirements  
84 for such academic advising; requiring the Commissioner  
85 of Education to annually review career and technical  
86 offerings in consultation with certain entities for  
87 specified purposes; requiring the commissioner to

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phase out certain career and technical education offerings and encourage specified entities to offer certain programs; creating s. 1004.013, F.S.; establishing the SAIL to 60 Initiative for specified purposes; providing State Board of Education and the Board of Governors responsibilities relating to the initiative; providing Chancellor of the State University System and the Chancellor of the Florida College System responsibilities; amending s. 1004.015, F.S.; renaming the Higher Education Coordinating Council as the Florida Talent Development Council; revising the membership of the council; revising the duties and responsibilities of the council; requiring the council to submit a strategic plan to the Governor and Legislature by a specified date; providing requirements for the strategic plan; requiring the Department of Economic Opportunity to provide administrative support for the council; amending s. 1004.6495, F.S.; conforming provisions to changes made by the act; amending s. 1004.935, F.S.; conforming a cross-reference; amending s. 1006.22, F.S.; expanding the circumstances in which motor vehicles may be used for public school transportation; amending s. 1007.23, F.S.; requiring the statewide articulation agreement to provide for a reverse transfer agreement; providing for an associate degree to be awarded to certain students by Florida College System institutions; providing requirements for state universities; creating s. 1007.233, F.S.; requiring certain career

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centers and Florida College System institutions to annually submit a career pathways agreement to the Department of Education by a specified date; providing requirements for such agreements; amending s. 1007.25, F.S.; requiring state universities to notify students of the criteria and process for requesting an associate in arts certificate at specified times; amending s. 1007.2616, F.S.; conforming provisions to changes made by the act; amending s. 1007.271, F.S.; requiring a career center to enter into an agreement with specified high schools to offer certain courses to high school students; providing requirements for such agreement; amending s. 1008.34, F.S.; revising school grade components to specify that career dual enrollment includes career clock-hour courses and the completion of certain preapprenticeship programs; amending s. 1008.37, F.S.; revising the date on a required report by the commissioner; amending s. 1008.44, F.S.; increasing the number of CAPE Digital Tool certificates relating to specified subjects that may be included on the CAPE Industry Certification Funding List; amending s. 1009.21, F.S.; conforming provisions to changes made by the act; amending s. 1011.80, F.S.; requiring certain school districts and Florida College System institutions to maintain certain records; requiring such records be submitted to the department; revising the calculation for fund and fees for certain workforce education programs; creating s. 1011.802, F.S.; creating the FLAG program;

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providing for funding; providing purpose,  
requirements, and administration of the program;  
requiring certain career centers and institutions to  
provide quarterly reports; authorizing rulemaking;  
amending s. 1012.57, F.S.; deleting a requirement that  
the adjunct teaching certificate be used only for  
part-time teaching positions; authorizing school  
districts to issue adjunct teaching certificates for  
part-time and full-time teaching positions; providing  
limitations on adjunct teaching certificates for full-  
time positions; providing school district  
requirements; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsections (1) and (2) of section 446.011,  
Florida Statutes, are amended to read:

446.011 Legislative intent regarding apprenticeship  
training.—

(1) It is the intent of the State of Florida to provide  
educational opportunities for its residents ~~young people~~ so that  
they can be trained for trades, occupations, and professions  
suited to their abilities. It is the intent of this act to  
promote the mode of training known as apprenticeship in  
occupations throughout industry in the state that require  
physical manipulative skills. By broadening job training  
opportunities and providing for increased coordination between  
public school academic programs, career programs, and registered  
apprenticeship programs, the residents of this ~~young people of~~

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the state will benefit from the valuable training opportunities developed when on-the-job training is combined with academic-related classroom experiences. This act is intended to develop the apparent potentials in apprenticeship training by assisting in the establishment of preapprenticeship programs in the public school system and elsewhere and by expanding presently registered programs as well as promoting new registered programs in jobs that lend themselves to apprenticeship training.

(2) It is the intent of the Legislature that the Department of Education have responsibility for the development of the apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and that the department have responsibility for assisting district school boards and Florida College System institution ~~community college district~~ boards of trustees in developing preapprenticeship programs.

Section 2. Subsections (2) and (4) of section 446.021, Florida Statutes, are amended to read:

446.021 Definitions of terms used in ss. 446.011-446.092.—  
As used in ss. 446.011-446.092, the term:

(2) "Apprentice" means a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyworkers ~~journeymen~~ craftsmen, which training should be combined with properly coordinated studies of related technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprentice agreement, with a registered apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.

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(4) "Journeyworker ~~Journeyman~~" means a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.

Section 3. Section 446.032, Florida Statutes, is amended to read:

446.032 General duties of the department for apprenticeship training.—The department shall:

(1) Establish uniform minimum standards and policies governing apprentice programs and agreements. The standards and policies shall govern the terms and conditions of the apprentice's employment and training, including the quality training of the apprentice for, but not limited to, such matters as ratios of apprentices to journeyworkers ~~journeymen~~, safety, related instruction, and on-the-job training; but these standards and policies may not include rules, standards, or guidelines that require the use of apprentices and job trainees on state, county, or municipal contracts. The department may adopt rules necessary to administer the standards and policies.

(2) By September 1 of each year, publish an annual report on apprenticeship and preapprenticeship programs. The report must be published on the department's website and, at a minimum, include all of the following:

(a) A list of registered apprenticeship and preapprenticeship programs, sorted by local educational agency, as defined in s. 1004.02(18), and apprenticeship sponsor, under s. 446.071.

(b) A detailed summary of each local educational agency's

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expenditure of funds for apprenticeship and preapprenticeship programs, including:

1. The total amount of funds received for apprenticeship and preapprenticeship programs;

2. The total amount of funds allocated to each trade or occupation;

3. The total amount of funds expended for administrative costs per trade or occupation; and

4. The total amount of funds expended for instructional costs per trade and occupation.

(c) The number of apprentices and preapprentices per trade and occupation.

(d) The percentage of apprentices and preapprentices who complete their respective programs in the appropriate timeframe.

(e) Information and resources related to applications for new apprenticeship programs and technical assistance and requirements for potential applicants.

(f) Documentation of activities conducted by the department to promote apprenticeship and preapprenticeship programs through public engagement, community-based partnerships, and other initiatives.

(3) Provide assistance to district school boards, Florida College System institution boards of trustees, program sponsors, and local workforce development boards in notifying students, parents, and members of the community of the availability of apprenticeship and preapprenticeship opportunities, including data provided in the economic security report pursuant to s. 445.07.

(4)~~(2)~~ Establish procedures to be used by the State

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Apprenticeship Advisory Council.

Section 4. Paragraph (b) of subsection (2) of section 446.045, Florida Statutes, is amended to read:

446.045 State Apprenticeship Advisory Council.—

(2)

(b) The Commissioner of Education or the commissioner's designee shall serve ex officio as chair of the State Apprenticeship Advisory Council, but may not vote. The state director of the Office of Apprenticeship of the United States Department of Labor shall serve ex officio as a nonvoting member of the council. The Governor shall appoint to the council four members representing employee organizations and four members representing employer organizations. Each of these eight members shall represent industries that have registered apprenticeship programs. The Governor shall also appoint two public members who are knowledgeable about registered apprenticeship and apprenticeable occupations and who are independent of any joint or nonjoint organization, ~~one of whom shall be recommended by joint organizations, and one of whom shall be recommended by nonjoint organizations.~~ Members shall be appointed for 4-year staggered terms. A vacancy shall be filled for the remainder of the unexpired term.

Section 5. Subsections (2) and (3) of section 446.052, Florida Statutes, are amended to read:

446.052 Preapprenticeship program.—

(2) The department, under regulations established by the State Board of Education, may administer the provisions of ss. 446.011-446.092 which relate to preapprenticeship programs in cooperation with district school boards and Florida College



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291 System institution ~~community college district~~ boards of  
292 trustees. District school boards, Florida College System  
293 institution ~~community college district~~ boards of trustees, and  
294 registered program sponsors shall cooperate in developing and  
295 establishing programs that include career instruction and  
296 general education courses required to obtain a high school  
297 diploma.

298 (3) The department, the district school boards, and the  
299 Florida College System institution ~~community college district~~  
300 boards of trustees shall work together with existing registered  
301 apprenticeship programs in order that individuals completing the  
302 preapprenticeship programs may be able to receive credit towards  
303 completing a registered apprenticeship program.

304 Section 6. Subsection (1) of section 446.081, Florida  
305 Statutes, is amended to read:

306 446.081 Limitation.—

307 (1) Nothing in ss. 446.011-446.092 or in any apprentice  
308 agreement approved under those sections may ~~shall operate to~~  
309 invalidate:

310 (a) Any apprenticeship provision in any collective  
311 agreement between employers and employees setting up higher  
312 apprenticeship standards.

313 (b) Any special provision for veterans, minority persons,  
314 or women in the standards, apprenticeship qualifications, or  
315 operation of the program that is not otherwise prohibited by  
316 law, executive order, or authorized regulation.

317 Section 7. Section 446.091, Florida Statutes, is amended to  
318 read:

319 446.091 On-the-job training program.—All provisions of ss.

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446.011-446.092 relating to apprenticeship and preapprenticeship, including, but not limited to, programs, agreements, standards, administration, procedures, definitions, expenditures, local committees, powers and duties, limitations, grievances, and ratios of apprentices and job trainees to journeyworkers ~~journeymen~~ on state, county, and municipal contracts, shall be appropriately adapted and made applicable to a program of on-the-job training authorized under those provisions for persons other than apprentices.

Section 8. Section 446.092, Florida Statutes, is amended to read:

446.092 Criteria for apprenticeship occupations.—An apprenticeable occupation is a skilled trade which possesses all of the following characteristics:

(1) It is customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training.

(2) It is clearly identified and commonly recognized throughout an ~~the~~ industry ~~or recognized with a positive view towards changing technology.~~

(3) It involves manual, mechanical, or technical skills and knowledge which, in accordance with the industry standards for the occupation, would require a minimum of 2,000 hours of on-the-job ~~work and~~ training, which hours are excluded from the time spent at related instruction.

(4) It requires related instruction to supplement on-the-job training. Such instruction may be given in a classroom, through occupational or industrial courses or ~~through~~ correspondence courses of equivalent value, through electronic

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media, or through other forms of self-study approved by the department.

~~(5) It involves the development of skill sufficiently broad to be applicable in like occupations throughout an industry, rather than of restricted application to the products or services of any one company.~~

~~(6) It does not fall into any of the following categories:~~

~~(a) Selling, retailing, or similar occupations in the distributive field.~~

~~(b) Managerial occupations.~~

~~(c) Professional and scientific vocations for which entrance requirements customarily require an academic degree.~~

Section 9. Subsection (13) is added to section 455.213, Florida Statutes, to read:

455.213 General licensing provisions.—

(13) Notwithstanding any other provision of law, the department, in consultation with the applicable board and the Department of Education, shall outline potential apprenticeship programs or review existing apprenticeship programs registered under chapter 446 or the United States Department of Labor for each of the professions licensed under parts XV and XVI of chapter 468 and chapters 476, 477, and 489 to determine which programs, if completed by an applicant, could substitute for the required educational and experience training otherwise required for licensure. The department shall report its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2019.

Section 10. Paragraph (a) of subsection (3) of section

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1001.02, Florida Statutes, is amended to read:

1001.02 General powers of State Board of Education.—

(3)(a) The State Board of Education shall adopt a strategic plan that specifies goals and objectives for the state's public schools and Florida College System institutions. The plan shall be formulated in conjunction with plans of the Board of Governors in order to provide for the roles of the universities and Florida College System institutions to be coordinated to best meet state needs and reflect cost-effective use of state resources. The strategic plan must clarify the mission statements of each Florida College System institution and the system as a whole and identify degree programs, including baccalaureate degree programs, to be offered at each Florida College System institution in accordance with the objectives provided in this subsection and the coordinated 5-year plan pursuant to paragraph (2)(v). The strategic plan must cover a period of 5 years, with modification of the program lists after 2 years. Development of each 5-year plan must be coordinated with and initiated after completion of the master plan. The strategic plans must specifically include programs and procedures for responding to the educational needs of teachers and students in the public schools of this state and consider reports and recommendations of the Florida Talent Development Council ~~Higher Education Coordinating Council~~ pursuant to s. 1004.015 and the Articulation Coordinating Committee pursuant to s. 1007.01. The state board shall submit a report to the President of the Senate and the Speaker of the House of Representatives upon modification of the plan and as part of its legislative budget request.

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Section 11. Paragraph (b) of subsection (14) of section 1001.43, Florida Statutes, is amended to read:

1001.43 Supplemental powers and duties of district school board.—The district school board may exercise the following supplemental powers and duties as authorized by this code or State Board of Education rule.

(14) RECOGNITION OF ACADEMIC ACHIEVEMENT.—

(b) The district school board is encouraged to adopt policies and procedures to celebrate the academic and workforce achievement of students by: ~~provide for a student~~

1. Declaring an "Academic Scholarship Signing Day" by  
~~declaring the third Tuesday in April each year as "Academic~~  
~~Scholarship Signing Day."~~ The "Academic Scholarship Signing Day"  
to shall recognize the outstanding academic achievement of high  
school seniors who sign a letter of intent to accept an academic  
scholarship offered to the student by a postsecondary  
educational institution.

2. Declaring a "College and Career Decision Day" to  
recognize high school seniors for their postsecondary education  
plans, to encourage early preparation for college, and to  
encourage students to pursue advanced career pathways through  
the attainment of industry certifications for which there are  
statewide college credit articulation agreements.

District school board policies and procedures may include, ~~but~~  
~~need not be limited to,~~ conducting assemblies or other  
appropriate public events in which students ~~offered academic~~  
~~scholarships assemble and~~ sign actual or ceremonial documents  
accepting ~~those~~ scholarships or enrollment. The district school

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board may encourage holding such events in an assembly or gathering of the entire student body as a means of making academic success and recognition visible to all students.

Section 12. Paragraph (b) of subsection (5) and subsection (9) of section 1001.706, Florida Statutes, are amended to read:

1001.706 Powers and duties of the Board of Governors.—

(5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

(b) The Board of Governors shall develop a strategic plan specifying goals and objectives for the State University System and each constituent university, including each university's contribution to overall system goals and objectives. The strategic plan must:

1. Include performance metrics and standards common for all institutions and metrics and standards unique to institutions depending on institutional core missions, including, but not limited to, student admission requirements, retention, graduation, percentage of graduates who have attained employment, percentage of graduates enrolled in continued education, licensure passage, average wages of employed graduates, average cost per graduate, excess hours, student loan burden and default rates, faculty awards, total annual research expenditures, patents, licenses and royalties, intellectual property, startup companies, annual giving, endowments, and well-known, highly respected national rankings for institutional and program achievements.

2. Consider reports and recommendations of the Florida Talent Development Council ~~Higher Education Coordinating Council~~ pursuant to s. 1004.015 and the Articulation Coordinating Committee pursuant to s. 1007.01.

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3. Include student enrollment and performance data delineated by method of instruction, including, but not limited to, traditional, online, and distance learning instruction.

4. Include criteria for designating baccalaureate degree and master's degree programs at specified universities as high-demand programs of emphasis. Fifty percent of the criteria for designation as high-demand programs of emphasis must be based on achievement of performance outcome thresholds determined by the Board of Governors, and 50 percent of the criteria must be based on achievement of performance outcome thresholds specifically linked to:

a. Job placement in employment of 36 hours or more per week and average full-time wages of graduates of the degree programs 1 year and 5 years after graduation, based in part on data provided in the economic security report of employment and earning outcomes produced annually pursuant to s. 445.07.

b. Data-driven gap analyses, conducted by the Board of Governors, of the state's job market demands and the outlook for jobs that require a baccalaureate or higher degree. Each state university must use the gap analyses to identify internship opportunities for students to benefit from mentorship by industry experts, earn industry certifications, and become employed in high-demand fields.

(9) COOPERATION WITH OTHER BOARDS.—The Board of Governors shall implement a plan for working on a regular basis with the State Board of Education, the Commission for Independent Education, the Florida Talent Development Council ~~the Higher Education Coordinating Council~~, the Articulation Coordinating Committee, the university boards of trustees, representatives of

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the Florida College System institution boards of trustees, representatives of the private colleges and universities, and representatives of the district school boards to achieve a seamless education system.

Section 13. Subsection (5) of section 1002.3105, Florida Statutes, is amended to read:

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

(5) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—A student who meets the applicable grade 9 cohort graduation requirements of s. 1003.4282(3)(a)–(e) or s. 1003.4282(9)(a)1.–5., (b)1.–5., (c)1.–5., or (d)1.–5.; 7 earns three credits in electives, which may include credits in work-based learning and career and technical education resulting in a program completion and an industry certification identified pursuant to s. 1008.44; and earns a cumulative grade point average (GPA) of 2.0 on a 4.0 scale shall be awarded a standard high school diploma in a form prescribed by the State Board of Education.

Section 14. Paragraph (e) is added to subsection (1) of section 1003.4156, Florida Statutes, to read:

1003.4156 General requirements for middle grades promotion.—

(1) In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

(e) One course in career and education planning to be completed in grades 6, 7, or 8, which may be taught by any member of the instructional staff. The course must be internet-based, customizable to each student, and include research-based



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assessments to assist students in determining educational and career options and goals. In addition, the course must result in a completed personalized academic and career plan for the student that may be revised as the student progresses through middle school and high school; must emphasize the importance of entrepreneurship and employability skills; and must include information from the Department of Economic Opportunity's economic security report under s. 445.07. The required personalized academic and career plan must inform students of high school graduation requirements, including a detailed explanation of the requirements for earning a high school diploma designation under s. 1003.4285; the requirements for each scholarship in the Florida Bright Futures Scholarship Program; state university and Florida College System institution admission requirements; available opportunities to earn college credit in high school, including Advanced Placement courses; the International Baccalaureate Program; the Advanced International Certificate of Education Program; dual enrollment, including career dual enrollment; and career education courses, including career-themed courses, preapprenticeship and apprenticeship programs, and course sequences that lead to industry certification pursuant to s. 1003.492 or s. 1008.44. The course may be implemented as a stand-alone course or integrated into another course or courses.

Section 15. Present subsection (11) of section 1003.4282, Florida Statutes, is redesignated as subsection (12), a new subsection (11) is added to that section, and paragraphs (b) and (c) of subsection (3), paragraph (d) of subsection (6), subsection (7), and paragraph (a) of subsection (8) of that

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552 section are amended, to read:

553 1003.4282 Requirements for a standard high school diploma.—

554 (3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT  
555 REQUIREMENTS.—

556 (b) *Four credits in mathematics.*—

557 1. A student must earn one credit in Algebra I and one  
558 credit in Geometry. A student's performance on the statewide,  
559 standardized Algebra I end-of-course (EOC) assessment  
560 constitutes 30 percent of the student's final course grade. A  
561 student must pass the statewide, standardized Algebra I EOC  
562 assessment, or earn a comparative score, in order to earn a  
563 standard high school diploma. A student's performance on the  
564 statewide, standardized Geometry EOC assessment constitutes 30  
565 percent of the student's final course grade.

566 2. A student who earns an industry certification for which  
567 there is a statewide college credit articulation agreement  
568 approved by the State Board of Education may substitute the  
569 certification for one mathematics credit. Substitution may occur  
570 for up to two mathematics credits, except for Algebra I and  
571 Geometry. A student may earn two mathematics credits by  
572 successfully completing Algebra I through two full-year courses.

573 3. A student who earns a computer science credit may  
574 substitute the credit for up to one credit of the mathematics  
575 requirement, with the exception of Algebra I and Geometry, if  
576 the commissioner identifies the computer science credit as being  
577 equivalent in rigor to the mathematics credit. An identified  
578 computer science credit may not be used to substitute for both a  
579 mathematics and a science credit. A student who earns an  
580 industry certification in 3D rapid prototype printing may

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581 satisfy up to two credits of the mathematics requirement, with  
582 the exception of Algebra I, if the commissioner identifies the  
583 certification as being equivalent in rigor to the mathematics  
584 credit or credits.

585 (c) *Three credits in science.*—

586 1. Two of the three required credits must have a laboratory  
587 component. A student must earn one credit in Biology I and two  
588 credits in equally rigorous courses. The statewide, standardized  
589 Biology I EOC assessment constitutes 30 percent of the student's  
590 final course grade.

591 2. A student who earns an industry certification for which  
592 there is a statewide college credit articulation agreement  
593 approved by the State Board of Education may substitute the  
594 certification for one science credit, except for Biology I.

595 3. A student who earns a computer science credit may  
596 substitute the credit for up to one credit of the science  
597 requirement, with the exception of Biology I, if the  
598 commissioner identifies the computer science credit as being  
599 equivalent in rigor to the science credit. An identified  
600 computer science credit may not be used to substitute for both a  
601 mathematics and a science credit.

602 (6) AWARD OF A STANDARD HIGH SCHOOL DIPLOMA.—

603 (d) Notwithstanding paragraph (c), a student who earns any  
604 industry certification and the required 24 credits, or the  
605 required 18 credits under s. 1002.3105(5), but fails to pass the  
606 assessments required under s. 1008.22(3) or achieve a 2.0 GPA  
607 shall be awarded a certificate of completion in a form  
608 prescribed by the department. The certificate of completion must  
609 specify that the student is workforce ready in any field in

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610 which he or she has earned an industry certification. A student  
611 who is otherwise entitled to a certificate of completion under  
612 this paragraph may elect to remain in high school either as a  
613 full-time student or a part-time student for up to 1 additional  
614 year and receive special instruction designed to remedy his or  
615 her identified deficiencies. The department shall adopt rules to  
616 administer this paragraph.

617 (7) UNIFORM TRANSFER OF HIGH SCHOOL CREDITS.—Beginning with  
618 the 2012-2013 school year, if a student transfers to a Florida  
619 public high school from out of country, out of state, a private  
620 school, or a home education program and the student's transcript  
621 shows a credit in Algebra I, the student must pass the  
622 statewide, standardized Algebra I EOC assessment in order to  
623 earn a standard high school diploma unless the student earned a  
624 comparative score, passed a statewide assessment in Algebra I  
625 administered by the transferring entity, or passed the statewide  
626 mathematics assessment the transferring entity uses to satisfy  
627 the requirements of the Elementary and Secondary Education Act,  
628 as amended by the Every Student Succeeds Act (ESSA), 20 U.S.C.  
629 ss. 6301 et seq 20 U.S.C. s. 6301. If a student's transcript  
630 shows a credit in high school reading or English Language Arts  
631 II or III, in order to earn a standard high school diploma, the  
632 student must take and pass the statewide, standardized grade 10  
633 Reading assessment or, when implemented, the grade 10 ELA  
634 assessment, or earn a concordant score. If a transfer student's  
635 transcript shows a final course grade and course credit in  
636 Algebra I, Geometry, Biology I, or United States History, the  
637 transferring course final grade and credit shall be honored  
638 without the student taking the requisite statewide, standardized

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EOC assessment and without the assessment results constituting 30 percent of the student's final course grade.

(8) CAREER EDUCATION COURSES THAT SATISFY HIGH SCHOOL CREDIT REQUIREMENTS.—

(a) Participation in career education courses engages students in their high school education, increases academic achievement, enhances employability, and increases postsecondary success. ~~By July 1, 2014,~~ The department shall develop, for approval by the State Board of Education, multiple, additional career education courses or a series of courses that meet the requirements set forth in s. 1003.493(2), (4), and (5) and this subsection and allow students to earn credit in both the career education course and courses required for high school graduation under this section and s. 1003.4281.

1. The state board must determine at least biennially if sufficient academic standards are covered to warrant the award of academic credit, including satisfaction of assessment requirements under this section.

2. Career education courses must:

a. Include workforce and digital literacy skills. ~~and the integration of~~

b. Integrate required course content with practical applications and designated rigorous coursework that results in one or more industry certifications or clearly articulated credit or advanced standing in a 2-year or 4-year certificate or degree program, which may include high school junior and senior year work-related internships or apprenticeships. The department shall negotiate state licenses for material and testing for industry certifications.

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The instructional methodology used in these courses must comprise ~~be comprised of~~ authentic projects, problems, and activities for contextual academic learning and emphasize workplace skills identified under s. 445.06 ~~contextually learning the academics.~~

3. A student who earns credit upon completion of an apprenticeship or preapprenticeship program registered with the Department of Education under chapter 446 may use such credit to satisfy the high school graduation credit requirements in paragraph (3)(e) or paragraph (3)(g). The state board shall approve and identify in the Course Code Directory the apprenticeship and preapprenticeship programs from which earned credit may be used pursuant to this subparagraph.

(11) CAREER AND TECHNICAL EDUCATION GRADUATION PATHWAY OPTION.—Beginning with the 2019-2020 school year, a student is eligible to complete an alternative pathway to earning a standard high school diploma through the Career and Technical Education (CTE) pathway option. Receipt of a standard high school diploma awarded through the CTE pathway option requires the student's successful completion of at least 18 credits. A student completing the CTE pathway option must earn at least a cumulative grade point average (GPA) of 2.0 on a 4.0 scale.

(a) In order for a student to satisfy the requirements of the CTE pathway option, he or she must:

1. Complete four credits in English Language Arts. The four credits must be in ELA I, II, III, and IV; however, a student may substitute up to four credits in ELA honors, AP, AICE, IB, or dual enrollment courses for the required ELA credits. A

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student may complete ELA courses online and may complete two or more ELA credits in a single year. A student also must pass the statewide, standardized grade 10 Reading assessment or, when implemented, the grade 10 ELA assessment, or earn a concordant score, in order to earn a standard high school diploma;

2. Complete four credits in mathematics. A student must earn one credit in Algebra I and one credit in Geometry. A student's performance on the statewide, standardized Algebra I EOC assessment constitutes 30 percent of the student's final course grade. A student also must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, in order to earn a standard high school diploma. A student's performance on the statewide, standardized Geometry EOC assessment constitutes 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for one mathematics credit. Substitution may occur for up to two mathematics credits, except for Algebra I and Geometry;

3. Complete three credits in science. Two of the three required credits must have a laboratory component. A student must earn one credit in Biology I and two credits in equally rigorous courses. The statewide, standardized Biology I EOC assessment constitutes 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the State Board of Education may substitute the certification for two science credits, except for Biology I;

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726       4. Complete three and one-half credits in social studies. A  
727 student must earn one credit in United States History; one  
728 credit in World History; one-half credit in United States  
729 Government; one-half credit in economics; and one-half credit in  
730 financial literacy. The United States History EOC assessment  
731 constitutes 30 percent of the student's final course grade;

732       5. Complete two credits in career and technical education.  
733 The courses must result in a program completion and an industry  
734 certification;

735       6. Complete one and one-half credits in work-based learning  
736 programs. A student must earn one and one-half credits through  
737 work-based learning program courses. A student may substitute up  
738 to one and one-half credits of electives for work-based learning  
739 program courses to fulfill this requirement; and

740       7. Sit for the statewide, standardized Geometry EOC  
741 assessment, Biology I EOC assessment, and United States History  
742 EOC assessment.

743       (b) Upon completion of the requirements specified in  
744 paragraph (a), a student shall be awarded a standard high school  
745 diploma in a form prescribed by the State Board of Education.

746       (c) Each district school board shall incorporate the CTE  
747 pathway option to graduation in the student progression plan  
748 required under s. 1008.25.

749       (d) A charter school that expands its scope to include any  
750 additional pathways to graduation shall comply with application  
751 requirements pursuant to s. 1002.33. A charter school that  
752 exclusively offers the CTE pathway option is exempt from  
753 application requirements relating to district school boards  
754 pursuant to s. 1002.33, but the charter school must comply with



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application requirements relating to the department. The department may adopt rules regarding application requirements for such charter schools.

(e) Adjunct educators certified pursuant to s. 1012.57 may administer courses in the CTE pathway option.

Section 16. Effective upon this act becoming a law, paragraph (a) of subsection (1) of section 1003.4285, Florida Statutes, is amended to read:

1003.4285 Standard high school diploma designations.—

(1) Each standard high school diploma shall include, as applicable, the following designations if the student meets the criteria set forth for the designation:

(a) *Scholar designation*.—In addition to the requirements of s. 1003.4282, in order to earn the Scholar designation, a student must satisfy the following requirements:

1. Mathematics.—Earn one credit in Algebra II or an equally rigorous course and one credit in statistics or an equally rigorous course. Beginning with students entering grade 9 in the 2014-2015 school year, pass the Geometry statewide, standardized assessment.

2. Science.—Pass the statewide, standardized Biology I EOC assessment and earn one credit in chemistry or physics and one credit in a course equally rigorous to chemistry or physics. However, a student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) Biology course who takes the respective AP, IB, or AICE Biology assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this

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subparagraph without having to take the statewide, standardized Biology I EOC assessment.

3. Social studies.—Pass the statewide, standardized United States History EOC assessment. However, a student enrolled in an AP, IB, or AICE course that includes United States History topics who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit as identified pursuant to s. 1007.27(2) meets the requirement of this subparagraph without having to take the statewide, standardized United States History EOC assessment.

4. Foreign language.—Earn two credits in the same foreign language.

5. Electives.—Earn at least one credit in an Advanced Placement, an International Baccalaureate, an Advanced International Certificate of Education, or a dual enrollment course.

Section 17. Paragraph (j) of subsection (3) of section 1003.491, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

1003.491 Florida Career and Professional Education Act.—The Florida Career and Professional Education Act is created to provide a statewide planning partnership between the business and education communities in order to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.

(3) The strategic 3-year plan developed jointly by the local school district, local workforce development boards, economic development agencies, and state-approved postsecondary institutions shall be constructed and based on:

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(j) Strategies to recruit students into career-themed courses and career and professional academies which include opportunities for students who have been unsuccessful in traditional classrooms but who are interested in enrolling in career-themed courses or a career and professional academy. School boards shall provide opportunities for students who may be deemed as potential dropouts or whose cumulative grade point average drops below a 2.0 to enroll in career-themed courses or participate in career and professional academies. Such students must be provided in-person academic advising that includes information on career education programs by a certified school counselor or the school principal or his or her designee during any semester the students are at risk of dropping out or have a cumulative grade point average below a 2.0;

(5) (a) The Commissioner of Education shall conduct an annual review of K-12 and postsecondary career and technical education offerings, in consultation with the Department of Economic Opportunity, CareerSource Florida, Inc., leaders of business and industry, the Board of Governors, the Florida College System, school districts, and other education stakeholders, to determine the alignment of existing offerings with employer demand, postsecondary degree or certificate programs, and professional industry certifications. The review shall identify career and technical education offerings that are linked to occupations that are in high demand by employers, require high-level skills, and provide middle-level and high-level wages.

(b) Using the findings from the annual review required in paragraph (a), the commissioner shall phase out career and

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technical education offerings that are not aligned with the  
needs of employers or do not provide program completers with a  
middle-wage or high-wage occupation and encourage school  
districts and Florida College System institutions to offer  
programs that are not offered currently.

Section 18. Section 1004.013, Florida Statutes, is created  
to read:

1004.013 SAIL to 60 Initiative.—

(1) The SAIL (Strengthening Alignment between Industry and  
Learning) to 60 Initiative is created to increase to 60 percent  
the percentage of working age adults in this state with a high-  
value postsecondary certificate, degree, or training experience  
by 2030.

(2) The State Board of Education and the Board of Governors  
shall work collaboratively to, at a minimum:

(a) Increase the awareness and use of:

1. The student advising system established under s.  
1006.735(4) (b) .

2. The Complete Florida Degree Initiative established under  
s. 1006.735(2) that facilitates degree completion for the  
state's adult learners. The Chancellor of the State University  
System and the Chancellor of the Florida College System shall  
consult with the Complete Florida Degree Initiative to identify  
barriers to program expansion and develop recommendations to  
increase the number of participating institutions and students  
served by the program. The recommendations must consider, at a  
minimum, methods for increasing outreach efforts to help  
students complete the "last mile" by providing financial  
assistance to students who are within 12 credit hours of

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871 completing their first associate or baccalaureate degree, but  
872 have separated from their institution of enrollment for more  
873 than one semester. Recommendations must be submitted to the  
874 Board of Governors, the State Board of Education, and the  
875 Governor no later than October 1, 2019.

876 3. Summer bridge programs at state universities and Florida  
877 College System institutions that help students transition to  
878 postsecondary education.

879 (b) Support and publicize the efforts of the Florida  
880 College Access Network in developing public and private  
881 partnerships to:

882 1. Increase the number of high school seniors who submit at  
883 least one completed postsecondary education application.

884 2. Increase the number of high school seniors who submit a  
885 completed Free Application for Federal Student Aid to receive  
886 financial aid to help pay for their postsecondary education  
887 expenses.

888 3. Recognize and celebrate high school seniors for their  
889 postsecondary education and career plans and encourage early  
890 preparation for college in accordance with s. 1001.43(14).

891 4. Conduct regional meetings with postsecondary educational  
892 institutions, business leaders, and community organizations to  
893 solve community-specific issues related to attainment of  
894 postsecondary certificates, associate degrees, and baccalaureate  
895 degrees.

896 (c) Facilitate a reverse transfer agreement between the  
897 State Board of Education and the Board of Governors to award  
898 postsecondary education credentials to students who have earned  
899 them.

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(d) Facilitate the establishment of career pathways agreements between career centers and Florida College System institutions pursuant to s. 1007.233.

(e) Develop a systematic, cross-sector approach to awarding credit for prior learning.

Section 19. Section 1004.015, Florida Statutes, is amended to read:

1004.015 Florida Talent Development Council ~~Higher Education Coordinating Council~~.—

(1) The Florida Talent Development Council ~~Higher Education Coordinating Council~~ is created for the purposes of developing a coordinated, data-driven, statewide approach to meeting Florida's needs for a 21st century workforce that employers and educators use as part of Florida's talent supply system identifying unmet needs; facilitating solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers; and facilitating solutions to data issues identified by the Articulation Coordinating Committee pursuant to s. 1007.01 to improve the K-20 education performance accountability system.

(2) Members of the council shall include:

(a) One member, appointed by the Governor, to serve as chair.

(b) One member of the Florida Senate, appointed by the President of the Senate.

(c) One member of the Florida House of Representatives, appointed by the Speaker of the House.

(d) The president of CareerSource Florida, Inc.

(e) The president of Enterprise Florida, Inc.

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929 (f) The executive director of the Department of Economic  
930 Opportunity.

931 (g) The Commissioner of Education.

932 (h) The chair of the Florida Council of 100.

933 (i) The president of the Florida Chamber of Commerce.

934 (j)~~(a)~~ One member of the Board of Governors, appointed by  
935 the chair of the Board of Governors.

936 ~~(b) The Chancellor of the State University System.~~

937 ~~(c) The Chancellor of the Florida College System.~~

938 (k)~~(d)~~ One member of the State Board of Education,  
939 appointed by the chair of the State Board of Education.

940 (l) The following members, who shall serve as ex officio  
941 nonvoting members:

942 1. The Chancellor of the State University System.

943 2. The Chancellor of the Florida College System.

944 3. The Chancellor of Career and Adult Education.

945 4. The president of the Independent Colleges and  
946 Universities of Florida.

947 5. The president of the Florida Association of  
948 Postsecondary Schools and Colleges.

949 ~~(e) The Executive Director of the Florida Association of~~  
950 ~~Postsecondary Schools and Colleges.~~

951 ~~(f) The president of the Independent Colleges and~~  
952 ~~Universities of Florida.~~

953 ~~(g) The president of CareerSource Florida, Inc., or his or~~  
954 ~~her designee.~~

955 ~~(h) The president of Enterprise Florida, Inc., or a~~  
956 ~~designated member of the Stakeholders Council appointed by the~~  
957 ~~president.~~

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~~(i) Three representatives of the business community, one appointed by the President of the Senate, one appointed by the Speaker of the House of Representatives, and one appointed by the Governor, who are committed to developing and enhancing world class workforce infrastructure necessary for Florida's citizens to compete and prosper in the ever-changing economy of the 21st century.~~

~~(3) Appointed members shall serve 2-year terms, and a single chair shall be elected annually by a majority of the members.~~

~~(4) The council shall serve as an advisory board to the Legislature, the State Board of Education, and the Board of Governors. Recommendations of the council shall be consistent with the following guiding principles:~~

~~(a) To achieve within existing resources a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida's students.~~

~~(b) To promote consistent education policy across all educational delivery systems, focusing on students.~~

~~(c) To promote substantially improved articulation across all educational delivery systems.~~

~~(d) To promote a system that maximizes educational access and allows the opportunity for a high-quality education for all Floridians.~~

~~(e) To promote a system of coordinated and consistent transfer of credit and data collection for improved accountability purposes between the educational delivery systems.~~



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987        ~~(4)(5) The council shall annually~~ By December 31, 2019, the  
988 council shall submit to the Governor, the President of the  
989 Senate, the Speaker of the House of Representatives, the Board  
990 of Governors, and the State Board of Education a strategic plan  
991 for talent development to accomplish the goal established in s.  
992 1004.013 to have 60 percent of working-age Floridians hold a  
993 high-value postsecondary credential by 2030. The strategic plan  
994 must, at a minimum ~~report outlining its recommendations relating~~  
995 ~~to:~~

996        (a) Identify Florida's fastest-growing industry sectors and  
997 the postsecondary credentials required for employment in those  
998 industries.

999        (b) Assess whether postsecondary degrees, certificates, and  
1000 other credentials awarded by Florida's postsecondary  
1001 institutions align with high-demand employment needs and job  
1002 placement rates.

1003        (c) Identify strategies to deepen and expand cross-sector  
1004 collaboration to align higher education programs with targeted  
1005 industry needs.

1006        (d) Establish targeted strategies to increase  
1007 certifications and degrees for all populations with attention to  
1008 closing equity gaps for underserved populations and incumbent  
1009 workers requiring an upgrade of skills.

1010        (e) Assess the role of apprenticeship programs in meeting  
1011 targeted workforce needs and identify any barriers to program  
1012 expansion.

1013        (f) Identify common metrics and benchmarks to demonstrate  
1014 progress toward the 60 percent goal and how the Sail to 60  
1015 Initiative under s. 1004.013 can provide coordinated cross-

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sector support for the strategic plan.

(g) Recommend improvements to the consistency of workforce education data collected and reported by Florida College System institutions and school districts, including the establishment of common elements and definitions for any data that is used for state and federal funding and program accountability.

(h) Establish a timeline for regularly updating the strategic plan and the established goals.

~~(a) The primary core mission of public and nonpublic postsecondary education institutions in the context of state access demands and economic development goals.~~

~~(b) Performance outputs and outcomes designed to meet annual and long-term state goals, including, but not limited to, increased student access, preparedness, retention, transfer, and completion. Performance measures must be consistent across sectors and allow for a comparison of the state's performance to that of other states.~~

~~(c) The state's articulation policies and practices to ensure that cost benefits to the state are maximized without jeopardizing quality. The recommendations shall consider return on investment for both the state and students and propose systems to facilitate and ensure institutional compliance with state articulation policies.~~

~~(d) Workforce development education, specifically recommending improvements to the consistency of workforce education data collected and reported by Florida College System institutions and school districts, including the establishment of common elements and definitions for any data that is used for state and federal funding and program accountability.~~

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1045       ~~(5)-(6) The Department of Economic Opportunity Office of K-~~  
1046 ~~20 Articulation, in collaboration with the Board of Governors~~  
1047 ~~and the Division of Florida Colleges,~~ shall provide  
1048 administrative support for the council.

1049       Section 20. Paragraph (b) of subsection (5) and paragraph  
1050 (c) of subsection (8) of section 1004.6495, Florida Statutes,  
1051 are amended to read:

1052       1004.6495 Florida Postsecondary Comprehensive Transition  
1053 Program and Florida Center for Students with Unique Abilities.—

1054       (5) CENTER RESPONSIBILITIES.—The Florida Center for  
1055 Students with Unique Abilities is established within the  
1056 University of Central Florida. At a minimum, the center shall:

1057       (b) Coordinate, facilitate, and oversee the statewide  
1058 implementation of this section. At a minimum, the director  
1059 shall:

1060       1. Consult and collaborate with the National Center and the  
1061 Coordinating Center, as identified in 20 U.S.C. s. 1140q,  
1062 regarding guidelines established by the center for the effective  
1063 implementation of the programs for students with disabilities  
1064 and for students with intellectual disabilities which align with  
1065 the federal requirements and with standards, quality indicators,  
1066 and benchmarks identified by the National Center and the  
1067 Coordinating Center.

1068       2. Consult and collaborate with the Florida Talent  
1069 Development Council ~~Higher Education Coordinating Council~~ to  
1070 identify meaningful credentials for FPCTPs and to engage  
1071 businesses and stakeholders to promote experiential training and  
1072 employment opportunities for students with intellectual  
1073 disabilities.

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3. Establish requirements and timelines for the:

a. Submission and review of an application.

b. Approval or disapproval of an initial or renewal application.

c. Implementation of an FPCTP, which must begin no later than the academic year immediately following the academic year during which the approval is granted.

4. Administer scholarship funds.

5. Administer FPCTP start-up and enhancement grants. From funds appropriated in the 2016-2017 fiscal year for the FPCTP, \$3 million shall be used for such grants. Thereafter, funds appropriated for the FPCTP may only be used for such grants if specifically authorized in the General Appropriations Act. The maximum annual start-up and enhancement grant award shall be \$300,000 per institution.

6. Report on the implementation and administration of this section by planning, advising, and evaluating approved degree, certificate, and nondegree programs and the performance of students and programs pursuant to subsection (8).

(8) ACCOUNTABILITY.—

(c) ~~Beginning in the 2016-2017 fiscal year,~~ The center, in collaboration with the Board of Governors, State Board of Education, ~~Higher Education Coordinating Council,~~ and other stakeholders, by December 1 of each year, shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives statutory and budget recommendations for improving the implementation and delivery of FPCTPs and other education programs and services for students with disabilities.

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Section 21. Subsection (7) of section 1004.935, Florida Statutes, is amended to read:

1004.935 Adults with Disabilities Workforce Education Program.—

(7) Funds for the scholarship shall be provided from the appropriation from the school district's Workforce Development Fund in the General Appropriations Act for students who reside in the Hardee County School District, the DeSoto County School District, the Manatee County School District, or the Sarasota County School District. The scholarship amount granted for an eligible student with a disability shall be equal to the cost per unit of a full-time equivalent adult general education student, multiplied by the adult general education funding factor, and multiplied by the district cost differential pursuant to the formula required by s. 1011.80(7)(a) ~~s. 1011.80(6)(a)~~ for the district in which the student resides.

Section 22. Paragraph (a) of subsection (1) of section 1006.22, Florida Statutes, is amended to read:

1006.22 Safety and health of students being transported.— Maximum regard for safety and adequate protection of health are primary requirements that must be observed by district school boards in routing buses, appointing drivers, and providing and operating equipment, in accordance with all requirements of law and rules of the State Board of Education in providing transportation pursuant to s. 1006.21:

(1)(a) District school boards shall use school buses, as defined in s. 1006.25, for all regular transportation. Regular transportation or regular use means transportation of students to and from school or school-related activities that are part of

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a scheduled series or sequence of events to the same location.

"Students" means, for the purposes of this section, students enrolled in the public schools in prekindergarten disability programs and in kindergarten through grade 12. District school boards may regularly use motor vehicles other than school buses only under the following conditions:

1. When the transportation is for physically handicapped or isolated students and the district school board has elected to provide for the transportation of the student through written or oral contracts or agreements.

2. When the transportation is a part of a comprehensive contract for a specialized educational program between a district school board and a service provider who provides instruction, transportation, and other services.

3. When the transportation is provided through a public transit system.

4. When the transportation is for trips to and from school sites or agricultural education sites or for trips to and from agricultural education-related events or competitions, but is not for customary transportation between a student's residence and such sites.

5. When the transportation is for trips to and from school sites to allow students to participate in a career education program that is not offered at the high school in which such students are enrolled but is not for customary transportation between a student's residence and such sites.

Section 23. Subsection (7) is added to section 1007.23, Florida Statutes, to read:

1007.23 Statewide Articulation Agreement.—

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(7) The articulation agreement must specifically provide for a reverse transfer agreement for Florida College System associate in arts degree-seeking students who transfer to a state university before earning an associate in arts degree. Students must be awarded an associate in arts degree by the Florida College System institution upon completion of degree requirements at the state university if the student earned more than 30 credit hours toward the associate in arts degree from the Florida College System institution. State universities must identify students who have completed the requirements for the associate in arts degree and transfer credits earned at the state university back to the Florida College System institution so that the associate in arts degree may be awarded by the Florida College System institution.

Section 24. Section 1007.233, Florida Statutes, is created to read:

1007.233 Career pathways agreements.-

(1) Each career center and Florida College System institution with overlapping service areas must annually submit to the Department of Education, on or before May 1, a regional career pathways agreement for each certificate program offered by the career center that is aligned with an associate degree offered by the Florida College System institution in the service area. Each career pathways agreement must guarantee college credit toward an aligned associate degree program for students who graduate from a career center with a career or technical certificate and meet specified requirements in accordance with the terms of the agreement. Regional agreements may not award less credit than the amount guaranteed through existing

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1190 statewide articulation agreements.

1191 (2) Each career pathways agreement must outline certificate  
1192 program completion requirements and any licenses or industry  
1193 certifications that must be earned before enrolling in an  
1194 associate degree program. Articulated college credit must be  
1195 awarded in accordance with the agreement upon initial enrollment  
1196 in the associate degree program.

1197 Section 25. Subsection (11) of section 1007.25, Florida  
1198 Statutes, is amended to read:

1199 1007.25 General education courses; common prerequisites;  
1200 other degree requirements.—

1201 (11) Students at state universities may request associate  
1202 in arts certificates if they have successfully completed the  
1203 minimum requirements for the degree of associate in arts (A.A.).  
1204 The university must grant the student an associate in arts  
1205 degree if the student has successfully completed minimum  
1206 requirements. Universities must notify students of the criteria  
1207 and process for requesting an associate in arts certificate  
1208 during orientation. Additional notification must be provided to  
1209 each state university student upon completion of the  
1210 requirements for an associate in arts degree ~~for college-level~~  
1211 ~~communication and computation skills adopted by the State Board~~  
1212 ~~of Education and 60 academic semester hours or the equivalent~~  
1213 ~~within a degree program area, including 36 semester hours in~~  
1214 ~~general education courses in the subject areas of communication,~~  
1215 ~~mathematics, social sciences, humanities, and natural sciences,~~  
1216 ~~consistent with the general education requirements specified in~~  
1217 ~~the articulation agreement pursuant to s. 1007.23.~~

1218 Section 26. Subsection (6) of section 1007.2616, Florida



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Statutes, is amended to read:

1007.2616 Computer science and technology instruction.—

(6) High school students must be provided opportunities to take computer science courses and earn technology-related industry certifications to satisfy high school graduation requirements as provided in s. 1003.4282(3). Computer science courses and technology-related industry certifications that are identified as eligible for meeting mathematics or science requirements for high school graduation must be included in the Course Code Directory.~~, including, but not limited to, the following:~~

~~(a) High school computer science courses of sufficient rigor, as identified by the commissioner, such that one credit in computer science and the earning of related industry certifications constitute the equivalent of up to one credit of the mathematics requirement, with the exception of Algebra I or higher-level mathematics, or up to one credit of the science requirement, with the exception of Biology I or higher-level science, for high school graduation. Computer science courses and technology-related industry certifications that are identified as eligible for meeting mathematics or science requirements for high school graduation shall be included in the Course Code Directory.~~

~~(b) High school computer technology courses in 3D rapid prototype printing of sufficient rigor, as identified by the commissioner, such that one or more credits in such courses and related industry certifications earned may satisfy up to two credits of mathematics required for high school graduation with the exception of Algebra I. Computer technology courses in 3D~~

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~~rapid prototype printing and related industry certifications that are identified as eligible for meeting mathematics requirements for high school graduation shall be included in the Course Code Directory.~~

Section 27. Subsection (7) of section 1007.271, Florida Statutes, is amended to read:

1007.271 Dual enrollment programs.—

(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 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 parents will be informed of career dual enrollment opportunities and related workforce

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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.

Section 28. 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 2019-2020 ~~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,

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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.

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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; Advanced International Certificate of Education examinations; or dual enrollment courses, including career clock-hour dual enrollment courses totaling 450 or more hours that are identified by the State Board of Education 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 or successfully completed a registered preapprenticeship program as defined in s. 446.021(5) with a minimum length of 300 hours, pursuant to rules adopted by the state board.

Section 29. Subsection (2) of section 1008.37, Florida Statutes, is amended to read:

1008.37 Postsecondary feedback of information to high schools.—

(2) The Commissioner of Education shall report, by high school, to the State Board of Education, the Board of Governors, and the Legislature, no later than April 30 ~~November 30~~ of each year, on the number of prior year Florida high school graduates who enrolled for the first time in public postsecondary education in this state during the ~~previous~~ summer, fall, or

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spring term of the previous academic year, indicating the number of students whose scores on the common placement test indicated the need for developmental education under s. 1008.30 or for applied academics for adult education under s. 1004.91.

Section 30. Paragraph (b) of subsection (1) of section 1008.44, Florida Statutes, is amended to read:

1008.44 CAPE Industry Certification Funding List and CAPE Postsecondary Industry Certification Funding List.—

(1) Pursuant to ss. 1003.4203 and 1003.492, the Department of Education shall, at least annually, identify, under rules adopted by the State Board of Education, and the Commissioner of Education may at any time recommend adding the following certificates, certifications, and courses:

(b) No more than 30 ~~45~~ CAPE Digital Tool certificates limited to the areas of word processing; spreadsheets; sound, motion, and color presentations; digital arts; cybersecurity; and coding pursuant to s. 1003.4203(3) that do not articulate for college credit. Such certificates shall be annually identified on the CAPE Industry Certification Funding List and updated solely by the Chancellor of Career and Adult Education. The certificates shall be made available to students in elementary school and middle school grades and, if earned by a student, shall be eligible for additional full-time equivalent membership pursuant to s. 1011.62(1)(o)1.

Section 31. Subsection (11) of section 1009.21, Florida Statutes, is amended to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in

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postsecondary educational programs offered by charter technical career centers or career centers operated by school districts, in Florida College System institutions, and in state universities.

(11) Once a student has been classified as a resident for tuition purposes, an institution of higher education to which the student transfers is not required to reevaluate the classification unless inconsistent information suggests that an erroneous classification was made or the student's situation has changed. However, the student must have attended the institution making the initial classification within the prior 12 months, and the residency classification must be noted on the student's transcript. ~~The Higher Education Coordinating Council shall consider issues related to residency determinations and make recommendations relating to efficiency and effectiveness of current law.~~

Section 32. Subsections (3) through (11) of section 1011.80, Florida Statutes, are redesignated as subsections (4) through (12), respectively, paragraph (b) of subsection (5) is amended, and a new subsection (3) is added to that section, to read:

1011.80 Funds for operation of workforce education programs.—

(3) Each school district and Florida College System institution receiving state appropriations for workforce education programs must maintain adequate and accurate records, including a system to record school district workforce education funding and expenditures, to maintain the separation of postsecondary workforce education expenditures and secondary

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workforce education expenditures. These records must be submitted to the Department of Education in accordance with rules of the State Board of Education.

(5) State funding and student fees for workforce education instruction shall be established as follows:

(b) For all other workforce education programs, state funding shall be calculated based on a weighted enrollment and program cost minus fee revenues generated to offset program operational costs, including any supplemental cost factors recommended by the District Workforce Education Funding Steering Committee ~~equal 75 percent of the average cost of instruction with the remaining 25 percent made up from student fees.~~ Fees for courses within a program shall not vary according to the cost of the individual program, but instead shall be as provided in s. 1009.22 ~~based on a uniform fee calculated and set at the state level, as adopted by the State Board of Education,~~ unless otherwise specified in the General Appropriations Act.

Section 33. Section 1011.802, Florida Statutes, is created to read:

1011.802 FLAG program.—

(1) Subject to appropriations provided in the General Appropriations Act, the FLAG (Florida Apprenticeship Grant) program is created to provide grants to high schools, career centers, charter technical career centers, Florida College System institutions, and other entities authorized to sponsor an apprenticeship or preapprenticeship program, as defined in s. 446.021, on a competitive basis to establish new apprenticeship or preapprenticeship programs and expand existing apprenticeship or preapprenticeship programs. The Department of Education shall



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administer the grant program.

(2) Applications must contain projected enrollment and projected costs for the new or expanded apprenticeship program.

(3) The department shall give priority to apprenticeship programs with demonstrated regional demand. Grant funds may be used for instructional equipment, supplies, personnel, student services, and other expenses associated with the creation or expansion of an apprenticeship program. Grant funds may not be used for recurring instructional costs or for indirect costs. Grant recipients must submit quarterly reports in a format prescribed by the department.

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

Section 34. Subsections (1) through (4) of section 1012.57, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

1012.57 Certification of adjunct educators.—

(1) Notwithstanding the provisions of ss. 1012.32, 1012.55, and 1012.56, or any other provision of law or rule to the contrary, district school boards shall adopt rules to allow for the issuance of an adjunct teaching certificate to any applicant who fulfills the requirements of s. 1012.56(2)(a)-(f) and (10) and who has expertise in the subject area to be taught. An applicant shall be considered to have expertise in the subject area to be taught if the applicant demonstrates sufficient subject area mastery through passage of a subject area test. ~~The adjunct teaching certificate shall be used for part-time teaching positions.~~

(2) The Legislature intends that this section allow school

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1480 districts to tap the wealth of talent and expertise represented  
1481 in Florida's citizens who may wish to teach ~~part-time~~ in a  
1482 Florida public school by permitting school districts to issue  
1483 adjunct certificates to qualified applicants.

1484 (3) Adjunct certificateholders should be used primarily as  
1485 a strategy to enhance the diversity of course offerings offered  
1486 to all students. School districts may use the expertise of  
1487 individuals in the state who wish to provide online instruction  
1488 to students by issuing adjunct certificates to qualified  
1489 applicants.

1490 (4) Each adjunct teaching certificate is valid through the  
1491 term of the annual contract between the educator and the school  
1492 district. An additional annual certification and an additional  
1493 annual contract may be awarded by the district at the district's  
1494 discretion but only if the applicant is rated effective or  
1495 highly effective under s. 1012.34 during each year of teaching  
1496 under adjunct teaching certification. A school district may  
1497 issue an adjunct teaching certificate for a part-time or full-  
1498 time teaching position; however, an adjunct teaching certificate  
1499 issued for a full-time teaching position is valid for no more  
1500 than 3 years and is nonrenewable.

1501 (6) Each school district shall:

1502 (a) Post requirements on its website for the issuance of an  
1503 adjunct teaching certificate, which must specify the subject  
1504 area test through which an applicant demonstrates subject area  
1505 mastery.

1506 (b) Annually report to the department the number of adjunct  
1507 teaching certificates issued for part-time teaching positions  
1508 and full-time teaching positions pursuant to this section.

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1509       Section 35. Except as otherwise expressly provided in this  
1510       act and except for this section, which shall take effect upon  
1511       this act becoming a law, this act shall take effect July 1,  
1512       2019.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

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BILL: SB 824

INTRODUCER: Senator Diaz

SUBJECT: Private Property Rights of Homeowners

DATE: March 25, 2019

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Oxamendi</u>	<u>Imhof</u>	<u>IT</u>	<u>Pre-meeting</u>
2. _____	_____	<u>CA</u>	_____
3. _____	_____	<u>AP</u>	_____

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## **I. Summary:**

SB 824 preempts the regulation of all vacation rentals to the state, including, but not limited to, the inspection and licensing of vacation rentals. Under the bill, a local government may regulate activities that arise when a property is used as a vacation rental, provided the regulation applies uniformly to all residential properties.

Current law prohibits local governments from prohibiting vacation rentals, or regulating the duration or frequency of rental of vacation rentals. Additionally, under current law, a local law, ordinance, or regulation adopted on or before June 1, 2011, is also not subject to this prohibition.

The bill expands the current prohibition against a local law, ordinance, or regulation that prohibits or regulates the duration or frequency of vacation rentals to also prohibit local governments from imposing occupancy limits. The bill repeals the exemption for a local law, ordinance, or regulation adopted before June 1, 2011.

The bill requires a vacation rental license applicant to provide the name, address, phone number and email address of a contact person the division may notify when a complaint is received. The division must make vacation rental license information, including the contact person, available to the public on the division's website.

The effective date of the bill is July 1, 2019.

## **II. Present Situation:**

The Division of Hotels and Restaurants (division) within the Department of Business and Professional Regulation (DBPR) is the state agency charged with enforcing the provisions of ch. 509, F.S., relating to the regulation of public lodging establishments and public food service establishments for the purpose of protecting the public health, safety, and welfare.

The term “public lodging establishments” includes transient and nontransient public lodging establishments.<sup>1</sup> The principal differences between transient and nontransient public lodging establishments are the number of times that the establishments are rented in a calendar year and the length of the rentals.

A “transient public lodging establishment” is defined in s. 509.013(4)(a)1., F.S., as:

any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

A “nontransient public lodging establishment” is defined in s. 509.013(4)(a)2., F.S., as:

any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.

Section 509.013(4)(b), F.S., exempts the following types of establishments from the definition of “public lodging establishment”:

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.
2. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072, F.S.;
3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;
4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent;
5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008-381.00895, F.S.;
6. Any establishment inspected by the Department of Health and regulated by ch. 513 F.S.;
7. Any nonprofit organization that operates a facility providing housing only to patients, patients’ families, and patients’ caregivers and not to the general public.

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<sup>1</sup> Section 509.013(4)(a), F.S.

8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement; and
9. Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s. 509.242, F.S.

Public lodging establishments are classified as a hotel, motel, vacation rental, nontransient apartment, transient apartment, bed and breakfast inn, or timeshare project.<sup>2</sup>

A "vacation rental" is defined in s. 509.242(1)(c), F.S., as:

any unit or group of units in a condominium, cooperative, or timeshare plan or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is also a transient public lodging establishment but is not a timeshare project.

The department licenses vacation rentals as condominiums, dwellings, or timeshare projects.<sup>3</sup> The division may issue a vacation rental license for "a single-family house, a townhouse, or a unit or group of units in a duplex, triplex, quadruplex, or other dwelling unit that has four or less units collectively."<sup>4</sup>

The 41,931 public lodging establishments licensed by the division are distributed as follows:<sup>5</sup>

- Hotels – 1,980 licenses;
- Motels – 2,556 licenses;
- Nontransient apartments – 18,260 licenses;
- Transient apartments – 920 licenses;
- Bed and Breakfast Inns – 260 licenses;
- Vacation rental condominiums – 6,032 licenses;
- Vacation rental dwellings – 14,874 licenses; and
- Vacation rental timeshare projects – 21 licenses.

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<sup>2</sup> Section 509.242(1), F.S.

<sup>3</sup> Fla. Admin. Code R. 61C-1.002(4)(a)1.

<sup>4</sup> The division further classifies a vacation rental license as a single, group, or collective license. See Fla. Admin. Code R. 61C-1.002(4)(a)1. A single license may include one single-family house or townhouse, or a unit or group of units within a single building that are owned and operated by the same individual person or entity. A group license is a license issued by the division to a licensed agent to cover all units within a building or group of buildings in a single complex. A collective license is a license issued by the division to a licensed agent who represents a collective group of houses or units found on separate locations not to exceed 75 houses per license.

<sup>5</sup> *Division of Hotels and Restaurants Annual Report for FY 2017-2018*, Department of Business and Professional Regulation, at page 8. A copy of the report is available at: [http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2017\\_18.pdf](http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2017_18.pdf) (Last visited Mar. 20, 2019).

## Inspections of Vacation Rentals

The division must inspect each licensed public lodging establishment at least biannually, but transient and nontransient apartments must be inspected at least annually. However, the division is not required to inspect vacation rentals, but vacation rentals must be available for inspection upon a request by the division.<sup>6</sup> The division conducts inspections of vacation rentals in response to a consumer complaint. In Fiscal Year 2017-2018, the division received 244 consumer complaints regarding vacation rentals. In response to the complaints, the division inspected 108 vacation rentals and confirmed a violation for 23 of the complaints.<sup>7</sup>

The division's inspection of vacation rentals includes matters of safety (for example, fire hazards, smoke detectors, and boiler safety), sanitation (for example, safe water sources, bedding, and vermin control), consumer protection (for example, unethical business practices, compliance with the Florida Clean Air Act, and maintenance of a guest register), and other general safety and regulatory matters.<sup>8</sup>

The division must notify the local firesafety authority or the State Fire Marshal of any readily observable violation of a rule adopted under ch. 633, F.S.,<sup>9</sup> which relates to a public lodging establishment.<sup>10</sup>

Additionally, an applicant for a vacation rental license is required to submit with the license application a signed certificate evidencing the inspection of all balconies, platforms, stairways, railings, and railways, from a person competent to conduct such inspections.<sup>11</sup>

## Preemption

Section 509.032(7)(a), F.S., provides that “the regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state.”

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<sup>6</sup> Section 509.032(2)(a), F.S.

<sup>7</sup> See *supra* note 5, at page 25. Regarding the division's response to complaints did not lead to an inspection, the agency may have made follow-up phone calls, sent letters or e-mails, or referred the complaint to another agencies. The data in the report may also reflect open investigations.

<sup>8</sup> See ss. 509.211 and 509.221, F.S., for the safety and sanitary regulations, respectively. See also Fla. Admin. Code R. 61C-1.002; *Lodging Inspection Report, DBPR Form HR 5022-014*, which details the safety and sanitation matters addressed in the course of an inspection. A copy of the Lodging Inspection Report is available at:

<https://www.flrules.org/Gateway/reference.asp?No=Ref-07062> (last visited Mar. 20, 2019).

<sup>9</sup> Chapter 633, F.S., relates to fire prevention and control, including the duties of the State Fire Marshal and the adoption of the Florida Fire Prevention Code.

<sup>10</sup> Section 509.032(2)(d), F.S.

<sup>11</sup> See ss. 509.211(3) and 509.2112, F.S., and form *DBPR HR-7020, Division of Hotels and Restaurants Certificate of Balcony Inspection*, available at:

[https://www.myfloridalicense.com/CheckListDetail.asp?SID=&xactCode=1030&clientCode=2007&XACT\\_DEFN\\_ID=7694](https://www.myfloridalicense.com/CheckListDetail.asp?SID=&xactCode=1030&clientCode=2007&XACT_DEFN_ID=7694) (last visited Mar. 20, 2019).

Current law does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206, F.S.<sup>12</sup>

Section 509.032(7)(b), F.S., prohibits local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. However, this prohibition does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

Section 509.032(7)(c), F.S., provides that the prohibition in s. 509.032(7)(b), F.S., does not apply to local laws, ordinances, or regulations exclusively relating to property valuation as a criterion for vacation rental if the law, ordinance, or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.<sup>13</sup>

### **Legislative History**

In 2011, the Legislature preempted certain vacation rental regulation to the state. The preemption prevented local governments from enacting any law, ordinance, or regulation that:

- Restricted the use of vacation rentals;
- Prohibited vacation rentals; or
- Regulated vacation rentals based solely on their classification, use, or occupancy.<sup>14</sup>

This legislation grandfathered any local law, ordinance, or regulation that was enacted by a local government on or before June 1, 2011.<sup>15</sup>

In 2014, the Legislature revised the preemption to its current form with an effective date of July 1, 2014.<sup>16</sup> Chapter 2014-71, Laws of Fla., amended s. 509.032(7)(b), F.S., and repealed the portions of the preemption of local laws, ordinances, and regulations which prohibited “restrict[ing] the use of vacation rentals” and which prohibited regulating vacation rentals “based solely on their classification, use or occupancy.”<sup>17</sup>

### **Attorney General Opinions**

The office of the Attorney General issued an Informal Legal Opinion on October 22, 2013, regarding whether Flagler County could intercede and stop vacation rental operations in private homes that were zoned, prior to June 1, 2011, for single-family residential use.<sup>18</sup> According to the opinion, “due to an increase in the number of homes being used as vacation rentals in Flagler County, many permanent residents in neighborhoods with vacation rentals have raised concerns about the negative effects such rentals have on their quality of life and the character of their

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<sup>12</sup> Section 509.032(7)(a), F.S.

<sup>13</sup> See s. 163.3164(43), F.S., provides that the state land planning agency is the Department of Economic Opportunity.

<sup>14</sup> Chapter 2011-119, Laws of Fla.

<sup>15</sup> *Id.*

<sup>16</sup> Chapter 2014-71, Laws of Fla.; codified in s. 509.032(7)(b), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> Florida Attorney General, Informal Legal Opinion to Mr. Albert Hadeed, Flagler County Attorney, regarding “Vacation Rental Operation-Local Ordinances,” dated October 22, 2013.



neighborhood.” Flagler County had no regulation governing vacation rentals before the grandfather date of June 1, 2011, in s. 509.032(7)(b), F.S. The Attorney General concluded that the county’s local zoning ordinance for single-family homes that predated June 1, 2011, did not restrict the rental of such property as a vacation rental and that the zoning ordinances could not now be interpreted to restrict vacation rentals.

A second advisory opinion was issued by the Attorney General on November 13, 2014, for the City of Wilton Manors concluding that s. 509.032(7)(b), F.S., does not permit the city to regulate the location of vacation rentals through zoning, and the city may not prohibit vacation rentals that fail to comply with the registration and licensing requirements in s. 509.241, F.S., which requires public lodging establishments to obtain a license from the division.<sup>19</sup>

In addition, the Attorney General issued a third advisory opinion on October 5, 2016, addressing whether a municipality could limit the spacing and concentration of vacation rentals through a proposed ordinance regarding vacation rentals.<sup>20</sup> The Attorney General concluded that the preemption in s. 509.032, F.S., allows local governments some regulation of vacation rentals, but prevents local governments from prohibiting vacation rentals. Consequently, the Attorney General noted that a municipality may not impose spacing or proportional regulations that would have the effect of preventing eligible housing from being used as a vacation rental.<sup>21</sup>

### **III. Effect of Proposed Changes:**

The bill amends s. 509.032(7), F.S., to preempt the regulation of all vacation rentals to the state.

Section 509.032(7)(b)1., F.S., provides legislative findings, including the finding that vacation rentals play a significant, unique, and critical role in Florida’s tourism industry, a role that is different from other types of public lodging establishments.

Section 509.032(7)(b)2., F.S., provides that the regulation of vacation rentals, including, but not limited to, inspection, licensing, and occupancy limits, is expressly preempted to the state.

The bill:

- Prohibits a local government from licensing or inspecting vacation rentals.
- Allows a local government to regulate activities that arise when a property is used as a vacation rental, if the regulation applies uniformly to all residential properties.
- Repeals the exemption for a local law, ordinance, or regulation adopted before June 1, 2011.
- Expands the prohibition against a local law, ordinance, or regulation that prohibits or regulates the duration or frequency of vacation rentals to also prohibit local governments from imposing occupancy limits.

Additionally, the bill provides that, if a local law, ordinance or regulation is challenged in a court, the political subdivision that enacted the local law, ordinance or regulation at issue must

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<sup>19</sup> Florida Attorney General, AGO 2014-09, Vacation Rentals - Municipalities - Land Use, November 13, 2014, available at: <http://www.myfloridalegal.com/ago.nsf/printview/5DFB7F27FB483C4685257D900050D65E> (last visited Mar. 20, 2019).

<sup>20</sup> Florida Attorney General, AGO 2016-12, Municipalities - Vacation Rentals - Zoning, October 5, 2016, available at: <http://www.myfloridalegal.com/ago.nsf/printview/3AF7050D48068C10852580440051386C> (last visited Mar. 20, 2019).

<sup>21</sup> *Id.*

establish by clear and convincing evidence<sup>22</sup> that the challenged local law, ordinance, or regulation does not violate preemption of such regulation to the state.

The bill amends s. 509.241(2), F.S., relating to the license application process for public lodging establishments, to require a vacation rental license applicant to provide the name, address, telephone number, and email address of a contact person the division may notify when a complaint is received. The division must make vacation rental license information, including the associated contact person, available to the public on the division's website.

The effective date of the bill is July 1, 2019.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under the bill, a property owner currently subject to a local vacation licensing or registration requirement and related fee, may not be required to pay any such fee.

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<sup>22</sup> The standard of proof is the level of evidence a person needs to prove in order to prevail on their claim. In most civil cases the standard is "preponderance of the evidence," in which a particular fact of event is more likely to have occurred than not to have occurred. "Clear and convincing evidence" is a higher standard that requires proof that the fact or event has a high probability that the fact or event occurred. See <https://www.justia.com/trials-litigation/evidentiary-standards-burdens-proof/> (last visited March 24, 2019).

**C. Government Sector Impact:**

A local government may have an indeterminate decrease of revenue if the local government currently requires a vacation rental license or registration fee. Under the bill, a local government may not require a vacation rental to register or obtain such a license.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The bill requires an applicant for a vacation rental license to provide the division with the name, address, telephone number and email address of a contact person. It is not clear if this requirement applies to initial license applicants and license renewals. Currently, the license renewal process only requires the renewal applicant to pay a renewal fee. According to the division, if the contact information is required, the division will need to give licensees notice of the additional requirement and instructions on how to provide the information. The division also expressed the concern that the collection of deficient contact person information may delay the approval of new applications and renewals.<sup>23</sup>

The division also notes that the bill does not provide specific rulemaking authority in the event the agency determines that rulemaking is necessary to implement the provisions of the bill.<sup>24</sup>

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 509.032 and 509.241.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>23</sup> See Department of Business and Professional Regulation, *2019 Agency Legislative Bill Analysis for SB 824*, dated Feb. 26, 2019 (on file with Senate Committee on Innovation, Industry, and Technology) at page 5.

<sup>24</sup> *Id.*



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/08/2019	.	
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The Committee on Innovation, Industry, and Technology (Diaz) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 509.013, Florida Statutes, is reordered  
and amended to read:

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

(1) "Advertising platform" means an online application,  
software, website, system, or print advertisement through which  
a transient public lodging establishment located in this state



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is advertised or held out to the public as available to rent for transient occupancy. The term does not include the multiple listing service or an online or print advertisement of a transient public lodging establishment by a real estate broker or sales associate licensed under chapter 475.

(3)~~(1)~~ "Division" means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(8)~~(2)~~ "Operator" means the owner, licensee, proprietor, lessee, manager, assistant manager, or appointed agent of a public lodging establishment or public food service establishment.

(4)~~(3)~~ "Guest" means any patron, customer, tenant, lodger, boarder, or occupant of a public lodging establishment or public food service establishment.

(10) (a)~~(4)~~~~(a)~~ "Public lodging establishment" includes a transient public lodging establishment as defined in subparagraph 1. and a nontransient public lodging establishment as defined in subparagraph 2.

1. "Transient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for less than 30 days or 1 calendar month. The term includes a unit that is advertised for rent by an advertising platform.

2. "Nontransient public lodging establishment" means any



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unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.

License classifications of public lodging establishments, and the definitions therefor, are set out in s. 509.242. For the purpose of licensure, the term does not include condominium common elements as defined in s. 718.103.

(b) The following are excluded from the definitions in paragraph (a):

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.

2. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072.

3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients.

4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a



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place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent.

5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008-381.00895.

6. Any establishment inspected by the Department of Health and regulated by chapter 513.

7. Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public.

8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement.

9. Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s. 509.242.

(9) (a) ~~(5) (a)~~ "Public food service establishment" means any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for



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consumption. The term includes a culinary education program, as defined in s. 381.0072(2), which offers, prepares, serves, or sells food to the general public, regardless of whether it is inspected by another state agency for compliance with sanitation standards.

(b) The following are excluded from the definition in paragraph (a):

1. Any place maintained and operated by a public or private school, college, or university:

a. For the use of students and faculty; or

b. Temporarily to serve such events as fairs, carnivals, food contests, cook-offs, and athletic contests.

2. Any eating place maintained and operated by a church or a religious, nonprofit fraternal, or nonprofit civic organization:

a. For the use of members and associates; or

b. Temporarily to serve such events as fairs, carnivals, food contests, cook-offs, or athletic contests.

Upon request by the division, a church or a religious, nonprofit fraternal, or nonprofit civic organization claiming an exclusion under this subparagraph must provide the division documentation of its status as a church or a religious, nonprofit fraternal, or nonprofit civic organization.

3. Any eating place maintained and operated by an individual or entity at a food contest, cook-off, or a temporary event lasting from 1 to 3 days which is hosted by a church or a religious, nonprofit fraternal, or nonprofit civic organization.

Upon request by the division, the event host must provide the





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division documentation of its status as a church or a religious, nonprofit fraternal, or nonprofit civic organization.

4. Any eating place located on an airplane, train, bus, or watercraft which is a common carrier.

5. Any eating place maintained by a facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place that is regulated under s. 381.0072.

6. Any place of business issued a permit or inspected by the Department of Agriculture and Consumer Services under s. 500.12.

7. Any place of business where the food available for consumption is limited to ice, beverages with or without garnishment, popcorn, or prepackaged items sold without additions or preparation.

8. Any theater, if the primary use is as a theater and if patron service is limited to food items customarily served to the admittees of theaters.

9. Any vending machine that dispenses any food or beverages other than potentially hazardous foods, as defined by division rule.

10. Any vending machine that dispenses potentially hazardous food and which is located in a facility regulated under s. 381.0072.

11. Any research and development test kitchen limited to the use of employees and which is not open to the general public.

(2)(6) "Director" means the Director of the Division of Hotels and Restaurants of the Department of Business and



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Professional Regulation.

(11)~~(7)~~ "Single complex of buildings" means all buildings or structures that are owned, managed, controlled, or operated under one business name and are situated on the same tract or plot of land that is not separated by a public street or highway.

(12)~~(8)~~ "Temporary food service event" means any event of 30 days or less in duration where food is prepared, served, or sold to the general public.

(13)~~(9)~~ "Theme park or entertainment complex" means a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually.

(14)~~(10)~~ "Third-party provider" means, for purposes of s. 509.049, any provider of an approved food safety training program that provides training or such a training program to a public food service establishment that is not under common ownership or control with the provider.

(16)~~(11)~~ "Transient establishment" means a ~~any~~ public lodging establishment that is rented or leased to guests by an operator whose intention is that such guests' occupancy will be temporary.

(17)~~(12)~~ "Transient occupancy" means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.

(15)~~(13)~~ "Transient" means a guest in transient occupancy.



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~~(6)-(14)~~ "Nontransient establishment" means any public lodging establishment that is rented or leased to guests by an operator whose intention is that the dwelling unit occupied will be the sole residence of the guest.

~~(7)-(15)~~ "Nontransient occupancy" means occupancy when it is the intention of the parties that the occupancy will not be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is the sole residence of the guest, the occupancy is nontransient.

~~(5)-(16)~~ "Nontransient" means a guest in nontransient occupancy.

Section 2. Effective upon this act becoming a law, subsection (7) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(7) PREEMPTION AUTHORITY.—

(a) Advertising platforms, public lodging establishments, and public food service establishments.—The regulation of advertising platforms, public lodging establishments, and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state. This paragraph does not preempt the authority of a local government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206.



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(b) Vacation rentals.—

1. The Legislature finds that:

a. Property owners who choose to use their property as a vacation rental have constitutionally protected property rights and other rights that must be protected, including the right to use their residential property as a vacation rental;

b. Vacation rentals play a significant, unique, and critical role in Florida's tourism industry, and that role is different from other types of public lodging establishments;

c. There are factors unique to the ownership and operation of a vacation rental; and

d. Vacation rentals are residential in nature, a residential use and thus are allowed in residential neighborhoods.

2. Except as provided under this paragraph, the regulation of vacation rentals, including, but not limited to, inspection, licensure, and occupancy limits, is expressly preempted to the state.

3. A local law, ordinance, or regulation may regulate activities that arise when a property is used as a vacation rental if the law, ordinance, or regulation applies uniformly to all residential properties without regard to whether the property is used as a vacation rental as defined in s. 509.242, the property is used as a long-term rental subject to chapter 83, or the property owner chooses not to rent the property. However, a local law, ordinance, or regulation may not prohibit ~~vacation~~ rentals, impose occupancy limits, or regulate the duration or frequency of ~~rental of vacation~~ rentals.

4. A local law, ordinance, or regulation may not allow or



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require the inspection or licensing of vacation rentals.

5. A court of law shall determine if a local law, ordinance, or regulation complies with this section without regard to any assertion in the local law, ordinance, or regulation that it complies. In all actions brought pursuant to this section, the political subdivision that enacted the local law, ordinance, or regulation shall establish by clear and convincing evidence that the local law, ordinance, or regulation complies with this section ~~This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.~~

6. ~~(e)~~ This paragraph ~~(b)~~ does not apply to any local law, ordinance, or regulation exclusively relating to property valuation as a criterion for vacation rental if the local law, ordinance, or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.

Section 3. Subsections (2) and (3) of section 509.241, Florida Statutes, are amended to read:

509.241 Licenses required; exceptions.—

(2) APPLICATION FOR LICENSE.—

(a) Each person who plans to open a public lodging establishment or a public food service establishment shall apply for and receive a license from the division prior to the commencement of operation. A condominium association, as defined in s. 718.103, which does not own any units classified as vacation rentals or timeshare projects under s. 509.242(1)(c) or (g) is not required to apply for or receive a public lodging establishment license.



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(b) Each person applying for a vacation rental license shall provide the name, address, telephone number, and e-mail address of the person the division may contact when a complaint related to a vacation rental is reported. The division shall make vacation rental license information, including the contact person, available to the public on the division's website.

(3) DISPLAY OF LICENSE.—Any license issued by the division must ~~shall~~ be conspicuously displayed to the public inside of ~~in~~ the ~~office or lobby of the~~ licensed establishment. Public food service establishments that ~~which~~ offer catering services must ~~shall~~ display their license number on all advertising for catering services. The operator of a vacation rental or a unit in a transient or nontransient apartment that is offered for transient occupancy shall display its license number in all advertising for such rentals.

Section 4. Paragraph (c) of subsection (1) of section 509.242, Florida Statutes, is amended to read:

509.242 Public lodging establishments; classifications.—

(1) A public lodging establishment shall be classified as a hotel, motel, nontransient apartment, transient apartment, bed and breakfast inn, timeshare project, or vacation rental if the establishment satisfies the following criteria:

(c) *Vacation rental.*—A vacation rental is a ~~any~~ unit or group of units in a condominium or cooperative or in an ~~any~~ individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit which ~~that~~ is ~~also~~ a transient public lodging establishment but ~~that is~~ not a timeshare project.

Section 5. Section 509.243, Florida Statutes, is created to



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read:

509.243 Advertising platforms.—

(1) An advertising platform may facilitate a booking transaction for a transient guest's rental of a transient public lodging establishment located in this state if the advertising platform is registered with the division. The division shall issue a registration to each person who meets the requirements of this section and the rules adopted hereunder.

(2) An advertising platform shall:

(a) Designate and maintain on file with the division an agent for service of process in this state;

(b) Disclose in its terms and conditions the reporting requirements of s. 509.101(2); and

(c) Take down an offending advertisement or listing from its online application, software, website, or system within 30 business days after being notified by the division in writing that the advertisement or listing for the rental of a transient public lodging establishment located in this state fails to display a valid license number issued by the division.

(3) A person who has operated or is operating in violation of this section or the rules of the division may be subject by the division to fines of up to \$250 per offense, not to exceed \$5,000 in the aggregate.

Section 6. Subsection (12) of section 159.27, Florida Statutes, is amended to read:

159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(12) "Public lodging or restaurant facility" means property



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used for any public lodging establishment as defined in s.  
509.242 or public food service establishment as defined in s.  
509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or  
necessary to, another facility qualifying under this part.

Section 7. Paragraph (jj) of subsection (7) of section  
212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and  
storage tax; specified exemptions.—The sale at retail, the  
rental, the use, the consumption, the distribution, and the  
storage to be used or consumed in this state of the following  
are hereby specifically exempt from the tax imposed by this  
chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any  
entity by this chapter do not inure to any transaction that is  
otherwise taxable under this chapter when payment is made by a  
representative or employee of the entity by any means,  
including, but not limited to, cash, check, or credit card, even  
when that representative or employee is subsequently reimbursed  
by the entity. In addition, exemptions provided to any entity by  
this subsection do not inure to any transaction that is  
otherwise taxable under this chapter unless the entity has  
obtained a sales tax exemption certificate from the department  
or the entity obtains or provides other documentation as  
required by the department. Eligible purchases or leases made  
with such a certificate must be in strict compliance with this  
subsection and departmental rules, and any person who makes an  
exempt purchase with a certificate that is not in strict  
compliance with this subsection and the rules is liable for and  
shall pay the tax. The department may adopt rules to administer





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this subsection.

(jj) *Complimentary meals.*—Also exempt from the tax imposed by this chapter are food or drinks that are furnished as part of a packaged room rate by any person offering for rent or lease any transient living accommodations as described in s.

509.013(10) (a) ~~s. 509.013(4) (a)~~ which are licensed under part I of chapter 509 and which are subject to the tax under s. 212.03, if a separate charge or specific amount for the food or drinks is not shown. Such food or drinks are considered to be sold at retail as part of the total charge for the transient living accommodations. Moreover, the person offering the accommodations is not considered to be the consumer of items purchased in furnishing such food or drinks and may purchase those items under conditions of a sale for resale.

Section 8. Paragraph (b) of subsection (4) of section 316.1955, Florida Statutes, is amended to read:

316.1955 Enforcement of parking requirements for persons who have disabilities.—

(4)

(b) Notwithstanding paragraph (a), a theme park or an entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~ which provides parking in designated areas for persons who have disabilities may allow any vehicle that is transporting a person who has a disability to remain parked in a space reserved for persons who have disabilities throughout the period the theme park is open to the public for that day.

Section 9. Subsection (5) of section 404.056, Florida Statutes, is amended to read:

404.056 Environmental radiation standards and projects;



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certification of persons performing measurement or mitigation services; mandatory testing; notification on real estate documents; rules.—

(5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification shall be provided on at least one document, form, or application executed at the time of, or prior to, contract for sale and purchase of any building or execution of a rental agreement for any building. Such notification shall contain the following language:

"RADON GAS: Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county health department."

The requirements of this subsection do not apply to any residential transient occupancy, as described in s. 509.013 ~~s. 509.013(12)~~, provided that such occupancy is 45 days or less in duration.

Section 10. Subsection (6) of section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—

(6) A license is not required of any individual providing makeup or special effects services in a theme park or entertainment complex to an actor, stunt person, musician, extra, or other talent, or providing makeup or special effects



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services to the general public. The term "theme park or entertainment complex" has the same meaning as in s. 509.013 ~~s. 509.013(9)~~.

Section 11. Paragraph (c) of subsection (3) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE EVENTS.—The division shall:

(c) Administer a public notification process for temporary food service events and distribute educational materials that address safe food storage, preparation, and service procedures.

1. Sponsors of temporary food service events shall notify the division not less than 3 days before the scheduled event of the type of food service proposed, the time and location of the event, a complete list of food service vendors participating in the event, the number of individual food service facilities each vendor will operate at the event, and the identification number of each food service vendor's current license as a public food service establishment or temporary food service event licensee. Notification may be completed orally, by telephone, in person, or in writing. A public food service establishment or food service vendor may not use this notification process to circumvent the license requirements of this chapter.

2. The division shall keep a record of all notifications received for proposed temporary food service events and shall provide appropriate educational materials to the event sponsors and notify the event sponsors of the availability of the food-recovery brochure developed under s. 595.420.

3.a. Unless excluded under s. 509.013(9)(b) ~~s.~~



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446 ~~509.013(5)(b)~~, a public food service establishment or other food  
447 service vendor must obtain one of the following classes of  
448 license from the division: an individual license, for a fee of  
449 no more than \$105, for each temporary food service event in  
450 which it participates; or an annual license, for a fee of no  
451 more than \$1,000, that entitles the licensee to participate in  
452 an unlimited number of food service events during the license  
453 period. The division shall establish license fees, by rule, and  
454 may limit the number of food service facilities a licensee may  
455 operate at a particular temporary food service event under a  
456 single license.

457       b. Public food service establishments holding current  
458 licenses from the division may operate under the regulations of  
459 such a license at temporary food service events.

460       Section 12. Paragraph (b) of subsection (2) of section  
461 509.221, Florida Statutes, is amended to read:

462       509.221 Sanitary regulations.—

463       (2)

464       (b) Within a theme park or entertainment complex as defined  
465 in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not required to  
466 be in the same building as the public food service  
467 establishment, so long as they are reasonably accessible.

468       Section 13. Paragraph (b) of subsection (5) of section  
469 553.5041, Florida Statutes, is amended to read:

470       553.5041 Parking spaces for persons who have disabilities.—

471       (5) Accessible perpendicular and diagonal accessible  
472 parking spaces and loading zones must be designed and located to  
473 conform to ss. 502 and 503 of the standards.

474       (b) If there are multiple entrances or multiple retail



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stores, the parking spaces must be dispersed to provide parking at the nearest accessible entrance. If a theme park or an entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~ provides parking in several lots or areas from which access to the theme park or entertainment complex is provided, a single lot or area may be designated for parking by persons who have disabilities, if the lot or area is located on the shortest accessible route to an accessible entrance to the theme park or entertainment complex or to transportation to such an accessible entrance.

Section 14. Section 717.1355, Florida Statutes, is amended to read:

717.1355 Theme park and entertainment complex tickets.—This chapter does not apply to any tickets for admission to a theme park or entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~, or to any tickets to a permanent exhibition or recreational activity within such theme park or entertainment complex.

Section 15. Subsection (8) of section 877.24, Florida Statutes, is amended to read:

877.24 Nonapplication of s. 877.22.—Section 877.22 does not apply to a minor who is:

(8) Attending an organized event held at and sponsored by a theme park or entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~.

Section 16. For the purpose of incorporating the amendment made by this act to section 509.013, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 196.199, Florida Statutes, is reenacted to read:



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196.199 Government property exemption.—

(1) Property owned and used by the following governmental units shall be exempt from taxation under the following conditions:

(a)1. All property of the United States is exempt from ad valorem taxation, except such property as is subject to tax by this state or any political subdivision thereof or any municipality under any law of the United States.

2. Notwithstanding any other provision of law, for purposes of the exemption from ad valorem taxation provided in subparagraph 1., property of the United States includes any leasehold interest of and improvements affixed to land owned by the United States, any branch of the United States Armed Forces, or any agency or quasi-governmental agency of the United States if the leasehold interest and improvements are acquired or constructed and used pursuant to the federal Military Housing Privatization Initiative of 1996, 10 U.S.C. ss. 2871 et seq. As used in this subparagraph, the term "improvements" includes actual housing units and any facilities that are directly related to such housing units, including any housing maintenance facilities, housing rental and management offices, parks and community centers, and recreational facilities. Any leasehold interest and improvements described in this subparagraph, regardless of whether title is held by the United States, shall be construed as being owned by the United States, the applicable branch of the United States Armed Forces, or the applicable agency or quasi-governmental agency of the United States and are exempt from ad valorem taxation without the necessity of an application for exemption being filed or approved by the property appraiser.



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This subparagraph does not apply to a transient public lodging establishment as defined in s. 509.013 and does not affect any existing agreement to provide municipal services by a municipality or county.

Section 17. For the purpose of incorporating the amendment made by this act to section 509.013, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 212.031, Florida Statutes, is reenacted to read:

212.031 Tax on rental or license fee for use of real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.
2. Used exclusively as dwelling units.
3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such



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streets or rights-of-way, occupied or used by a utility or provider of communications services, as defined by s. 202.11, for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined in s. 202.11, are considered to be fixtures.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually





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imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-



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subparagraphs a. and b.

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to chapter 550. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

12. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space



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flight business" means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee, or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

13. Rented, leased, subleased, or licensed to a person providing telecommunications, data systems management, or Internet services at a publicly or privately owned convention hall, civic center, or meeting space at a public lodging establishment as defined in s. 509.013. This subparagraph applies only to that portion of the rental, lease, or license payment that is based upon a percentage of sales, revenue sharing, or royalty payments and not based upon a fixed price. This subparagraph is intended to be clarifying and remedial in nature and shall apply retroactively. This subparagraph does not provide a basis for an assessment of any tax not paid, or create



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a right to a refund of any tax paid, pursuant to this section before July 1, 2010.

Section 18. For the purpose of incorporating the amendment made by this act to section 509.013, Florida Statutes, in a reference thereto, paragraph (c) of subsection (1) of section 413.08, Florida Statutes, is reenacted to read:

413.08 Rights and responsibilities of an individual with a disability; use of a service animal; prohibited discrimination in public employment, public accommodations, and housing accommodations; penalties.—

(1) As used in this section and s. 413.081, the term:

(c) "Public accommodation" means a common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation; hotel; a timeshare that is a transient public lodging establishment as defined in s. 509.013; lodging place; place of public accommodation, amusement, or resort; and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons. The term does not include air carriers covered by the Air Carrier Access Act of 1986, 49 U.S.C. s. 41705, and by regulations adopted by the United States Department of Transportation to implement such act.

Section 19. For the purpose of incorporating the amendment made by this act to section 509.242, Florida Statutes, in a reference thereto, subsection (9) of section 509.221, Florida Statutes, is reenacted to read:

509.221 Sanitary regulations.—

(9) Subsections (2), (5), and (6) do not apply to any



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facility or unit classified as a vacation rental, nontransient apartment, or timeshare project as described in s. 509.242(1)(c), (d), and (g).

Section 20. The Legislature does not intend for the application of this act to supersede any current or future declaration or declaration of condominium adopted pursuant to chapter 718, Florida Statutes, cooperative documents adopted pursuant to chapter 719, Florida Statutes, or declaration of covenants or declaration adopted pursuant to chapter 720, Florida Statutes.

Section 21. 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 application, and to this end the provisions of this act are severable.

Section 22. Except as otherwise expressly provided in this act, and except for this section and section 20 of this act, which shall take effect upon this act becoming a law, this act shall take effect January 1, 2020.

===== T I T L E   A M E N D M E N T =====  
And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to vacation rentals; amending s.  
509.013, F.S.; defining and redefining terms; amending  
s. 509.032, F.S.; preempting the regulation of



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advertising platforms and vacation rentals to the state; providing an exception; providing legislative findings; requiring a court of law to determine compliance with specified provisions; amending s. 509.241, F.S.; requiring each person applying for a vacation rental license to provide the Division of Hotels and Restaurants of the Department of Business and Professional Regulation with specified information; requiring the division to make vacation rental license information available to the public on the division's website; requiring licenses issued by the division to be displayed conspicuously to the public; requiring the operator of a vacation rental or specified public lodging establishment to display its license number in advertisements; amending s. 509.242, F.S.; revising the criteria for a public lodging establishment to be classified as a vacation rental; creating s. 509.243, F.S.; authorizing an advertising platform to facilitate booking transactions under certain circumstances; requiring an advertising platform to designate and maintain on file with the division an agent for service of process in this state, disclose certain reporting requirements in its terms and conditions, and remove a listing under certain circumstances; providing penalties; amending ss. 159.27, 212.08, 316.1955, 404.056, 477.0135, 509.032, 509.221, 553.5041, 717.1355, and 877.24, F.S.; conforming cross-references; reenacting ss. 196.199(1)(a), 212.031(1)(a), and 413.08(1)(c),



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relating to government property exemption, tax on  
rental or license fee for use of real property, and  
prohibited discrimination in public employment, public  
accommodations, and housing accommodations,  
respectively, to incorporate the amendments made to s.  
509.013, F.S., in references thereto; reenacting s.  
509.221(9), F.S., relating to sanitary regulations, to  
incorporate the amendment made to s. 509.242, F.S., in  
a reference thereto; providing applicability;  
providing severability; providing effective dates.



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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/08/2019	.	
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The Committee on Innovation, Industry, and Technology (Diaz)  
recommended the following:

**Senate Amendment to Amendment (586172)**

Delete lines 8 - 203  
and insert:

(1) "Advertising platform" means a person who provides an  
online application, software, website, system, or print  
advertisement through which a transient public lodging  
establishment located in this state is advertised or held out to  
the public as available to rent for transient occupancy. The  
term does not include the multiple listing service or an online





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or print advertisement of a transient public lodging establishment by a real estate broker or sales associate licensed under chapter 475; however, a real estate broker or sales associate licensed under chapter 475 must comply with s. 509.243(2)(c) and (3).

(3)~~(1)~~ "Division" means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(8)~~(2)~~ "Operator" means the owner, licensee, proprietor, lessee, manager, assistant manager, or appointed agent of a public lodging establishment or public food service establishment.

(4)~~(3)~~ "Guest" means any patron, customer, tenant, lodger, boarder, or occupant of a public lodging establishment or public food service establishment.

(10)(a)~~(4)(a)~~ "Public lodging establishment" includes a transient public lodging establishment as defined in subparagraph 1. and a nontransient public lodging establishment as defined in subparagraph 2.

1. "Transient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for less than 30 days or 1 calendar month. The term includes a unit that is advertised for rent by an advertising platform.

2. "Nontransient public lodging establishment" means any



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unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.

License classifications of public lodging establishments, and the definitions therefor, are set out in s. 509.242. For the purpose of licensure, the term does not include condominium common elements as defined in s. 718.103.

(b) The following are excluded from the definitions in paragraph (a):

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.

2. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072.

3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients.

4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a



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place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent.

5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008-381.00895.

6. Any establishment inspected by the Department of Health and regulated by chapter 513.

7. Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public.

8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement.

9. Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s. 509.242.

(9) (a) ~~(5) (a)~~ "Public food service establishment" means any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for



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consumption. The term includes a culinary education program, as defined in s. 381.0072(2), which offers, prepares, serves, or sells food to the general public, regardless of whether it is inspected by another state agency for compliance with sanitation standards.

(b) The following are excluded from the definition in paragraph (a):

1. Any place maintained and operated by a public or private school, college, or university:

a. For the use of students and faculty; or

b. Temporarily to serve such events as fairs, carnivals, food contests, cook-offs, and athletic contests.

2. Any eating place maintained and operated by a church or a religious, nonprofit fraternal, or nonprofit civic organization:

a. For the use of members and associates; or

b. Temporarily to serve such events as fairs, carnivals, food contests, cook-offs, or athletic contests.

Upon request by the division, a church or a religious, nonprofit fraternal, or nonprofit civic organization claiming an exclusion under this subparagraph must provide the division documentation of its status as a church or a religious, nonprofit fraternal, or nonprofit civic organization.

3. Any eating place maintained and operated by an individual or entity at a food contest, cook-off, or a temporary event lasting from 1 to 3 days which is hosted by a church or a religious, nonprofit fraternal, or nonprofit civic organization.

Upon request by the division, the event host must provide the



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division documentation of its status as a church or a religious, nonprofit fraternal, or nonprofit civic organization.

4. Any eating place located on an airplane, train, bus, or watercraft which is a common carrier.

5. Any eating place maintained by a facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place that is regulated under s. 381.0072.

6. Any place of business issued a permit or inspected by the Department of Agriculture and Consumer Services under s. 500.12.

7. Any place of business where the food available for consumption is limited to ice, beverages with or without garnishment, popcorn, or prepackaged items sold without additions or preparation.

8. Any theater, if the primary use is as a theater and if patron service is limited to food items customarily served to the admittees of theaters.

9. Any vending machine that dispenses any food or beverages other than potentially hazardous foods, as defined by division rule.

10. Any vending machine that dispenses potentially hazardous food and which is located in a facility regulated under s. 381.0072.

11. Any research and development test kitchen limited to the use of employees and which is not open to the general public.

(2)(6) "Director" means the Director of the Division of Hotels and Restaurants of the Department of Business and



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Professional Regulation.

(11)~~(7)~~ "Single complex of buildings" means all buildings or structures that are owned, managed, controlled, or operated under one business name and are situated on the same tract or plot of land that is not separated by a public street or highway.

(12)~~(8)~~ "Temporary food service event" means any event of 30 days or less in duration where food is prepared, served, or sold to the general public.

(13)~~(9)~~ "Theme park or entertainment complex" means a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually.

(14)~~(10)~~ "Third-party provider" means, for purposes of s. 509.049, any provider of an approved food safety training program that provides training or such a training program to a public food service establishment that is not under common ownership or control with the provider.

(16)~~(11)~~ "Transient establishment" means a ~~any~~ public lodging establishment that is rented or leased to guests by an operator whose intention is that such guests' occupancy will be temporary.

(17)~~(12)~~ "Transient occupancy" means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.

(15)~~(13)~~ "Transient" means a guest in transient occupancy.



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~~(6)-(14)~~ "Nontransient establishment" means any public lodging establishment that is rented or leased to guests by an operator whose intention is that the dwelling unit occupied will be the sole residence of the guest.

~~(7)-(15)~~ "Nontransient occupancy" means occupancy when it is the intention of the parties that the occupancy will not be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is the sole residence of the guest, the occupancy is nontransient.

~~(5)-(16)~~ "Nontransient" means a guest in nontransient occupancy.

Section 2. Effective upon this act becoming a law, subsection (7) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(7) PREEMPTION AUTHORITY.—

(a) Advertising platforms, public lodging establishments and public food service establishments.—The regulation of advertising platforms is preempted to the state. The regulation of public lodging establishments and public



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Innovation, Industry, and Technology (Diaz)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 509.013, Florida Statutes, is reordered  
and amended to read:

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

(1) "Advertising platform" means a person who provides an  
online application, software, website, system, or print  
advertisement through which a transient public lodging





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establishment located in this state is advertised or held out to the public as available to rent for transient occupancy. The term does not include the multiple listing service or an online or print advertisement of a transient public lodging establishment by a real estate broker or sales associate licensed under chapter 475; however, a real estate broker or sales associate licensed under chapter 475 must comply with s. 509.243(2)(c) and (3).

~~(3)(1)~~ "Division" means the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

~~(8)(2)~~ "Operator" means the owner, licensee, proprietor, lessee, manager, assistant manager, or appointed agent of a public lodging establishment or public food service establishment.

~~(4)(3)~~ "Guest" means any patron, customer, tenant, lodger, boarder, or occupant of a public lodging establishment or public food service establishment.

~~(10)(a)(4)(a)~~ "Public lodging establishment" includes a transient public lodging establishment as defined in subparagraph 1. and a nontransient public lodging establishment as defined in subparagraph 2.

1. "Transient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented



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to guests for less than 30 days or 1 calendar month. The term includes a unit that is advertised for rent by an advertising platform.

2. "Nontransient public lodging establishment" means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month.

License classifications of public lodging establishments, and the definitions therefor, are set out in s. 509.242. For the purpose of licensure, the term does not include condominium common elements as defined in s. 718.103.

(b) The following are excluded from the definitions in paragraph (a):

1. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors.

2. Any facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place regulated under s. 381.0072.

3. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients.

4. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or



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collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent.

5. Any migrant labor camp or residential migrant housing permitted by the Department of Health under ss. 381.008-381.00895.

6. Any establishment inspected by the Department of Health and regulated by chapter 513.

7. Any nonprofit organization that operates a facility providing housing only to patients, patients' families, and patients' caregivers and not to the general public.

8. Any apartment building inspected by the United States Department of Housing and Urban Development or other entity acting on the department's behalf that is designated primarily as housing for persons at least 62 years of age. The division may require the operator of the apartment building to attest in writing that such building meets the criteria provided in this subparagraph. The division may adopt rules to implement this requirement.

9. Any roominghouse, boardinghouse, or other living or sleeping facility that may not be classified as a hotel, motel, timeshare project, vacation rental, nontransient apartment, bed and breakfast inn, or transient apartment under s. 509.242.

(9) (a) - (5) (a) "Public food service establishment" means any building, vehicle, place, or structure, or any room or division



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in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption. The term includes a culinary education program, as defined in s. 381.0072(2), which offers, prepares, serves, or sells food to the general public, regardless of whether it is inspected by another state agency for compliance with sanitation standards.

(b) The following are excluded from the definition in paragraph (a):

1. Any place maintained and operated by a public or private school, college, or university:

- a. For the use of students and faculty; or
- b. Temporarily to serve such events as fairs, carnivals, food contests, cook-offs, and athletic contests.

2. Any eating place maintained and operated by a church or a religious, nonprofit fraternal, or nonprofit civic organization:

- a. For the use of members and associates; or
- b. Temporarily to serve such events as fairs, carnivals, food contests, cook-offs, or athletic contests.

Upon request by the division, a church or a religious, nonprofit fraternal, or nonprofit civic organization claiming an exclusion under this subparagraph must provide the division documentation of its status as a church or a religious, nonprofit fraternal, or nonprofit civic organization.

3. Any eating place maintained and operated by an



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individual or entity at a food contest, cook-off, or a temporary event lasting from 1 to 3 days which is hosted by a church or a religious, nonprofit fraternal, or nonprofit civic organization. Upon request by the division, the event host must provide the division documentation of its status as a church or a religious, nonprofit fraternal, or nonprofit civic organization.

4. Any eating place located on an airplane, train, bus, or watercraft which is a common carrier.

5. Any eating place maintained by a facility certified or licensed and regulated by the Agency for Health Care Administration or the Department of Children and Families or other similar place that is regulated under s. 381.0072.

6. Any place of business issued a permit or inspected by the Department of Agriculture and Consumer Services under s. 500.12.

7. Any place of business where the food available for consumption is limited to ice, beverages with or without garnishment, popcorn, or prepackaged items sold without additions or preparation.

8. Any theater, if the primary use is as a theater and if patron service is limited to food items customarily served to the admittees of theaters.

9. Any vending machine that dispenses any food or beverages other than potentially hazardous foods, as defined by division rule.

10. Any vending machine that dispenses potentially hazardous food and which is located in a facility regulated under s. 381.0072.

11. Any research and development test kitchen limited to



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the use of employees and which is not open to the general public.

(2)~~(6)~~ "Director" means the Director of the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(11)~~(7)~~ "Single complex of buildings" means all buildings or structures that are owned, managed, controlled, or operated under one business name and are situated on the same tract or plot of land that is not separated by a public street or highway.

(12)~~(8)~~ "Temporary food service event" means any event of 30 days or less in duration where food is prepared, served, or sold to the general public.

(13)~~(9)~~ "Theme park or entertainment complex" means a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually.

(14)~~(10)~~ "Third-party provider" means, for purposes of s. 509.049, any provider of an approved food safety training program that provides training or such a training program to a public food service establishment that is not under common ownership or control with the provider.

(16)~~(11)~~ "Transient establishment" means a ~~any~~ public lodging establishment that is rented or leased to guests by an operator whose intention is that such guests' occupancy will be temporary.

(17)~~(12)~~ "Transient occupancy" means occupancy when it is the intention of the parties that the occupancy will be



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temporary. There is a rebuttable presumption that, when the dwelling unit occupied is not the sole residence of the guest, the occupancy is transient.

~~(15)-(13)~~ "Transient" means a guest in transient occupancy.

~~(6)-(14)~~ "Nontransient establishment" means any public lodging establishment that is rented or leased to guests by an operator whose intention is that the dwelling unit occupied will be the sole residence of the guest.

~~(7)-(15)~~ "Nontransient occupancy" means occupancy when it is the intention of the parties that the occupancy will not be temporary. There is a rebuttable presumption that, when the dwelling unit occupied is the sole residence of the guest, the occupancy is nontransient.

~~(5)-(16)~~ "Nontransient" means a guest in nontransient occupancy.

Section 2. Effective upon this act becoming a law, subsection (7) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(7) PREEMPTION AUTHORITY.—

(a) Advertising platforms, public lodging establishments and public food service establishments.—The regulation of advertising platforms is preempted to the state. The regulation of public lodging establishments and public food service establishments, including, but not limited to, sanitation standards, inspections, training and testing of personnel, and matters related to the nutritional content and marketing of foods offered in such establishments, is preempted to the state. This paragraph does not preempt the authority of a local



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government or local enforcement district to conduct inspections of public lodging and public food service establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206.

(b) Vacation rentals.—

1. The Legislature finds that:

a. Property owners who choose to use their property as a vacation rental have constitutionally protected property rights and other rights that must be protected, including the right to use their residential property as a vacation rental;

b. Vacation rentals play a significant, unique, and critical role in Florida's tourism industry, and that role is different from other types of public lodging establishments;

c. There are factors unique to the ownership and operation of a vacation rental; and

d. Vacation rentals are residential in nature, a residential use and thus are allowed in residential neighborhoods.

2. Except as provided under this paragraph, the regulation of vacation rentals, including, but not limited to, inspection, licensure, and occupancy limits, is expressly preempted to the state.

3. A local law, ordinance, or regulation may regulate activities that arise when a property is used as a vacation rental if the law, ordinance, or regulation applies uniformly to all residential properties without regard to whether the property is used as a vacation rental as defined in s. 509.242, the property is used as a long-term rental subject to chapter 83, or the property owner chooses not to rent the property.





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243 However, a local law, ordinance, or regulation may not prohibit  
244 ~~vacation~~ rentals, impose occupancy limits, or regulate the  
245 duration or frequency of ~~rental of vacation~~ rentals.

246 4. A local law, ordinance, or regulation may not allow or  
247 require the inspection or licensing of vacation rentals.

248 5. A court of law shall determine if a local law,  
249 ordinance, or regulation complies with this section without  
250 regard to any assertion in the local law, ordinance, or  
251 regulation that it complies. In all actions brought pursuant to  
252 this section, the political subdivision that enacted the local  
253 law, ordinance, or regulation shall establish by clear and  
254 convincing evidence that the local law, ordinance, or regulation  
255 complies with this section ~~This paragraph does not apply to any~~  
256 ~~local law, ordinance, or regulation adopted on or before June 1,~~  
257 ~~2011.~~

258 6.-(e) This paragraph ~~(b)~~ does not apply to any local law,  
259 ordinance, or regulation exclusively relating to property  
260 valuation as a criterion for vacation rental if the local law,  
261 ordinance, or regulation is required to be approved by the state  
262 land planning agency pursuant to an area of critical state  
263 concern designation.

264 Section 3. Subsections (2) and (3) of section 509.241,  
265 Florida Statutes, are amended to read:

266 509.241 Licenses required; exceptions.—

267 (2) APPLICATION FOR LICENSE.—

268 (a) Each person who plans to open a public lodging  
269 establishment or a public food service establishment shall apply  
270 for and receive a license from the division prior to the  
271 commencement of operation. A condominium association, as defined



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in s. 718.103, which does not own any units classified as vacation rentals or timeshare projects under s. 509.242(1)(c) or (g) is not required to apply for or receive a public lodging establishment license.

(b) Each person applying for a vacation rental license shall provide the name, address, telephone number, and e-mail address of the person the division may contact when a complaint related to a vacation rental is reported. The division shall make vacation rental license information, including the contact person, available to the public on the division's website.

(3) DISPLAY OF LICENSE.—Any license issued by the division ~~must shall~~ be conspicuously displayed to the public inside of ~~in~~ the ~~office or lobby of the~~ licensed establishment. Public food service establishments that ~~which~~ offer catering services must ~~shall~~ display their license number on all advertising for catering services. The operator of a vacation rental or a unit in a transient or nontransient apartment that is offered for transient occupancy shall display its license number in all advertising for such rentals.

Section 4. Paragraph (c) of subsection (1) of section 509.242, Florida Statutes, is amended to read:

509.242 Public lodging establishments; classifications.—

(1) A public lodging establishment shall be classified as a hotel, motel, nontransient apartment, transient apartment, bed and breakfast inn, timeshare project, or vacation rental if the establishment satisfies the following criteria:

(c) *Vacation rental.*—A vacation rental is a ~~any~~ unit or group of units in a condominium or cooperative or in an ~~any~~ individually or collectively owned single-family, two-family,



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three-family, or four-family house or dwelling unit which ~~that~~  
is ~~also~~ a transient public lodging establishment but ~~that is~~ not  
a timeshare project.

Section 5. Section 509.243, Florida Statutes, is created to  
read:

509.243 Advertising platforms.—

(1) An advertising platform may facilitate a booking  
transaction for a transient guest's rental of a transient public  
lodging establishment located in this state if the advertising  
platform is registered with the division. The division shall  
issue a registration to each person who meets the requirements  
of this section and the rules adopted hereunder.

(2) An advertising platform shall:

(a) Designate and maintain on file with the division an  
agent for service of process in this state;

(b) Disclose in its terms and conditions the reporting  
requirements of s. 509.101(2); and

(c) Take down an offending advertisement or listing from  
its online application, software, website, or system within 30  
business days after being notified by the division in writing  
that the advertisement or listing for the rental of a transient  
public lodging establishment located in this state fails to  
display a valid license number issued by the division.

(3) A person who has operated or is operating in violation  
of this section or the rules of the division may be subject by  
the division to fines of up to \$250 per offense, not to exceed  
\$5,000 in the aggregate.

Section 6. Subsection (12) of section 159.27, Florida  
Statutes, is amended to read:



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159.27 Definitions.—The following words and terms, unless the context clearly indicates a different meaning, shall have the following meanings:

(12) "Public lodging or restaurant facility" means property used for any public lodging establishment as defined in s. 509.242 or public food service establishment as defined in s. 509.013 ~~s. 509.013(5)~~ if it is part of the complex of, or necessary to, another facility qualifying under this part.

Section 7. Paragraph (jj) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this



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subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(jj) *Complimentary meals.*—Also exempt from the tax imposed by this chapter are food or drinks that are furnished as part of a packaged room rate by any person offering for rent or lease any transient living accommodations as described in s. 509.013(10)(a) ~~s. 509.013(4)(a)~~ which are licensed under part I of chapter 509 and which are subject to the tax under s. 212.03, if a separate charge or specific amount for the food or drinks is not shown. Such food or drinks are considered to be sold at retail as part of the total charge for the transient living accommodations. Moreover, the person offering the accommodations is not considered to be the consumer of items purchased in furnishing such food or drinks and may purchase those items under conditions of a sale for resale.

Section 8. Paragraph (b) of subsection (4) of section 316.1955, Florida Statutes, is amended to read:

316.1955 Enforcement of parking requirements for persons who have disabilities.—

(4)

(b) Notwithstanding paragraph (a), a theme park or an entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~ which provides parking in designated areas for persons who have disabilities may allow any vehicle that is transporting a person who has a disability to remain parked in a space reserved for persons who have disabilities throughout the period the theme



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park is open to the public for that day.

Section 9. Subsection (5) of section 404.056, Florida Statutes, is amended to read:

404.056 Environmental radiation standards and projects; certification of persons performing measurement or mitigation services; mandatory testing; notification on real estate documents; rules.—

(5) NOTIFICATION ON REAL ESTATE DOCUMENTS.—Notification shall be provided on at least one document, form, or application executed at the time of, or prior to, contract for sale and purchase of any building or execution of a rental agreement for any building. Such notification shall contain the following language:

"RADON GAS: Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county health department."

The requirements of this subsection do not apply to any residential transient occupancy, as described in s. 509.013 ~~s. 509.013(12)~~, provided that such occupancy is 45 days or less in duration.

Section 10. Subsection (6) of section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—



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(6) A license is not required of any individual providing makeup or special effects services in a theme park or entertainment complex to an actor, stunt person, musician, extra, or other talent, or providing makeup or special effects services to the general public. The term "theme park or entertainment complex" has the same meaning as in s. 509.013 ~~s. 509.013(9)~~.

Section 11. Paragraph (c) of subsection (3) of section 509.032, Florida Statutes, is amended to read:

509.032 Duties.—

(3) SANITARY STANDARDS; EMERGENCIES; TEMPORARY FOOD SERVICE EVENTS.—The division shall:

(c) Administer a public notification process for temporary food service events and distribute educational materials that address safe food storage, preparation, and service procedures.

1. Sponsors of temporary food service events shall notify the division not less than 3 days before the scheduled event of the type of food service proposed, the time and location of the event, a complete list of food service vendors participating in the event, the number of individual food service facilities each vendor will operate at the event, and the identification number of each food service vendor's current license as a public food service establishment or temporary food service event licensee. Notification may be completed orally, by telephone, in person, or in writing. A public food service establishment or food service vendor may not use this notification process to circumvent the license requirements of this chapter.

2. The division shall keep a record of all notifications received for proposed temporary food service events and shall



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provide appropriate educational materials to the event sponsors and notify the event sponsors of the availability of the food-recovery brochure developed under s. 595.420.

3.a. Unless excluded under s. 509.013(9)(b) ~~s. 509.013(5)(b)~~, a public food service establishment or other food service vendor must obtain one of the following classes of license from the division: an individual license, for a fee of no more than \$105, for each temporary food service event in which it participates; or an annual license, for a fee of no more than \$1,000, that entitles the licensee to participate in an unlimited number of food service events during the license period. The division shall establish license fees, by rule, and may limit the number of food service facilities a licensee may operate at a particular temporary food service event under a single license.

b. Public food service establishments holding current licenses from the division may operate under the regulations of such a license at temporary food service events.

Section 12. Paragraph (b) of subsection (2) of section 509.221, Florida Statutes, is amended to read:

509.221 Sanitary regulations.—

(2)

(b) Within a theme park or entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~, the bathrooms are not required to be in the same building as the public food service establishment, so long as they are reasonably accessible.

Section 13. Paragraph (b) of subsection (5) of section 553.5041, Florida Statutes, is amended to read:

553.5041 Parking spaces for persons who have disabilities.—





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(5) Accessible perpendicular and diagonal accessible parking spaces and loading zones must be designed and located to conform to ss. 502 and 503 of the standards.

(b) If there are multiple entrances or multiple retail stores, the parking spaces must be dispersed to provide parking at the nearest accessible entrance. If a theme park or an entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~ provides parking in several lots or areas from which access to the theme park or entertainment complex is provided, a single lot or area may be designated for parking by persons who have disabilities, if the lot or area is located on the shortest accessible route to an accessible entrance to the theme park or entertainment complex or to transportation to such an accessible entrance.

Section 14. Section 717.1355, Florida Statutes, is amended to read:

717.1355 Theme park and entertainment complex tickets.—This chapter does not apply to any tickets for admission to a theme park or entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~, or to any tickets to a permanent exhibition or recreational activity within such theme park or entertainment complex.

Section 15. Subsection (8) of section 877.24, Florida Statutes, is amended to read:

877.24 Nonapplication of s. 877.22.—Section 877.22 does not apply to a minor who is:

(8) Attending an organized event held at and sponsored by a theme park or entertainment complex as defined in s. 509.013 ~~s. 509.013(9)~~.



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Section 16. For the purpose of incorporating the amendment made by this act to section 509.013, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 196.199, Florida Statutes, is reenacted to read:

196.199 Government property exemption.—

(1) Property owned and used by the following governmental units shall be exempt from taxation under the following conditions:

(a)1. All property of the United States is exempt from ad valorem taxation, except such property as is subject to tax by this state or any political subdivision thereof or any municipality under any law of the United States.

2. Notwithstanding any other provision of law, for purposes of the exemption from ad valorem taxation provided in subparagraph 1., property of the United States includes any leasehold interest of and improvements affixed to land owned by the United States, any branch of the United States Armed Forces, or any agency or quasi-governmental agency of the United States if the leasehold interest and improvements are acquired or constructed and used pursuant to the federal Military Housing Privatization Initiative of 1996, 10 U.S.C. ss. 2871 et seq. As used in this subparagraph, the term "improvements" includes actual housing units and any facilities that are directly related to such housing units, including any housing maintenance facilities, housing rental and management offices, parks and community centers, and recreational facilities. Any leasehold interest and improvements described in this subparagraph, regardless of whether title is held by the United States, shall be construed as being owned by the United States, the applicable branch of



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the United States Armed Forces, or the applicable agency or quasi-governmental agency of the United States and are exempt from ad valorem taxation without the necessity of an application for exemption being filed or approved by the property appraiser. This subparagraph does not apply to a transient public lodging establishment as defined in s. 509.013 and does not affect any existing agreement to provide municipal services by a municipality or county.

Section 17. For the purpose of incorporating the amendment made by this act to section 509.013, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 212.031, Florida Statutes, is reenacted to read:

212.031 Tax on rental or license fee for use of real property.—

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.
2. Used exclusively as dwelling units.
3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or



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the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way and poles, conduits, fixtures, and similar improvements located on such streets or rights-of-way, occupied or used by a utility or provider of communications services, as defined by s. 202.11, for utility or communications or television purposes. For purposes of this subparagraph, the term "utility" means any person providing utility services as defined in s. 203.012. This exception also applies to property, wherever located, on which the following are placed: towers, antennas, cables, accessory structures, or equipment, not including switching equipment, used in the provision of mobile communications services as defined in s. 202.11. For purposes of this chapter, towers used in the provision of mobile communications services, as defined in s. 202.11, are considered to be fixtures.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxiing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8.a. Property used at a port authority, as defined in s. 315.02(2), exclusively for the purpose of oceangoing vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels, or to the extent that the amount paid for the use of any property at the port is based on



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the charge for the amount of tonnage actually imported or exported through the port by a tenant.

b. The amount charged for the use of any property at the port in excess of the amount charged for tonnage actually imported or exported shall remain subject to tax except as provided in sub-subparagraph a.

9. Property used as an integral part of the performance of qualified production services. As used in this subparagraph, the term "qualified production services" means any activity or service performed directly in connection with the production of a qualified motion picture, as defined in s. 212.06(1)(b), and includes:

a. Photography, sound and recording, casting, location managing and scouting, shooting, creation of special and optical effects, animation, adaptation (language, media, electronic, or otherwise), technological modifications, computer graphics, set and stage support (such as electricians, lighting designers and operators, greensmen, prop managers and assistants, and grips), wardrobe (design, preparation, and management), hair and makeup (design, production, and application), performing (such as acting, dancing, and playing), designing and executing stunts, coaching, consulting, writing, scoring, composing, choreographing, script supervising, directing, producing, transmitting dailies, dubbing, mixing, editing, cutting, looping, printing, processing, duplicating, storing, and distributing;

b. The design, planning, engineering, construction, alteration, repair, and maintenance of real or personal property including stages, sets, props, models, paintings, and facilities



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principally required for the performance of those services listed in sub-subparagraph a.; and

c. Property management services directly related to property used in connection with the services described in sub-subparagraphs a. and b.

This exemption will inure to the taxpayer upon presentation of the certificate of exemption issued to the taxpayer under the provisions of s. 288.1258.

10. Leased, subleased, licensed, or rented to a person providing food and drink concessionaire services within the premises of a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, publicly owned recreational facility, or any business operated under a permit issued pursuant to chapter 550. A person providing retail concessionaire services involving the sale of food and drink or other tangible personal property within the premises of an airport shall be subject to tax on the rental of real property used for that purpose, but shall not be subject to the tax on any license to use the property. For purposes of this subparagraph, the term "sale" shall not include the leasing of tangible personal property.

11. Property occupied pursuant to an instrument calling for payments which the department has declared, in a Technical Assistance Advisement issued on or before March 15, 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c), Florida Administrative Code; provided that this subparagraph shall only apply to property occupied by the same person before and after the execution of the subject instrument and only to those



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payments made pursuant to such instrument, exclusive of renewals and extensions thereof occurring after March 15, 1993.

12. Property used or occupied predominantly for space flight business purposes. As used in this subparagraph, "space flight business" means the manufacturing, processing, or assembly of a space facility, space propulsion system, space vehicle, satellite, or station of any kind possessing the capacity for space flight, as defined by s. 212.02(23), or components thereof, and also means the following activities supporting space flight: vehicle launch activities, flight operations, ground control or ground support, and all administrative activities directly related thereto. Property shall be deemed to be used or occupied predominantly for space flight business purposes if more than 50 percent of the property, or improvements thereon, is used for one or more space flight business purposes. Possession by a landlord, lessor, or licensor of a signed written statement from the tenant, lessee, or licensee claiming the exemption shall relieve the landlord, lessor, or licensor from the responsibility of collecting the tax, and the department shall look solely to the tenant, lessee, or licensee for recovery of such tax if it determines that the exemption was not applicable.

13. Rented, leased, subleased, or licensed to a person providing telecommunications, data systems management, or Internet services at a publicly or privately owned convention hall, civic center, or meeting space at a public lodging establishment as defined in s. 509.013. This subparagraph applies only to that portion of the rental, lease, or license payment that is based upon a percentage of sales, revenue



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sharing, or royalty payments and not based upon a fixed price. This subparagraph is intended to be clarifying and remedial in nature and shall apply retroactively. This subparagraph does not provide a basis for an assessment of any tax not paid, or create a right to a refund of any tax paid, pursuant to this section before July 1, 2010.

Section 18. For the purpose of incorporating the amendment made by this act to section 509.013, Florida Statutes, in a reference thereto, paragraph (c) of subsection (1) of section 413.08, Florida Statutes, is reenacted to read:

413.08 Rights and responsibilities of an individual with a disability; use of a service animal; prohibited discrimination in public employment, public accommodations, and housing accommodations; penalties.—

(1) As used in this section and s. 413.081, the term:

(c) "Public accommodation" means a common carrier, airplane, motor vehicle, railroad train, motor bus, streetcar, boat, or other public conveyance or mode of transportation; hotel; a timeshare that is a transient public lodging establishment as defined in s. 509.013; lodging place; place of public accommodation, amusement, or resort; and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons. The term does not include air carriers covered by the Air Carrier Access Act of 1986, 49 U.S.C. s. 41705, and by regulations adopted by the United States Department of Transportation to implement such act.

Section 19. For the purpose of incorporating the amendment made by this act to section 509.242, Florida Statutes, in a





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reference thereto, subsection (9) of section 509.221, Florida Statutes, is reenacted to read:

509.221 Sanitary regulations.—

(9) Subsections (2), (5), and (6) do not apply to any facility or unit classified as a vacation rental, nontransient apartment, or timeshare project as described in s. 509.242(1)(c), (d), and (g).

Section 20. The Legislature does not intend for the application of this act to supersede any current or future declaration or declaration of condominium adopted pursuant to chapter 718, Florida Statutes, cooperative documents adopted pursuant to chapter 719, Florida Statutes, or declaration of covenants or declaration adopted pursuant to chapter 720, Florida Statutes.

Section 21. 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 application, and to this end the provisions of this act are severable.

Section 22. Except as otherwise expressly provided in this act, and except for this section and section 20 of this act, which shall take effect upon this act becoming a law, this act shall take effect January 1, 2020.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:



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A bill to be entitled  
An act relating to vacation rentals; amending s.  
509.013, F.S.; defining and redefining terms; amending  
s. 509.032, F.S.; preempting the regulation of  
advertising platforms and vacation rentals to the  
state; providing an exception; providing legislative  
findings; requiring a court of law to determine  
compliance with specified provisions; amending s.  
509.241, F.S.; requiring each person applying for a  
vacation rental license to provide the Division of  
Hotels and Restaurants of the Department of Business  
and Professional Regulation with specified  
information; requiring the division to make vacation  
rental license information available to the public on  
the division's website; requiring licenses issued by  
the division to be displayed conspicuously to the  
public; requiring the operator of a vacation rental or  
specified public lodging establishment to display its  
license number in advertisements; amending s. 509.242,  
F.S.; revising the criteria for a public lodging  
establishment to be classified as a vacation rental;  
creating s. 509.243, F.S.; authorizing an advertising  
platform to facilitate booking transactions under  
certain circumstances; requiring an advertising  
platform to designate and maintain on file with the  
division an agent for service of process in this  
state, disclose certain reporting requirements in its  
terms and conditions, and remove a listing under  
certain circumstances; providing penalties; amending



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ss. 159.27, 212.08, 316.1955, 404.056, 477.0135,  
509.032, 509.221, 553.5041, 717.1355, and 877.24,  
F.S.; conforming cross-references; reenacting ss.  
196.199(1)(a), 212.031(1)(a), and 413.08(1)(c),  
relating to government property exemption, tax on  
rental or license fee for use of real property, and  
prohibited discrimination in public employment, public  
accommodations, and housing accommodations,  
respectively, to incorporate the amendments made to s.  
509.013, F.S., in references thereto; reenacting s.  
509.221(9), F.S., relating to sanitary regulations, to  
incorporate the amendment made to s. 509.242, F.S., in  
a reference thereto; providing applicability;  
providing severability; providing effective dates.



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LEGISLATIVE ACTION

Senate

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House

The Committee on Innovation, Industry, and Technology (Farmer)  
recommended the following:

**Senate Amendment to Amendment (672276) (with title  
amendment)**

Delete lines 218 - 259  
and insert:

(b) Vacation rentals.—A local law, ordinance, or regulation  
may regulate the location of ~~not prohibit~~ vacation rentals,  
except for a property that is also used as a homestead, as  
described in s. 6(a), Art. VII of the State Constitution. A  
local law, ordinance, or regulation may not ~~or~~ regulate the  
duration or frequency of rental of vacation rentals. This



278170

paragraph does not apply to any local law, ordinance, or regulation:

1. Adopted on or before June 1, 2011, unless a local government, by a majority vote of the governing body, chooses to amend such an ordinance.

~~2.(c) paragraph (b) does not apply to any local law, ordinance, or regulation~~ Exclusively relating to property

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

And the title is amended as follows:

Delete lines 741 - 743

and insert:

state; authorizing a local law, ordinance, or regulation to regulate the location of certain vacation rentals; requiring a local law, ordinance, or regulation adopted on or before a specified date to comply with specified provisions if the local government amends the existing ordinance; amending s.



645922

LEGISLATIVE ACTION

Senate

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House

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The Committee on Innovation, Industry, and Technology (Farmer)  
recommended the following:

**Senate Amendment to Amendment (672276) (with title  
amendment)**

Between lines 327 and 328  
insert:

Section 6. Section 509.245, Florida Statutes, is created to  
read:

509.245 Certain registration for vacation rentals.—A sexual  
offender as defined in s. 944.606(1) must, 48 hours before  
arrival at a vacation rental as defined in s. 509.242(1)(c),



645922

register at the sheriff's office in the county where the sex  
offender is temporarily residing following the process set forth  
in s. 775.21, regardless of the length of stay at the vacation  
rental. A vacation rental owner or an operator who rents a  
vacation rental to a sex offender must notify property owners  
within 1,000 feet of the rented property 24 hours before the sex  
offender's arrival. The division may fine, suspend, or revoke  
the license of any vacation rental owner when the rental is not  
in compliance with the requirements of this section. Every  
Internet advertisement or online posting of a vacation rental  
must prominently display the complete physical street address of  
the vacation rental along with a link to a website created by  
the Department of Law Enforcement, pursuant to s. 943.043, to  
notify the public of any information regarding sexual predators.  
Such advertisement or posting must also prominently display a  
link to s. 943.0435, and state "Every sexual offender and sexual  
predator intending to stay at a location in Florida is required  
by Florida law to register in accordance with s. 509.245."

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

And the title is amended as follows:

Delete line 764

and insert:

certain circumstances; providing penalties; creating  
s. 509.245; requiring advertisements for vacation  
rentals to display the address of the rental;  
requiring advertisements for vacation rentals to  
provide a link to the Florida Department of Law  
Enforcement Sexual Offenders and Predators website;



645922

40 requiring advertisements for vacation rentals to  
41 contain information concerning sexual offender and  
42 sexual predator registration; amending





778790

LEGISLATIVE ACTION

Senate

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House

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The Committee on Innovation, Industry, and Technology (Gibson)  
recommended the following:

**Senate Amendment to Amendment (672276) (with title  
amendment)**

Between lines 327 and 328  
insert:

Section 6. Paragraph (a) of subsection (11) of section  
760.02, Florida Statutes, is amended to read:

760.02 Definitions.—For the purposes of ss. 760.01-760.11  
and 509.092, the term:

(11) "Public accommodations" means places of public



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accommodation, lodgings, facilities principally engaged in selling food for consumption on the premises, gasoline stations, places of exhibition or entertainment, and other covered establishments. Each of the following establishments which serves the public is a place of public accommodation within the meaning of this section:

(a) Any inn, hotel, motel, vacation rental as defined in s. 509.242(1)(c), or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than four rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his or her residence.

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

And the title is amended as follows:

Delete line 764

and insert:

certain circumstances; providing penalties; amending s. 760.02, F.S.; revising the definition of the term "public accommodations" to include vacation rentals; amending



697090

LEGISLATIVE ACTION

Senate

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House

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The Committee on Innovation, Industry, and Technology (Gibson) recommended the following:

**Senate Amendment to Amendment (672276) (with title amendment)**

Between lines 327 and 328  
insert:

Section 6. Subsections (1) and (4) of section 553.504, Florida Statutes, are amended to read:

553.504 Exceptions to applicability of the federal standards.—Notwithstanding the adoption of the Americans with Disabilities Act Standards for Accessible Design pursuant to s.



697090

553.503, all buildings, structures, and facilities in this state must meet the following additional requirements if such requirements provide increased accessibility:

(1) All new or altered public buildings and facilities, private buildings and facilities, places of public accommodation, vacation rentals as defined in s. 509.242(1)(c) licensed after January 1, 2020, and commercial facilities, as those terms are defined by the standards, subject to this part, must comply with this part.

(4) In motels and hotels a number of rooms equaling at least 5 percent of the guest rooms minus the number of accessible rooms required by the standards, and in the case of a vacation rental as defined in s. 509.242(1)(c) licensed after January 1, 2020, at least one bedroom and one bathroom, must provide the following special accessibility features:

(a) Grab rails in bathrooms and toilet rooms that comply with s. 604.5 of the standards.

(b) All beds in designed accessible guest rooms must be an open-frame type that allows the passage of lift devices.

(c) Water closets that comply with section 604.4 of the standards.

All buildings, structures, or facilities licensed as a hotel, motel, or condominium pursuant to chapter 509 are subject to this subsection, as are vacation rentals as defined in s. 509.242(1)(c) licensed after January 1, 2020. This subsection does not relieve the owner of the responsibility of providing accessible rooms in conformance with ss. 224 and 806 of the standards.



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

And the title is amended as follows:

Delete line 764

and insert:

certain circumstances; providing penalties; amending  
s. 553.504, F.S.; requiring vacation rentals to meet  
certain additional requirements for increased  
accessibility for persons with disabilities; amending



598968

LEGISLATIVE ACTION

Senate

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House

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The Committee on Innovation, Industry, and Technology (Gibson)  
recommended the following:

**Senate Amendment to Amendment (672276) (with title  
amendment)**

Between lines 327 and 328  
insert:

Section 6. Section 760.08, Florida Statutes, is amended to  
read:

760.08 Discrimination in places of public accommodation.—

(1) All persons are entitled to the full and equal  
enjoyment of the goods, services, facilities, privileges,



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advantages, and accommodations of any place of public accommodation without discrimination or segregation on the ground of race, color, national origin, sex, pregnancy, handicap, familial status, or religion.

(2) In order to assist with the enforcement of subsection (1), as it applies to vacation rentals as defined in s. 509.242(1)(c), operators of vacation rentals shall maintain a register of instances in which guests were denied accommodations. The register must include the name of the guest denied accommodations and the basis for the denial. The register must be maintained in chronological order and be available for inspection at any time by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

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

And the title is amended as follows:

Delete line 764

and insert:

certain circumstances; providing penalties; amending s. 760.08, F.S.; requiring operators of vacation rentals to maintain, for inspection by the division at any time, a register of guests denied accommodations and the basis for such denials; amending



824630

LEGISLATIVE ACTION

Senate

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House

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The Committee on Innovation, Industry, and Technology (Gibson)  
recommended the following:

**Senate Amendment to Amendment (672276) (with title  
amendment)**

Delete lines 684 - 704  
and insert:

Section 18. Paragraph (c) of subsection (1) of section  
413.08, Florida Statutes, is amended to read:

413.08 Rights and responsibilities of an individual with a  
disability; use of a service animal; prohibited discrimination  
in public employment, public accommodations, and housing





824630

accommodations; penalties.-

(1) As used in this section and s. 413.081, the term:

(c) "Public accommodation" means a common carrier, an  
airplane, a motor vehicle, a railroad train, a motor bus, a  
streetcar, a boat, or other public conveyance or mode of  
transportation; a hotel; a vacation rental as defined in s.  
509.242(1)(c); a timeshare that is a transient public lodging  
establishment as defined in s. 509.013; a lodging place; a place  
of public accommodation, amusement, or resort; and other places  
to which the general public is invited, subject only to the  
conditions and limitations established by law and applicable  
alike to all persons. The term does not include air carriers  
covered by the Air Carrier Access Act of 1986, 49 U.S.C. s.  
41705, and by regulations adopted by the United States  
Department of Transportation to implement such act.

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

And the title is amended as follows:

Delete lines 768 - 774

and insert:

196.199(1)(a) and 212.031(1)(a), relating to  
government property exemption and tax on rental or  
license fee for use of real property, respectively, to  
incorporate the amendments made to s. 509.013, F.S.,  
in references thereto; amending s. 413.08, F.S.;  
revising the term "public accommodation" to include  
vacation rentals; reenacting s.



The Florida Senate

## Committee Agenda Request

**To:** Senator Wilton Simpson, Chair  
Committee on Innovation, Industry, and Technology

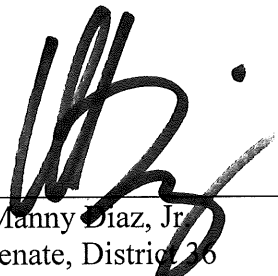
**Subject:** Committee Agenda Request

**Date:** February 19, 2019

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I respectfully request that **Senate Bill # 824**, relating to Private Property Rights of Homeowners, be placed on the:

- ☐ Committee agenda at your earliest possible convenience.
- ☒ Next committee agenda.



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Senator Manny Diaz, Jr.  
Florida Senate, District 26



## ANALYSIS

## 2019 AGENCY LEGISLATIVE BILL

**AGENCY: Department of Business & Professional Regulation**

<u>BILL INFORMATION</u>	
<b>BILL NUMBER:</b>	<u>SB 824</u>
<b>BILL TITLE:</b>	<u>Private Property Rights of Homeowners</u>
<b>BILL SPONSOR:</b>	<u>Sen. Diaz</u>
<b>EFFECTIVE DATE:</b>	<u>7/1/19</u>

<u>COMMITTEES OF REFERENCE</u>	<u>CURRENT COMMITTEE</u>
1) Innovation, Industry, & Technology	N/A
2) Community Affairs	
3) Appropriations	
4) Click or tap here to enter text.	
5) Click or tap here to enter text.	

<u>SIMILAR BILLS</u>	
<b>BILL NUMBER:</b>	SB 812 (compare); and HB 987 (similar)
<b>SPONSOR:</b>	Sen. Simmons; and Rep. Grant (J)

<u>PREVIOUS LEGISLATION</u>	
<b>BILL NUMBER:</b>	N/A
<b>SPONSOR:</b>	N/A
<b>YEAR:</b>	N/A
<b>LAST ACTION:</b>	N/A

<u>IDENTICAL BILLS</u>	
<b>BILL NUMBER:</b>	N/A
<b>SPONSOR:</b>	N/A

<b>Is this bill part of an agency package?</b>	
No	

**BILL ANALYSIS INFORMATION**

<b>DATE OF ANALYSIS:</b>	February 26, 2019
<b>LEAD AGENCY ANALYST:</b>	Cindy Ross, Hotels & Restaurants
<b>ADDITIONAL ANALYST(S):</b>	Marc Drexler, OGC H&R Tracy Dixon, Service Operations Thomas Izzo, OGC Rules
	Tom Coker, Technology
<b>LEGAL ANALYST:</b>	Robin E. Smith, Deputy General Counsel
<b>FISCAL ANALYST:</b>	Raleigh Close, AFM

**POLICY ANALYSIS****1. EXECUTIVE SUMMARY**

This bill relates to the private property rights of homeowners. The bill amends s. 509.032, F.S. requiring each vacation rental applicant to provide specified information to the Division of Hotels & Restaurants (division). The division must make the information public on the division's website. The bill provides an effective date.

**2. SUBSTANTIVE BILL ANALYSIS****1. PRESENT SITUATION:**

Regulation of vacation rentals is preempted to the state under s. 509.032(7), F.S. Local governments maintain authority to inspect for compliance with the Florida Building Code and Florida Fire Prevention Code pursuant to ss. 553.80 and 633.206, F.S. Local governments may not prohibit vacation rentals or regulate the duration or frequency of vacation rentals unless the ordinance was adopted on or before June 1, 2011.

**2. EFFECT OF THE BILL:**

The bill sets forth the legislative finding that property owners have rights, including the right to use their residence as a vacation rental. The bill also sets forth the legislative findings that vacation rentals are not like other public lodging establishments, are unique in ownership and operation, and are permissible in residential neighborhoods due to their residential nature.

The bill specifies that the regulation of vacation rentals, with some exceptions, is preempted to the state. Although vacation rental inspection, licensing, and occupancy limits are expressly preempted to the state, a local law, ordinance or regulation may regulate certain activities of vacation rentals if the regulation applies equally to all properties without regard to whether the property is being used as a vacation rental, as a long-term rental, or as a non-rental. Additionally, a local law, ordinance or regulation may not prohibit rentals, impose occupancy limits, or regulate the length or frequency of rentals. If challenged in a court of law, the political subdivision that enacted a local law, ordinance or regulation must establish by clear and convincing evidence that the local law, ordinance or regulation does not violate preemption. The bill strikes language providing that this paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

The bill provides that each vacation rental applicant must provide the name, address, phone number and email address of a contact person the division may notify when a complaint is received. The division must make the vacation rental license information, including the contact person available to the public on the division's website.

**3. DOES THE BILL DIRECT OR ALLOW THE AGENCY/BOARD/COMMISSION/DEPARTMENT TO DEVELOP, ADOPT, OR ELIMINATE RULES, REGULATIONS, POLICIES, OR PROCEDURES?** Y ☐ N ☒

If yes, explain:	N/A
Is the change consistent with the agency's core mission?	Y <input type="checkbox"/> N <input type="checkbox"/>
Rule(s) impacted (provide references to F.A.C., etc.):	N/A

**4. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS?**

Proponents and summary of position:	Unknown
Opponents and summary of position:	Unknown

**5. ARE THERE ANY REPORTS OR STUDIES REQUIRED BY THIS BILL?**
Y ☐ N ☒

If yes, provide a description:	N/A
Date Due:	N/A
Bill Section Number(s):	N/A

**6. ARE THERE ANY NEW GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL?**
Y ☐ N ☒

Board:	N/A
Board Purpose:	N/A
Who Appoints:	N/A
Changes:	N/A
Bill Section Number(s):	N/A

**FISCAL ANALYSIS**
**1. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?**
Y ☐ N ☒

Revenues:	N/A
Expenditures:	N/A

Does the legislation increase local taxes or fees? If yes, explain.	N/A
If yes, does the legislation provide for a local referendum or local governing body public vote prior to implementation of the tax or fee increase?	N/A

**2. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?**Y ☐ N ☒

Revenues:	N/A
Expenditures:	N/A
Does the legislation contain a State Government appropriation?	N/A
If yes, was this appropriated last year?	N/A

**3. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR?**Y ☐ N ☒

Revenues:	N/A
Expenditures:	N/A
Other:	N/A

**4. DOES THE BILL INCREASE OR DECREASE TAXES, FEES, OR FINES?**Y ☐ N ☒

If yes, explain impact.	N/A
Bill Section Number:	N/A

## TECHNOLOGY IMPACT

### 1. DOES THE BILL IMPACT THE AGENCY'S TECHNOLOGY SYSTEMS (I.E. IT SUPPORT, LICENSING SOFTWARE, DATA STORAGE, ETC.)?

Y ☒ N ☐

If yes, describe the anticipated impact to the agency including any fiscal impact.	<p>The bill will require modifications to Versa: Regulation and Versa: Online configuration to accommodate the provision for contact person information in Section 2. It will require additional work effort to modify the license listing to include contact person on the department's Instant Public Records website.</p> <ul style="list-style-type: none"> <li>Changes to Versa: Regulation – 16 hours</li> <li>Changes to Versa: Online – 4 hours</li> <li>Changes to Instant Public Records – 2 hours</li> </ul> <p>These modifications can be made with existing resources.</p>
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## FEDERAL IMPACT

### 1. DOES THE BILL HAVE A FEDERAL IMPACT (I.E. FEDERAL COMPLIANCE, FEDERAL FUNDING, FEDERAL AGENCY INVOLVEMENT, ETC.)?

Y ☐ N ☒

If yes, describe the anticipated impact including any fiscal impact.	N/A
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## ADDITIONAL COMMENTS

**Division of Hotels & Restaurants:** It is unclear whether the requirement to provide the division with the name, address, phone number and email address of a contact person only applies to initial applicants or to both initial applicants and license renewals. Either way, the division will need to add this information to the applications, to Versa Regulation and to the transactions online that licensees can access and update themselves. As the existing renewal process only requires payment from the applicant, if the additional information is also required, notification of the additional requirement and instructions on the method to provide the information will need to be given to the applicants. Using the existing renewal system, the renewal applicant will need the ability to provide this information online themselves. The collection of deficient contact person information may delay the approval of new applications and renewals. This can be accomplished with existing resources. This delay is projected to result in additional calls to the call center.

**Division of Service Operations:** There will be an impact to the division; however, the additional workload can be absorbed with existing resources.

**OGC Rules:** The bill does not provide any specific rulemaking authority in regard to the subject matter if promulgation of rulemaking is determined to be necessary.

**LEGAL - GENERAL COUNSEL'S OFFICE REVIEW**

Issues/concerns/comments:	No additional comments.
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**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

824

Bill Number (if applicable)

672276

Amendment Barcode (if applicable)

Topic vacation RentalsName Travis Moore

Job Title \_\_\_\_\_

Address P.O. Box 2020  
StreetPhone 727.421.6902St. Petersburg FL 33731  
City State ZipEmail travis@moore-relations.comSpeaking: ☒ For ☐ Against ☒ InformationWaive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)Representing community Associations Institute (CAI)Appearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

824

Bill Number (if applicable)

278170

Amendment Barcode (if applicable)

Topic Vacation Rentals

Name TRAVIS MOORE

Job Title

Address P.O. Box 2020  
Street

Phone 727.421-6902

St. Petersburg, FL 33731  
City State Zip

Email travis@moore-relations.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Community Associations Institute (CAI)

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

824

Bill Number (if applicable)

672276

Amendment Barcode (if applicable)

Topic

Private Property Rights

Name

Nick Matthews

Job Title

Lobbyist

Address

1 E. Brand Blvd.

Street

Ft. Lauderdale FL 33301

City

State

Zip

Phone

813-767-7656

Email

Speaking:

☒

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

City of Hollywood

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19  
Meeting Date

278170  
Bill Number (if applicable)

Topic 824

824  
Amendment Barcode (if applicable)

Name Casey Cooke

Job Title Legislative Advocate

Address PO Box 1757  
Street

Phone

Tallahassee FL 32302  
City State Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2019 APR 10

Meeting Date

SB824

Bill Number (if applicable)

Topic VACATION RENTALS

Amendment Barcode (if applicable)

Name CHARLIE T. FOXX

Job Title CONDO ASSOCIATION PRESIDENT

Address 1111 LAKE TERRACE - UNIT #104-C

Street

Phone 305-906-2439

BOYNTON BEACH FL 33426

City

State

Zip

Email HAMILTON.JBUBBA@YAHOO

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

4.10.19

*Meeting Date*

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

824

*Bill Number (if applicable)*

Topic Private Property Rights of Homeowners

*Amendment Barcode (if applicable)*

Name Barney Bishop III

Job Title Chair

Address 2215 Thomasville Road

Phone 850.510.9922

*Street*

Tallahassee

FL

32308

Email barney@barneybishop.com

*City*

*State*

*Zip*

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Citizens for Responsible Spending

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

***This form is part of the public record for this meeting.***

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

4/10/19

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 824

Bill Number (if applicable)

Topic

Vacation Rentals

Amendment Barcode (if applicable)

Name

James D. Ross

Job Title

Software Engineer/Homeowner

Address

1019 SE 4th Ave.

Phone

850-339-2951

Street

Crystal River

Email

jrossf1@gmail.com

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

Self

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

# APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/14

Meeting Date

SB 824

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name David Hulse

Job Title Executive

Address 1892 Witchtree Acres

Phone 850-443-3852

Street

Tallahassee

FL

32312

City

State

Zip

Email davidhulse1964@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Homeowner

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



THE FLORIDA SENATE

APPEARANCE RECORD

4/10/19

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

313824

Bill Number (if applicable)

Topic

Vacation Rentals

Amendment Barcode (if applicable)

Name

Jean Hulse

Job Title

Address

1892 W. Hawthtree Acres

Phone

Street

Tallahassee

FL

32312

City

State

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

Homeowner

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

SB 824

Bill Number (if applicable)

Topic SB 824 Vacation Rentals

Amendment Barcode (if applicable)

Name Natalie Nichols

Job Title Homeowner

Address 1531 Stillwater Drive  
Street

Phone 786-877-9700

Miami Beach FL 33141  
City State Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Homeowners and investors petition to restore Miami Beach STR rights

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

4/10/2019

*Meeting Date*

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

824

*Bill Number (if applicable)*

Topic Private Property Rights of Homeowners

*Amendment Barcode (if applicable)*

Name Chris Emmanuel

Job Title Director

Address 136 S Bronough St

Phone 850-521-1242

*Street*

Tallahassee

Florida

32301

Email cemmanuel@flchamber.com

*City*

*State*

*Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19  
Meeting Date

SB824  
Bill Number (if applicable)

Topic SHORT TERM RENTALS

(1) Amendment Barcode (if applicable)

Name CHARLIE LATHAM

Job Title MAYOR, JACKSONVILLE BEACH

Go before Larry

Address 11 N. 3RD ST  
Street

Phone 904-910-4004

JAX BEACH, FL 32250  
City State Zip

Email CLATHAM@JAXBEACHFL.NET

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing CITY OF JACKSONVILLE BEACH

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

4/10/2019

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 824

Bill Number (if applicable)

Topic Short-term rentals

Amendment Barcode (if applicable)

Name Matthew Lany

(2)

Job Title Teacher

Address 2546 Horn Street

Phone 904-254-4895

Street

Jacksonville Beach, FL

32250

Email matthewlany@gmail.com

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing My family and neighborhood

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

4/10/19  
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

313824  
Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Ernie Bach

Job Title CEO, Florida Silver-Haired Legislature

Address \_\_\_\_\_

Phone 727-641-4210

Street Largo State FL  
City \_\_\_\_\_ Zip \_\_\_\_\_

Email FSHL2014@aol.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Our Neighborhoods ; Florida Silver-Haired Legislature

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

4/10/19

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 824

Bill Number (if applicable)

Topic Vacation Rentals

Amendment Barcode (if applicable)

Name Bonnie Sullivan

Job Title

Address 457 Harbor Drive South

Street

Phone 727-642-7876

Indian Rocks Beach FL

City

State

Zip

Email IRBeach1@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Self / Homeowner

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

*Meeting Date*

824

*Bill Number (if applicable)*

Topic SB 824

*Amendment Barcode (if applicable)*

Name Danielle Scoggins

Job Title Vice President of Public Policy

Address 200 South Monroe Street

Phone 850.443.1942

*Street*

Tallahassee

FL

32301

*City*

*State*

*Zip*

Email danielles@floridarealtors.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
*(The Chair will read this information into the record.)*

Representing Florida Realtors Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

10 April 2019

Meeting Date

SB 824

Bill Number (if applicable)

Topic Property Rights of Homeowners

Amendment Barcode (if applicable)

Name DIEGO ECHEVERRI "Dee-yay-goh Etch-uh-ver-ree"

Job Title Director of Coalitions

Address 200 W College

Street

Phone 813-767-2084

TLH

City

State

Zip

Email decheverri@cv4a.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Americans For Prosperity

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

## THE FLORIDA SENATE

## APPEARANCE RECORD

4-20-19

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

B24

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name JESS MCCARTY

Job Title ASSISTANT COUNTY ATTORNEY

Address 111 NW 1ST STREET, SUITE 2810

Phone 305-979-7110

Street

MIAMI

FL

33128

City

State

Zip

Email JMM2@MIAMIDADE.GOV

Speaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing MIAMI-DADE COUNTY

Appearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

04/10/2019

*Meeting Date*

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

824

*Bill Number (if applicable)*

Topic Private Property Rights (Vacation Rentals)

*Amendment Barcode (if applicable)*

Name Warren Husband

Job Title \_\_\_\_\_

Address PO Box 10909

Phone (850) 205-9000

*Street*

Tallahassee

FL

32302

*City*

*State*

*Zip*

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Fla. Restaurant & Lodging Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19  
Meeting Date

824  
Bill Number (if applicable)

Topic 824- Main Bill

Amendment Barcode (if applicable)

Name Mark Anderson

Job Title Lobbyist

Address 110 S. Monroe St.  
Street

Phone 813-205-0658

Tallahassee FL 32301  
City State Zip

Email Mark

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Community Association Managers

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19  
Meeting Date

824  
Bill Number (if applicable)

672276  
Amendment Barcode (if applicable)

Topic SB 824 (Vacation Rentals)

Name Mark Anderson

Job Title Lobbyist

Address 110 S. Monroe St.  
Street

Phone 813-205-0658

Tallahassee FL 32301  
City State Zip

Email Mark@ConsuHAnderson.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Community Association Managers

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

824  
Bill Number (if applicable)

Topic Short Term Rental 824

Amendment Barcode (if applicable)

Name Cookie Kennedy

Job Title Mayor

Address 408 Sec St.

Phone 727-560-7565

Street Indian Rocks Beach, FL 33785

Email ckennedy@irbcity.com

City State Zip

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Barrier Island Government Council, Treasure Island, St. Pete Bch, Redington Shor, N. Redington Bch, Belleair Bch, Belleair Shore, Clearwater Indian Rocks Bch, Madeira Bch, Largo

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/17

Meeting Date

SB 824

Bill Number (if applicable)

Topic Short Term Rentals

Amendment Barcode (if applicable)

Name JP Murphy

Job Title Town Manager

Address 901 Ponce de Leon Blvd

Phone 727-647-7483

Street

Belleair

City

FL

State

33756

Zip

Email jmurphy@TownofBelleair.net

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing Town of Belleair

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19  
Meeting Date

824  
Bill Number (if applicable)

Topic SB 824

Amendment Barcode (if applicable)

Name Casey Cook

Job Title Legislative Advocate

Address PO Box 1757

Phone

Street

Tallahassee

FL

32302

Email

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)



**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

829  
Bill Number (if applicable) \_\_\_\_\_

Topic Private Property Rights (v. 10/13) Amendment Barcode (if applicable) \_\_\_\_\_

Name Eric Poole

Job Title Leg Rep

Address 100 Monroe St  
Street

Phone 929 300

Tallahassee FL  
City State Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Florida Assoc. Counties

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 824  
Bill Number (if applicable)

Meeting Date

Topic HOME RENTAL

Amendment Barcode (if applicable)

Name PHILIP HILL

Job Title

Address 718 GREEN ST

Phone

Street

TAMPA

FL

32303

Email

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

821

Bill Number (if applicable)

Topic Private Property Rights

Amendment Barcode (if applicable)

Name John Cory

Job Title City of St. Augustine

Address 75 W. King St.

Street

Phone \_\_\_\_\_

St. Aug. FL 32085

City

State

Zip

Email \_\_\_\_\_

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)

Representing City of St. Aug.

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

(Meeting Date)

824

Bill Number (if applicable)

Topic

Short Term Rentals

Amendment Barcode (if applicable)

Name

Nancy Sikes-Kline

Job Title

Commissioner

Address

15 King St

Phone

904 806-6203

Street

City

St Augustine

State

Zip

Email

Speaking:

☐

For

☒

Against

☐

Information

Waive Speaking:

☐

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

City of St. Augustine

Appearing at request of Chair:

☐

Yes

☒

No

Lobbyist registered with Legislature:

☐

Yes

☒

No

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S-001 (10/14/14)

**APPEARANCE RECORD**4/10/19

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB 824

Bill Number (if applicable)

Topic VACATION RENTAL

Amendment Barcode (if applicable)

Name RAKESH BHULAJob Title OWNER OPERATOR OF HOTELAddress 5639 TECUMSEH DR

Street

Phone 850 766 5808TALLAHASSEE

City

FL

State

32312

Zip

Email RKBHULA@GMAILSpeaking: ☐ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☒ Against  
(The Chair will read this information into the record.)Representing ASIAN AMERICAN HOTEL ASSNAppearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-10-19  
Meeting Date

SB 824  
Bill Number (if applicable)

Topic Property Rights

Amendment Barcode (if applicable)

Name Roslyn Wilkes

Job Title Retired

Address 520 FAMCEE AVE

Phone 972-754-1280

Street

Tallahassee FL 32310

City

State

Zip

Email RWILKES106@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing my home

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/10/19

Meeting Date

SB 824

Bill Number (if applicable)

Topic

Private  
Property Rights

Amendment Barcode (if applicable)

Name

Betsy Henderson, owner

Job Title

Address

2670 Lannblad Rd

Street

Phone

850-545-3767

Tallahassee, FL 32308

City

State

Zip

Email

betsyhen@gmail.com

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☒

In Support

☐

Against

(The Chair will read this information into the record.)

Representing

property owners

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☐

Yes

☐

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

824

Bill Number (if applicable)

Topic

Private Property Rights of Homeowners

Amendment Barcode (if applicable)

Name

Robert Delarosa

Job Title

Legislative Affairs Director

Address

301 N Olive Ave. 1101.3

Phone

850 284 7235

Street

West Palm Beach, FL 33401

Email

rdelarosa@pbcgov.org

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

Waive Speaking:

☐

In Support

☒

Against

(The Chair will read this information into the record.)

Representing

Palm Beach County

Appearing at request of Chair:

☐

Yes

☐

No

Lobbyist registered with Legislature:

☒

Yes

☐

No

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S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

824

Bill Number (if applicable)

278170

Amendment Barcode (if applicable)

Topic SB 824

Name Mark Anderson

Job Title

Address 110 S. Monroe St  
Street

Tallahassee FL 32301  
City State Zip

Phone 813-205-0658

Email Mark@consultantusa.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Community Association Managers

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

S 824

Bill Number (if applicable)

Topic SB 824

Amendment Barcode (if applicable)

Name Lisa Lombardo

Job Title Chief People & Culture Officer

Address 1920 SW 12th Ave

Phone

Street

Ocala

FL

34471

City

State

Zip

Email

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing HDG Hotels

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

<b>COMMITTEE:</b>	Innovation, Industry, and Technology
<b>ITEM:</b>	SB 824
<b>FINAL ACTION:</b>	
<b>MEETING DATE:</b>	Wednesday, April 10, 2019
<b>TIME:</b>	1:30—3:30 p.m.
<b>PLACE:</b>	110 Senate Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

By Senator Diaz

36-00965A-19

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A bill to be entitled  
An act relating to private property rights of  
homeowners; amending s. 509.032, F.S.; preempting the  
regulation of vacation rentals to the state; providing  
an exception; requiring a court of law to determine  
compliance with specified provisions; amending s.  
509.241, F.S.; requiring each person applying for a  
vacation rental license to provide the Division of  
Hotels and Restaurants of the Department of Business  
and Professional Regulation with specified  
information; requiring the division to make vacation  
rental license information available to the public on  
the division's website; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (7) of section 509.032, Florida  
Statutes, is amended to read:

509.032 Duties.—

(7) PREEMPTION AUTHORITY.—

(a) Public lodging establishments and public food service  
establishments.—The regulation of public lodging establishments  
and public food service establishments, including, but not  
limited to, sanitation standards, inspections, training and  
testing of personnel, and matters related to the nutritional  
content and marketing of foods offered in such establishments,  
is preempted to the state. This paragraph does not preempt the  
authority of a local government or local enforcement district to  
conduct inspections of public lodging and public food service

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establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, pursuant to ss. 553.80 and 633.206.

(b) Vacation rentals.—

1. The Legislature finds that:

a. Property owners who choose to use their property as a vacation rental have constitutionally protected property rights and other rights that must be protected, including the right to use their residential property as a vacation rental;

b. Vacation rentals play a significant, unique, and critical role in Florida's tourism industry, and that role is different from other types of public lodging establishments;

c. There are factors unique to the ownership and operation of a vacation rental; and

d. Vacation rentals are residential in nature, a residential use and thus permitted in residential neighborhoods.

2. Except as provided under this paragraph, the regulation of vacation rentals, including, but not limited to, inspection, licensing, and occupancy limits, is expressly preempted to the state.

3. A local law, ordinance, or regulation may regulate activities that arise when a property is used as a vacation rental if the law, ordinance, or regulation applies uniformly to all residential properties without regard to whether the property is used as a vacation rental as defined in s. 509.242, the property is used as a long-term rental subject to chapter 83, or the property owner chooses not to rent the property. However, a local law, ordinance, or regulation may not prohibit ~~vacation~~ rentals, impose occupancy limits, or regulate the

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duration or frequency of ~~rental of vacation~~ rentals.

4. A local law, ordinance, or regulation may not allow or require the inspection or licensing of vacation rentals.

5. A court of law shall determine if a local law, ordinance, or regulation complies with this section without regard to any assertion in the local law, ordinance, or regulation that it complies. In all actions brought pursuant to this section, the political subdivision that enacted the local law, ordinance, or regulation shall establish by clear and convincing evidence that the local law, ordinance, or regulation complies with this section ~~This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.~~

6.(e) ~~This~~ paragraph ~~(b)~~ does not apply to any local law, ordinance, or regulation exclusively relating to property valuation as a criterion for vacation rental if the local law, ordinance, or regulation is required to be approved by the state land planning agency pursuant to an area of critical state concern designation.

Section 2. Subsection (2) of section 509.241, Florida Statutes, is amended to read:

509.241 Licenses required; exceptions.—

(2) APPLICATION FOR LICENSE.—

(a) Each person who plans to open a public lodging establishment or a public food service establishment shall apply for and receive a license from the division prior to the commencement of operation. A condominium association, as defined in s. 718.103, which does not own any units classified as vacation rentals or timeshare projects under s. 509.242(1)(c) or

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(g) is not required to apply for or receive a public lodging establishment license.

(b) Each person applying for a vacation rental license shall provide the name, address, telephone number, and email address of the person the division may contact when a complaint related to a vacation rental is reported. The division shall make vacation rental license information, including the contact person, available to the public on the division's website.

Section 3. This act shall take effect July 1, 2019.

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

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BILL: CS/SB 1362

INTRODUCER: Innovation, Industry, and Technology Committee and Senator Gruters

SUBJECT: Community Associations

DATE: April 10, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	IT	<b>Fav/CS</b>
2.			CA	
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1362 revises the regulation and governance of condominium, cooperative, and homeowners' associations under chs. 718, 719, and 720, F.S., respectively.

For condominium associations, the bill:

- Prohibits a unit owner's insurance policy from including rights of subrogation against the association;
- Permits associations to make digital copies of specified documents available to members through an application that can be downloaded on a mobile device;
- Permits the association to charge a potential buyer or renter the actual costs associated with a back ground check or screening;
- Permits units owners to install an electric vehicle charging station on a parking area exclusively designated to the unit owner;
- Repeals the requirement that the condominium ombudsman must maintain his or her office in Leon County; and
- Expands the types of disputes that are subject to mandatory, non-binding arbitration by the Division of Florida Condominiums, Timeshares, and Mobile Homes.

For cooperative associations, the bill:

- Provides that an interest in a cooperative unit is an interest in real property;
- Permits board or committee members to appear and vote by telephone, real time video conferencing, or by a similar real-time electronic or video communication; and



- Revises the process for recall elections.

For homeowners' associations, the bill:

- Exempt pools serving an association that has no more than 32 parcels from permitting and inspection requirements;
- Requires sign-in sheets, voting proxies, ballots and all other papers related to voting to be maintained as an official record;
- Permits associations to use electronic methods to deliver meeting notices;
- Revises the requirements for mandatory presuit mediation before an action may be filed in court involving a dispute between an association and an association member; and
- Expands the types of disputes that are and are not subject to mandatory presuit mediation.

For condominium and homeowners' associations, the bill clarifies that payment of a fine is due five days after the fine is approved by the committee responsible for approving fines.

For condominium and cooperative associations, the bill prohibits associations from requiring an owner to state a reason for wanting to inspect official records.

The bill may have a fiscal impact on state government. See Section V., Fiscal Impact Statement.

The effective date of the bill is July 1, 2019.

## **II. Present Situation:**

### **Division of Florida Condominiums, Timeshares, and Mobile Homes**

The Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation (DBPR) administers the provisions of chs. 718 and 719, F.S., for condominium and cooperative associations, respectively. The division may investigate complaints and enforce compliance with chs. 718 and 719, F.S., with respect to associations that are still under developer control.<sup>1</sup> The division also has the authority to investigate complaints against developers involving improper turnover or failure to transfer control to the association.<sup>2</sup> After control of the condominium is transferred from the developer to the unit owners, the division's jurisdiction is limited to investigating complaints related to financial issues, elections, and unit owner access to association records.<sup>3</sup> For cooperatives, the division's jurisdiction extends to the development, construction, sale, lease, ownership, operation, and management of residential cooperative units.<sup>4</sup>

As part of the division's authority to investigate complaints, the division may subpoena witnesses, take sworn statements from witnesses, issue cease and desist orders, and impose civil penalties against developers and associations.<sup>5</sup>

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<sup>1</sup> Sections 718.501(1) and 719.501(1), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 718.501(1), F.S.

<sup>4</sup> Section 719.501(1), F.S.

<sup>5</sup> Sections 718.501(1) and 719.501(1), F.S.

If the division has reasonable cause to believe that a violation of any provision of ch. 718, F.S., ch. 719, F.S., or a 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. The division may conduct an investigation and issue an order to cease and desist from unlawful practices and to take affirmative action to carry out the purpose of the applicable chapter. In addition, the division is authorized to petition a court to appoint a receiver or conservator to implement a court order, or to enforce of an injunction or temporary restraining order. The division may also impose civil penalties.<sup>6</sup>

Unlike condominium and cooperative associations, homeowners' associations are not regulated by a state agency. Section 720.302(2), F.S., expresses the legislative intent regarding the regulation of homeowners' associations:

The Legislature recognizes that it is not in the best interest of homeowners' associations or the individual association members thereof to create or impose a bureau or other agency of state government to regulate the affairs of homeowners' associations. However, in accordance with s. 720.311, F.S., the Legislature finds that homeowners' associations and their individual members will benefit from an expedited alternative process for resolution of election and recall disputes and presuit mediation of other disputes involving covenant enforcement and authorizes the department to hear, administer, and determine these disputes as more fully set forth in this chapter. Further, the Legislature recognizes that certain contract rights have been created for the benefit of homeowners' associations and members thereof before the effective date of this act and that ss. 720.301-720.407 F.S., are not intended to impair such contract rights, including, but not limited to, the rights of the developer to complete the community as initially contemplated.

For homeowners' associations, the division's authority is limited to arbitration of recall election disputes.<sup>7</sup>

### **Condominium**

A condominium is a "form of ownership of real property created pursuant to ch. 718, F.S., which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements."<sup>8</sup> A condominium is created by recording a declaration of condominium in the public records of the county where the condominium is located.<sup>9</sup> A declaration is similar to a constitution in that it:

[S]trictly governs the relationships among condominium unit owners and the condominium association. Under the declaration, the Board of the

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<sup>6</sup> *Id.*

<sup>7</sup> See s. 720.306(9)(c), F.S.

<sup>8</sup> Section 718.103(11), F.S.

<sup>9</sup> Section 718.104(2), F.S.

condominium association has broad authority to enact rules for the benefit of the community.<sup>10</sup>

A condominium is administered by a board of directors referred to as a “board of administration.”<sup>11</sup>

### **Cooperative Associations**

Section 719.103(12), F.S., defines a “cooperative” to mean:

[T]hat form of ownership of real property wherein legal title is vested in a corporation or other entity and the beneficial use is evidenced by an ownership interest in the association and a lease or other muniment of title or possession granted by the association as the owner of all the cooperative property.

A cooperative differs from a condominium because, in a cooperative, no unit is individually owned. Instead, a cooperative unit’s occupants receive an exclusive right to occupy the unit. The cooperative holds the legal title to the unit and all common elements. The cooperative association may assess costs for the maintenance of common expenses.<sup>12</sup>

### **Homeowners’ Associations**

Florida law provides statutory recognition to corporations that operate residential communities in Florida as well as procedures for operating homeowners’ associations. These laws protect the rights of association members without unduly impairing the ability of such associations to perform their functions.<sup>13</sup>

A “homeowners’ association” is defined as a “Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel.”<sup>14</sup> Unless specifically stated to the contrary in the articles of incorporation, homeowners’ associations are also governed by ch. 607, F.S., relating to for-profit corporations or by ch. 617, F.S., relating to not-for-profit corporations.<sup>15</sup>

Homeowners’ associations are administered by a board of directors whose members are elected.<sup>16</sup> The powers and duties of homeowners’ associations include the powers and duties provided in ch. 720, F.S., and in the governing documents of the association, which include a recorded declaration of covenants, bylaws, articles of incorporation, and duly-adopted

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<sup>10</sup> *Neuman v. Grandview at Emerald Hills*, 861 So. 2d 494, 496-97 (Fla. 4th DCA 2003) (internal citations omitted).

<sup>11</sup> Section 718.103(4), F.S.

<sup>12</sup> See ss. 719.106(1)(g) and 719.107, F.S.

<sup>13</sup> See s. 720.302(1), F.S.

<sup>14</sup> Section 720.301(9), F.S.

<sup>15</sup> Section 720.302(5), F.S.

<sup>16</sup> See ss. 720.303 and 720.307, F.S.

amendments to these documents.<sup>17</sup> The officers and members of a homeowners' association have a fiduciary relationship to the members who are served by the association.<sup>18</sup>

### **Chapters 718, 719, and 720, F.S.**

Chapter 718, F.S., relating to condominiums, ch. 719, F.S., relating to cooperatives, and ch. 720, F.S., relating to homeowners' associations, provide for the governance of these community associations. The chapters delineate requirements for notices of meetings,<sup>19</sup> recordkeeping requirements, including which records are accessible to the members of the association,<sup>20</sup> and financial reporting.<sup>21</sup> Timeshare condominiums are generally governed by ch. 721, F.S., the "Florida Vacation Plan and Timesharing Act."

For ease of reference to each of the topics addressed in the bill, the Present Situation for each topic will be described in Section III of this analysis, followed immediately by an associated section detailing the Effect of Proposed Changes.

## **III. Effect of Proposed Changes:**

The bill revises the regulation and governance of condominium, cooperative, and homeowners' associations under chs. 718, 719, and 720, F.S., respectively.

### **Swimming Pools in Homeowners' Associations**

#### ***Present Situation***

The Department of Health (DOH) is responsible for the oversight and regulation of water quality and safety of certain swimming pools in Florida under ch. 514, F.S. Inspections and permitting for swimming pools are conducted by the county health departments. In order to operate or continue to operate a public swimming pool, a valid operating permit from the DOH must be obtained. If the DOH determines that the public swimming pool is, or may reasonably be expected to be, operated in compliance with state laws and rules, the DOH will issue a permit. However, if it is determined that the pool is not in compliance with state laws and rules, the application for a permit will be denied.<sup>22</sup>

Pools serving condominiums or cooperatives with no more than 32 units and which are not operated as public lodging establishments are exempt from the DOH's requirements for public pools.<sup>23</sup> Pools serving a homeowners' associations are not exempt from regulation by the DOH, except for water quality.

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<sup>17</sup> See ss. 720.301 and 720.303, F.S.

<sup>18</sup> Section 720.303(1), F.S.

<sup>19</sup> See ss. 718.112(2), 719.106(2)(c), 720.303(2), F.S., for condominium, cooperative, and homeowners' associations, respectively.

<sup>20</sup> See ss. 718.111(12), 719.104(2), 720.303(4), F.S., for condominium, cooperative, and homeowners' associations, respectively.

<sup>21</sup> See ss. 718.111(13), 719.104(4), 720.303(7), F.S., for condominium, cooperative, and homeowners' associations, respectively.

<sup>22</sup> Section 514.031(1), F.S.

<sup>23</sup> Section 514.0115(2), F.S.

***Effect of the Proposed Bill***

The bill amends s. 514.0115(2)(a), F.S., to exempt pools serving a homeowners' association (and other property associations) that have no more than 32 parcels and are not being operated as public lodging establishments from permitting and inspection requirements, except for water quality.

**Condominium Unit Insurance*****Present Situation***

A condominium association is required to use its best efforts to maintain insurance for the association, the association property, the common elements, and the condominium property.<sup>24</sup> Insurance coverage for the association must insure the condominium property as originally installed and all alterations or additions made to the condominium property.<sup>25</sup>

Condominium association insurance coverage does not include personal property within a unit or a unit's limited common elements, floor, wall, ceiling coverings, electrical fixtures, appliances, water heaters, water filters, built-in cabinets and countertops, and window treatments. Such property and insurance is the responsibility of the unit owner.<sup>26</sup>

A condominium unit owner's insurance policy must conform to s. 627.714, F.S.,<sup>27</sup> which requires that an individual unit owner's residential property insurance policy must state that the coverage afforded by the policy is excess coverage over the amount recoverable under any policy covering the same property.<sup>28</sup>

An association is not obligated to pay for reconstruction, or repairs to an improvement, benefiting a specific unit and installed by a unit owner which was not installed as part of the standard improvements by the developer on all units as part of the original construction.<sup>29</sup>

Section 718.111(11)(j)1., provides that the subrogation<sup>30</sup> rights of an insurer are not compromised if the unit owner is responsible for the costs of repair or replacement of any portion of the condominium property not paid by an association's insurance proceeds, if such damage is caused by intentional conduct, negligence, or failure to comply with the terms of the declaration or the rules of the association by a unit owner, the members of his or her family, unit occupants, tenants, guests, or invitees.

Section s. 718.111(11)(j)3., F.S., provides that an association can reimburse the unit owner without the waiver of any rights of subrogation, if:

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<sup>24</sup> Section 718.111(11), F.S.

<sup>25</sup> Section 718.111(11)(f), F.S.

<sup>26</sup> Section 718.111(11)(f)3., F.S.

<sup>27</sup> Section 718.111(11)g), F.S.

<sup>28</sup> Section 627.714(4), F.S.

<sup>29</sup> Section 718.111(11)(n), F.S.

<sup>30</sup> The term "subrogation" is describes a legal right held by insurance carriers to legally pursue a third party that caused an insurance loss to the insured. This is done in order to recover the amount of the claim paid by the insurance carrier to the insured for the loss. See Investopedia.com, *Subrogation*, at <https://www.investopedia.com/terms/s/subrogation.asp> (last visited Apr. 3, 2019).

- The cost of repair or reconstruction is the unit owner's responsibility;
- The association has collected the cost of such repair or reconstruction from the unit owner; and
- The unit owner is reimbursed by the association from insurance proceeds.

### ***Effect of Proposed Changes***

The bill amends s. 627.714(4), F.S., to provide that a condominium unit owner's insurance policy may not provide rights of subrogation against the association operating the condominium in which the property is located.

## **Official Records – Condominium, Cooperative, and Homeowners' Associations**

### ***Present Situation***

Florida law specifies the official records that condominium, cooperative, and homeowners' associations must maintain.<sup>31</sup> Generally, the official records must be maintained in Florida for at least seven years.<sup>32</sup> Certain of these records must be accessible to the members of an association.<sup>33</sup> Additionally, certain records are protected or restricted from disclosure to members, such as records protected by attorney-client privilege, personnel records, and personal identifying records of owners.<sup>34</sup>

Condominium associations are required to post digital copies of specified documents on its website.<sup>35</sup>

### ***Effect of Proposed Changes***

The bill amends ss. 718.111(12), 719.104(2), and 720.303(5), F.S., to revise the official records requirements for condominiums, cooperatives, and homeowners' associations.

Regarding condominium associations, the bill requires bids for work performed, and bids for materials, equipment, or services to be maintained for one year as an official accounting record. Under current law, such records must be maintained for seven years.<sup>36</sup>

Regarding the official records requirements for condominium and cooperative associations, the bill prohibits condominium and cooperative associations from requiring a unit owner to state a reason for the inspection.<sup>37</sup>

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<sup>31</sup> See ss. 718.111(12), 719.104(2), 720.303(5), F.S., relating to condominium, cooperative, and homeowners' associations, respectively.

<sup>32</sup> See ss. 718.111(12)(b), 719.104(2)(b), and 720.303(5), F.S., relating to condominium, cooperative, and homeowners' associations, respectively.

<sup>33</sup> See ss. 718.111(12)(a), 719.104(2)(a), and 720.303(5), F.S., relating to condominium, cooperative, and homeowners' associations, respectively.

<sup>34</sup> See ss. 718.111(12)(c), 719.104(2)(c), and 720.303(5), F.S., relating to condominium, cooperative, and homeowners' associations, respectively.

<sup>35</sup> Section 718.111(12)(g), F.S.

<sup>36</sup> Sections 719.104(2)(a)9.d. and 720.303(4)(i), F.S., provide an identical provision for cooperative and homeowners' associations, respectively.

<sup>37</sup> Section 720.303(5)(c), F.S., provides a comparable provision for homeowners' associations.

Regarding homeowners' associations, the bill designates as an official record all ballots, sign-in sheets, voting proxies, and all other papers relating to voting by owners in the association's official records.<sup>38</sup> Under the bill, these records must be maintained for one year after the date of the election, vote, or meeting to which the document relates.

The bill permits condominium associations to make digital copies of specified documents available to members through an application that can be downloaded on a mobile device as an alternative to the requirement to post copies of the documents on a website.

### **Term Limits for Condominium Association Board Members**

#### ***Present Situation***

The terms of all condominium association board members expire at the annual meeting, unless:

- It is a timeshare or nonresidential condominium;
- The staggered term of a board member does not expire until a later annual meeting; or
- All members' terms would otherwise expire but there are no candidates.<sup>39</sup>

Board members may serve terms longer than one year if permitted by the bylaws or articles of incorporation. A board member may not serve more than eight 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.<sup>40</sup>

#### ***Effect of Proposed Changes***

The bill provides that only board service that occurs on or after July 1, 2018, may be used when calculating a board members term limit.

### **Notice of Elections for Condominium Associations**

#### ***Present Situation***

Condominium associations are required to mail, deliver, or electronically transmit notice of an election to unit owners at least 60 days before an election. Condominium associations are also required to mail, deliver, or electronically transmit a second notice of an election to the unit owners together with a ballot that lists all the candidates. Current law does not specify when the second notice must be provided.

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<sup>38</sup> Sections 718.111(12)(a)12. and 719.104(2)(a)10., F.S., provide an identical provision for condominium and cooperative associations, respectively.

<sup>39</sup> Section 718.112(2)(d), F.S. The term of a board member does not expire at the annual board meeting if the association is for a timeshare or nonresidential condominium, the staggered term of a board member does not expire until a later annual meeting, or all members' terms would otherwise expire but there are no candidates.

<sup>40</sup> *Id.*

***Effect of Proposed Changes***

The bill amends s. 718.112(2)(d), F.S., to provide that the second notice together with the ballot must be mailed, delivered, or electronically transmitted to unit owners not less than 14 days or more than 34 days prior to the election.

**Condominium Meeting Notices*****Present Situation***

A condominium association must provide written notice for the annual meeting of the unit owners. The notice must include an agenda, and must be mailed, delivered, or electronically transmitted to each unit owner at least 14 days before the annual meeting. The notice must also be posted in a conspicuous place on condominium property for at least 14 continuous days before the annual meeting. In lieu of posting the notice in a conspicuous place, a condominium may repeatedly broadcast the notice and agenda on a closed-circuit cable television system serving the association.<sup>41</sup>

***Effect of Proposed Changes***

The bill amends s. 718.112(2)(d), F.S., to extend the notice requirements to all meetings of the unit owners.

**Condominium Transfer Fees*****Present Situation***

A condominium association may charge a potential buyer or renter costs or fees in connection with the sale, lease, or sublease, or other transfer of a unit, if:

- The fee is limited to \$100 or less;
- The fee is authorized in the association's governing documents; and
- The association is required to approve the transfer.<sup>42</sup>

A condominium association may require a potential renter to provide the association a security deposit equivalent to one month of rent. The association must place the security deposit in an escrow account maintained by the association.<sup>43</sup>

***Effect of Proposed Changes***

The bill amends s. 718.112(2)(i), F.S., to permit a condominium association to charge an applicant for transfer of a unit a fee for the actual costs of any background check or screening performed by the association. The association does not have to be authorized under its declaration, articles, or bylaws to charge a fee for the background check or screening. The fee for the background check or screening may exceed \$100 per applicant. A husband and wife or parent and dependent child are considered one applicant.

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<sup>41</sup> Section 718.112(d), F.S.

<sup>42</sup> Section 718.112(2)(i), F.S.

<sup>43</sup> *Id.*



## **Condominium Recall Elections**

The bill amends s. 718.112(2)(j)5., F.S., to repeal the authority of the division to adopt procedure rules governing the filling of vacancies on the board of a condominium association after a recall election. The bill also repeals the division's authority to adopt rules governing the conduct of recall elections in condominium associations and the operation of an association during the period after a recall but before the recall election.

## **Conflicts of Interest – Condominium and Homeowners' Associations –**

### ***Present Situation***

Section 718.3027 and 720.3033, F.S., require an officer or director of a condominium association (that is not a timeshare condominium association) and a homeowners' association, respectively, to disclose any financial interest of the officer or director (or such person's relative) in a contract for goods or services, if such activity may reasonably be construed by the board to be a conflict of interest. Section 718.3027(2), F.S., requires the board of a condominium association to approve a contract for services or other transaction by an affirmative vote of two-thirds of all other directors present.

Section 720.3033(1), F.S., also requires the approval of the contract or other transaction by a two-thirds vote of the homeowners' association board, but does not require that such transaction be approved by a two-thirds vote of the members present who do not have a financial interest in the contract.

Section 718.112(2)(p), F.S., also provides a comparable provision to that provided in s. 718.3027, F.S., for resolving conflicts of interest by directors and officers.

### ***Effect of Proposed Changes***

The bill repeals the provision in paragraph (p) of s. 718.112(2), F.S., relating to conflicts of interests between officers or directors and service providers.

The bill amends s. 720.3033(1), F.S., to require that the board of a homeowners' association must approve a contract or other financial transaction with a director or officer by a two-thirds vote of the members present who do not have a financial interest in the contract.

## **Electric Vehicle Charging Station – Condominium Associations**

### ***Present Situation***

A condominium association may not prohibit a unit owner from installing an electric vehicle charging station within the boundaries of the unit owner's limited common element parking area. The electricity charges for the station must be separately metered and payable by the unit owner.<sup>44</sup>

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<sup>44</sup> Section 718.113(8), F.S.

***Effect of Proposed Changes***

The bill amends s. 718.113(8), F.S., to include an exclusively designated parking area as a location where the association may not prohibit a unit owner from installing an electric vehicle charging station.

The bill also allows a unit owner to use an embedded meter on an electric vehicle charging station.

**Fines – Condominium and Homeowners' Associations*****Present Situation***

Condominium and homeowners' associations may levy fines against an owner, occupant, or a guest of an owner for failing to comply with any provision in the association's declaration, bylaws, or rules. A fine imposed by a condominium association may not exceed \$100 per violation, and the total amount of a fine may not exceed \$1,000.<sup>45</sup> However, a fine imposed by homeowners' association may exceed \$1,000 in the aggregate if the association's governing documents authorize the fine.<sup>46</sup> A fine in a condominium or homeowners' association may not become a lien against the unit or parcel.<sup>47</sup>

An association's board may not impose a fine or suspension unless it gives at least 14 days written notice of the imposed fine or suspension, and an opportunity for a hearing. The hearing must be held before a committee of unit owners who are not board members or residing in a board member's household. The role of the committee is to determine whether to confirm or reject the fine or suspension.<sup>48</sup>

A fine approved by the committee is due five days after the date of the committee meeting. The condominium or cooperative must provide written notice of any fine or suspension by mail or hand delivery to the unit owner and, if applicable, to any tenant, licensee, or guest of the unit owner.<sup>49</sup>

***Effect of Proposed Changes***

The bill amends ss. 718.303(3) and 720.305(2), F.S., to provide that a fine imposed by a condominium or homeowners' associations is due five days after notice of an approved fine is sent to the unit or parcel owner and if applicable, to any tenant, licensee, or invitee of the owner. Current law provides that payment of the fine is due five days after the committee meeting at which the fine is approved.

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<sup>45</sup> Sections 718.303(3), F.S. An identical provision in s. 719.303(3), F.S., applies to fines in cooperative associations.

<sup>46</sup> Section 720.305(2), F.S.

<sup>47</sup> Sections 718.303(3) and 720.305(2), F.S. An identical provision in s. 719.303(3), F.S., applies to fines in cooperative associations.

<sup>48</sup> Section 718.303(3)(b) and (c), F.S., and s. 720.305(2)(b) and (c), F.S. An identical provision in ss. 719.303(3)(b) and (c), F.S., applies to fines and suspensions in cooperative associations.

<sup>49</sup> *Id.*

## **Condominium Ombudsman**

### ***Present Situation***

The office of the ombudsman within the division is an attorney appointed by the Governor to be a neutral resource for unit owners and condominium associations. The ombudsman is authorized to prepare and issue reports and recommendations to the Governor, the division, and the Legislature on any matter or subject within the jurisdiction of the division. In addition, the ombudsman may make recommendations to the division for changes in rules and procedures for the filing, investigation, and resolution of complaints.<sup>50</sup>

The ombudsman also acts as a liaison among the division, unit owners, and condominium associations and is responsible for developing policies and procedures to help affected parties understand their rights and responsibilities.<sup>51</sup>

The ombudsman is required to maintain his or her principal office in Leon County.<sup>52</sup>

### ***Effect of Proposed Changes***

The bill amends s. 718.5014, F.S., to repeal the requirement that the ombudsman maintain his or her principal office in Leon County.

## **Cooperative Property**

### ***Present Situation***

The building and land comprising a cooperative are owned by a corporation. A person who buys into a cooperative does not receive title to a unit or any portion of the cooperative's building or land. Instead, the purchaser receives shares of the cooperative association and leases a unit from the association.

An ownership interest in a corporation or cooperative is an interest in personal property, not real property.<sup>53</sup> Generally, personal property is any object or right that is not real property, such as automobiles, clothing, or stocks.<sup>54</sup> Real property is anything that is permanent, fixed, and immovable, such as land or a building. At common law, a 99 year leasehold was not considered an interest in real property. However, a long-term leasehold interest is taxed in the same manner as a fee interest, so case law commonly declares long-term leaseholds to be an interest in real property for taxation purposes.<sup>55</sup>

In Florida, a cooperative is treated as real property for some homestead purposes. Although the general definition of homestead, including for taxation purposes, follows the common-law rule that requires an interest in real property, the Florida Constitution specifically extends the

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<sup>50</sup> Sections 718.5011 and 718.5012, F.S.

<sup>51</sup> *Id.*

<sup>52</sup> Section 718.5014, F.S.

<sup>53</sup> *Downey v. Surf Club Apartments, Inc.*, 667 So.2d 414 (Fla. 1st DCA 1996)

<sup>54</sup> Am. Jur. 2d Property § 18.

<sup>55</sup> *Williams v. Jones*, 326 So.2d 425, 433 (Fla. 1975); *See generally*, The Florida Bar, *Practice Under Florida Probate Code Chapter 19* (9th ed. 2017).

exemption to a cooperative unit.<sup>56</sup> Florida's homestead laws apply to cooperative the exemption from forced sale by creditors<sup>57</sup> and the exemption from ad valorem taxation. However, a cooperative is not subject to Florida's homestead protections on devise and descent.<sup>58</sup>

The Condominium Act specifically provides that "[a] condominium parcel created by the declaration is a separate parcel of real property, even though the condominium is created on a leasehold." Thus, an ownership interest in a condominium is expressly converted by statute into an interest in real property, but there is no corresponding provision in the Cooperative Act.<sup>59</sup> The Third District Court of Appeal recognizes a need for clarification of this type of ownership interest.<sup>60</sup>

### ***Effect of the Proposed Changes***

The bill amends the definition of "unit" in s. 719.103(25), F.S., to provide that an interest in a cooperative unit is an interest in real property.

### **Cooperative Association Meetings**

#### ***Present Situation***

When a board or committee member of a cooperative association participates in a meeting by telephone conference, that board or committee member's participation by telephone conference may be counted toward obtaining a quorum and may vote by telephone. A telephone speaker must be 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 unit owners present at a meeting.<sup>61</sup>

#### ***Effect of Proposed Changes***

The bill amends s. 719.106(1)(b)5., F.S., to provide that a cooperative association board member or committee member who attends a meeting by telephone, real time video conferencing, or by a similar real-time electronic or video communication counts toward a quorum and may vote as if physically present.<sup>62</sup>

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<sup>56</sup> FLA. CONST. art. VII, s. 6(a) provides: "The real estate may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years."

<sup>57</sup> Sections 222.01, and 222.05, F.S.

<sup>58</sup> *Southern Walls, Inc. v. Stilwell Corp.*, 810 So. 2d 566, 572 (Fla. 2nd DCA 2002); *Phillips v. Hirshon*, 958 So. 2d 425, 430 (Fla. 3rd DCA 2007); *In re Estate of Wartels*, 357 So.2d 708 (Fla. 1978).

<sup>59</sup> Section 718.106(1), F.S.

<sup>60</sup> *Phillips*, 958 So.2d 425; *Levine v. Hirshon*, 980 So.2d 1053 (Fla. 2008)

<sup>61</sup> Section 719.106(1)(b)5., F.S.

<sup>62</sup> Section 718.112(2)(b)5., F.S., provides a comparable provision for condominium associations.

## **Cooperative Association Recall Elections**

### ***Present Situation***

Any board member of a cooperative association may be recalled and removed from office with or without cause by a majority of the voting interests. A board director may be recalled by a written ballot or by an agreement in writing without a membership meeting.<sup>63</sup>

If the proposed recall is approved by a majority of all voting interests by a vote at a meeting, the board must notice and hold a board meeting within five full business days after the adjournment of the unit owner meeting to recall one or more board members to either certify the recall, in which case such member or members shall be recalled effective immediately. If the board decides not to certify the recall, it must file a petition for binding arbitration of the recall by the division.<sup>64</sup>

If the proposed recall is by written agreement, the written agreement must be served on the association by certified mail or personal service. Within five full business days after receipt of the written agreement, the board must hold a meeting. If the recall by an agreement in writing is certified by the board, the recall is effective immediately.<sup>65</sup> If the board fails to hold a meeting within five business days or fails to file the required petition after deciding not to certify the recall, the unit owner representative may file a petition with the division to challenge the board's failure to meet.<sup>66</sup>

### ***Effect of Proposed Changes:***

The bill amends s. 719.103(1)(f), F.S., to provide that the recall of a director is effective immediately upon the conclusion of the board meeting called after the board's receipt of the written agreement for recall or the recall is approved in an election, if the recall is facially valid. The bill deletes the requirement for the board to either certify a recall election or submit a petition to the division for binding arbitration. Under the bill, the recall is effective if the board fails to hold the required meeting within five days of a recall election or its receipt of a written agreement for recall.

The bill repeals the authority of the division to adopt procedure rules governing the filling of vacancies on the board of a cooperative association after a recall election. The bill also repeals the authority for rules governing the conduct of recall elections in cooperative associations and the operation of an association during the period after a recall but before the recall election.

## **Homeowners' Associations – Meeting Notices**

### ***Present Situation***

A homeowners' association is required to notice all board meetings at least 48 hours before the meeting by posting a meeting notice in a conspicuous place on the association's property.

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<sup>63</sup> Section 719.103(1)(f), F.S.

<sup>64</sup> Sections 719.103(1)(f)1. and 3., F.S.

<sup>65</sup> Sections 719.103(1)(f)2. and 3., F.S.

<sup>66</sup> Sections 719.103(1)(f)5., F.S.

Alternatively, the notice may be mailed, hand delivered, or electronically transmitted at least seven days before the meeting.<sup>67</sup>

Meeting notices must be posted 14 days before any meeting where a nonemergency special assessment or an amendment to the rules regarding unit use is to be considered.<sup>68</sup>

Instead of posting or mailing notices, a homeowners' association with more than 100 members may broadcast notices on a closed-circuit cable television system for at least four times every broadcast hour of each day that a posted notice is otherwise required.<sup>69</sup>

### ***Effect of Proposed Changes***

The bill amends s. 720.303(2), F.S., to provide an additional method for homeowners' associations to provide meeting notices by authorizing the board to adopt, by rule, a procedure for conspicuously posting a meeting notice and agenda on a website serving the association. The rule must:

- Require the association to send an electronic notice to members with a hypertext link to the website where the notice is posted; and
- Require the notice on the association's website to be posted for at least as long as the physical posting of a meeting notice is required.<sup>70</sup>

### **Alternative Dispute Resolution**

#### ***Present Situation***

##### Condominium Associations

Section 718.1255, F.S., provides an alternative dispute resolution process for certain disputes between unit owners and condominium associations. The division employs full time arbitrators and may certify private attorneys to conduct mandatory nonbinding arbitration. The purpose of mandatory nonbinding arbitration is to provide efficient, equitable, and inexpensive decisions when disputes arise between owners and associations. An arbitrator's final order is not binding unless the parties agree to be bound or the parties fail to file a petition for a trial de novo in the circuit court within 30 days after the mailing of the arbitrator's final order. A petition for arbitration tolls any applicable statute of limitations for the dispute, and, if there is a trial de novo, an arbitrator's decision is admissible as evidence.<sup>71</sup>

A petition for mandatory nonbinding arbitration must be filed with the division before filing a complaint in circuit court for specified disputes involving an association and a unit owner, including disputes in which a board has allegedly failed to:

- Properly conduct elections.

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<sup>67</sup> Section 720.303(2)(c), F.S. Sections 718.112(2) and 719.106(1), F.S., provide comparable notice requirements for condominium and cooperative associations.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> Sections 718.112(2)(c) and 719.106(1)(c), F.S., provide comparable notice requirements for meetings in condominium and cooperative associations, respectively.

<sup>71</sup> Section 718.1225(4), F.S.

- Provide adequate notice for meetings or other actions.
- Properly conduct meetings.
- Allow inspection of the association's books and records.

The division does not have jurisdiction to arbitrate the following disputes between a unit owner and an association that involve:<sup>72</sup>

- Title to any unit or common element;
- The interpretation or enforcement of any warranty;
- The levy of a fee or assessment, or the collection of an assessment levied against a party;
- The eviction or other removal of a tenant from a unit;
- Alleged breaches of fiduciary duty by one or more directors; or
- Claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.

The filing fee for an arbitration petition is \$50.<sup>73</sup>

#### Homeowners' Associations

Section 720.311, F.S., provides an alternative dispute resolution program for certain disputes between parcel owners and homeowners' associations. Association election disputes and disputes involving the recall of association board members must go through mandatory binding arbitration with the division. However, the following disputes between parcel owners and homeowners' associations must go to presuit mediation before a party can file suit in civil court:

- Disputes involving the use of or changes to an owner's parcel or the common areas;
- Covenant enforcement disputes;
- Disputes regarding meetings of the board or committees of the board;
- Disputes involving the meeting of owners that do not involve elections;
- Access to the official records disputes; and
- Disputes regarding amendments to the governing documents.<sup>74</sup>

An aggrieved party initiates the mediation proceedings by serving a written petition for mediation to the opposing party. The petition must be in the format provided in s. 718.311, F.S., and must identify the specific nature of the dispute and the basis for the alleged violations. The written offer must include five certified mediators that the aggrieved party believes to be neutral. The serving of the petition tolls the statute of limitations for the dispute. If emergency relief is required, a temporary injunction may be sought in court prior to the mediation.<sup>75</sup>

The opposing party has 20 days to respond to the petition. If the opposing party fails to respond or refuses to mediate, the aggrieved party may proceed to civil court. If the parties agree to mediation, the mediator must hold the mediation within 90 days after the petition is sent to the opposing parties. The parties share the costs of mediation except for the cost of attorney's fees.

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<sup>72</sup> *Id.*

<sup>73</sup> Section 718.1255(4)(a), F.S.

<sup>74</sup> Section 720.311(2)(a), F.S.

<sup>75</sup> *Id.*

Mediation is confidential and persons who are not parties to the dispute (or their attorneys or designated representative for the association) may not attend the mediation conference.<sup>76</sup>

If mediation is not successful in resolving all the disputed issues between the parties, the parties may proceed to civil court or may elect to enter into binding or non-binding arbitration.<sup>77</sup>

An election dispute in a homeowners' association must go through binding arbitration with the division.<sup>78</sup> The petitioner must remit a filing fee of at least \$200 to the division. At the conclusion of the proceeding, the division must charge the parties a fee in an amount adequate to cover all costs and expenses incurred by the department in conducting the proceeding. The fees paid to the division are a recoverable cost in the arbitration proceeding, and the prevailing party in an arbitration proceeding must recover its reasonable costs and attorney's fees in an amount found reasonable by the arbitrator.<sup>79</sup>

### ***Effect of Proposed Changes***

#### Condominium Associations

The bill amends the definition of "dispute" in s. 718.1255(1)(a), F.S., to include an association's failure to maintain common elements, association property, or portions of the unit for which the association is responsible. The bill also clarifies that disputes involving failure to properly conduct meetings that are subject to the mandatory non-binding arbitration requirements include meeting of the board and committees, and member meetings. Under the bill, such disputes must go through non-binding arbitration with the division before filing a law suit in court.

#### Homeowners' Associations

The bill amends s. 720.311, F.S., to define the term "dispute" and provide additional types of dispute that must go through mediation before the dispute may be filed in court. Under the bill, a dispute means a disagreement between two or more parties which involves:

- The authority of the board to:
  - Require any owner to take any action, or not to take any action, involving that owner's parcel; or
  - Alter or add to a common area.
- Failure of a governing body, when required by ch. 720, F.S., or an association document, to:
  - Properly enforce the governing documents;
  - Provide adequate notice of meetings or other actions;
  - Properly conduct meetings (not including elections held at a meeting); or
  - Maintain a common area.

Under the bill, a dispute is not subject to the pre-suit mediation requirements in s. 720.311, F.S., if it involves:

- Title to any parcel or common area;

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<sup>76</sup> Section 720.311(2)(b), F.S.

<sup>77</sup> Section 720.311(2)(c), F.S.

<sup>78</sup> Section 720.311(1), F.S.

<sup>79</sup> *Id.*



- The interpretation or enforcement of any warranty;
- The levy of a fee or assessment, or the collection of an assessment levied against a party;
- The eviction or other removal of a tenant from a unit;
- Alleged breaches of fiduciary duty by one or more directors; or
- Claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.<sup>80</sup>

The bill revises the form of the written demand to participate in presuit mediation to require the form to include the hourly rates of the alternate mediators and to identify whether the identified mediators are Supreme Court-certified circuit court mediators.

The bill also requires that the written demand to participate in presuit mediation include a conspicuous statement that a person who fails to participate in the entire presuit mediation process is prohibited from recovering fees and costs in subsequent litigation relating to the dispute.

The bill also:

- Permits a representative from the association's insurance carrier to attend the presuit mediation conference.
- Extends the time to respond to a demand for presuit mediation from 20 days to 30 days.
- Requires that the proposed mediators must be available to hold the mediation in the county where the parcel is located or within 40 miles of the parcel at no extra cost.
- Permits the aggrieved party to file an action in court if the presuit mediation cannot be held within 90 days of the days of acceptance of presuit mediation, unless the parties agree to extend the 90-day deadline.
- Permits the parties to agree to a mediator or arbitrator who is not certified by the Florida Supreme Court.

#### **Effective Date**

The effective date of the bill is July 1, 2019.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

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<sup>80</sup> Section 720.311(2)(a), F.S., exempts identical types of disputes from the mandatory non-binding arbitration requirements for condominium associations.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill amends s. 718.1255, F.S., to expand the types of disputes that are subject to mandatory, non-binding arbitration by the division. The division may incur costs related to processing and conducting additional arbitration proceedings due to the expansion in the number of disputes that qualify for arbitration by the division.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 514.0115, 627.714, 718.111, 718.112, 718.1255, 718.303, 718.5014, 719.103, 719.104, 719.106, 719.1255, 719.501, 720.303, 720.305, and 720.311.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Innovation, Industry, and Technology on April 10, 2019:**

The committee substitute:

- Exempts pools serving a homeowners' association (and other property associations) that have no more than 32 parcels and are not being operated as public lodging establishments from permitting and inspection requirements by the DOH.

- Permits condominium associations to make digital copies of specified documents available to members through an application that can be downloaded on a mobile device as an alternative to the requirement to post copies of the documents on a website.
- Provides a method for calculating a condominium board member's term limit.
- Modifies notice requirements for condominium elections.
- Modifies the requirements for payment of the costs of a background check or screening in connection with the transfer of a condominium unit.
- Repeals the authority of the division to adopt procedural rules relating to recall elections.
- Revises the requirements for electric vehicle charging stations in condominium associations.
- Repeals the requirement that the condominium ombudsman maintain his or her principal office in Leon County.
- Provides that an interest in a cooperative unit is an interest in real property.
- Provides that a cooperative association board member or committee member who attends a meeting by telephone, real time video conferencing, or by a similar real-time electronic or video communication counts toward a quorum and may vote as if physically present.
- Revises the requirements for recall of cooperative association board and committee members.
- Revises the presuit mediation and arbitration requirements for disputes between members and condominium and homeowners' associations.

Removes the following provisions from the bill amending:

- Sections 712.05, 720.404, and 720.405, F.S., to revise the requirements for reviving expired governing documents of a homeowners' association.
- Sections 718.110(1)(a) and 720.306(1)(b), F.S., to revise requirements for amending the governing documents of condominium and homeowners' associations, respectively.
- Section 718.111(11)(n), F.S., to provide the method for determining whether improvements are considered approved improvements as required under s. 718.113(2), F.S.
- Sections 718.111(12), 719.104(2), and 720.303(5), F.S., to exempt as official records of condominium, cooperative, and homeowners' associations, respectively, specified records contained on the personal computers or electronic devices, and specified electronic correspondence.
- Sections 718.111(12), 719.104(2), F.S., to prohibit condominium and cooperative associations from limiting a unit owner's right to inspect records to less than one eight-hour business day per month.
- Sections 718.128(4), 719.129(4), and 720.317(4), F.S., to revise the electronic voting requirements for condominium, cooperative, and homeowners' associations, respectively.
- Sections 718.116 and 720.3085, F.S., to revise requirements for liens in condominium and homeowners' associations, respectively.

- Sections 718.303(3) and 720.305(2), F.S., to revise the requirements for the amount and liens for the collection of fines in condominium and homeowners' associations, respectively.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/12/2019	.	
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The Committee on Innovation, Industry, and Technology (Gruters) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (1) of section 34.01, Florida  
Statutes, is amended to read:

34.01 Jurisdiction of county court.—

(1) County courts shall have original jurisdiction:

(a) In all misdemeanor cases not cognizable by the circuit  
courts;



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(b) Of all violations of municipal and county ordinances;

(c) Of all actions at law in which the matter in controversy does not exceed the sum of \$15,000, exclusive of interest, costs, and attorney's fees, except those within the exclusive jurisdiction of the circuit courts; and

(d) Of disputes occurring in condominium associations as described in s. 718.1255, cooperative associations as described in s. 719.1255, and the homeowners' associations as described in s. 720.311(3)(a) ~~s. 720.311(2)(a)~~, which is ~~shall be~~ concurrent with jurisdiction of the circuit courts.

Section 2. 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 3. 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. An insurance policy issued to an individual unit owner may not



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provide rights of subrogation against the condominium  
association operating the condominium in which such individual's  
unit is located.

Section 4. Paragraphs (a), (b), (c), and (g) of subsection  
(12) of section 718.111, Florida Statutes, are amended to read:

718.111 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 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-



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mail addresses and facsimile numbers are not accessible to unit owners if consent to receive notice by electronic transmission is not provided in accordance with sub-subparagraph (c)3.e. However, the association is not liable for an inadvertent disclosure of the e-mail address or facsimile number for receiving electronic transmission of notices.

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

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

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

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

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

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

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





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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).

~~16.~~~~17.~~ Bids for materials, equipment, or services.

17. All other records of the association not specifically included in subparagraphs 1.-16. which are related to the operation of the association.

(b) The official records specified in subparagraphs (a)1.-6. must be permanently maintained from the inception of the association. Bids for work to be performed or for materials, equipment, or services must be maintained for 1 year after receipt of the bid. All other official records must be



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maintained within the state for at least 7 years, unless otherwise provided by general law. 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 has a right to inspect and copy the association's bylaws and rules. The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record



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inspections and copying, but may not require a member to demonstrate any purpose or state any reason for the inspection. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with this paragraph. A unit owner who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply. Minimum damages are \$50 per calendar day for up to 10 days, beginning on the 11th working day after receipt of the written request. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records.

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

3. The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all amendments to each of the foregoing, as well as the question and answer sheet as described in s. 718.504 and year-end financial information required under this section, on the condominium property to ensure their availability to unit owners and prospective purchasers, and may charge its actual



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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 subparagraph, the term "personnel records" does not include written employment agreements with an association employee or



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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.



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The data is part of the official records of the association.

(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 made available



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through an application that can be downloaded on a mobile  
device:

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.



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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.

1. 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 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 the association's application that can be downloaded on a mobile device. If protected information or information





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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 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 5. Paragraphs (d), (i), (j), (k), and (p) of subsection (2) of section 718.112, Florida Statutes, are 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:

(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



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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



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residential condominium association that does not include timeshare units or timeshare interests, coowners 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 must



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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. 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



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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.



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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;



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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



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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





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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,



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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 an applicant any fees, except the actual costs of any background check or screening performed ~~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. Except for the actual costs of any background check or screening performed by the association, any such fee may be preset, but may not ~~in no event may such fee~~ exceed \$100 per applicant other than a husband and wife or parent and dependent child ~~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. The foregoing notwithstanding, an association may, if the authority



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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



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the vote, any and all records and property of the association in  
his or her ~~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 his or her ~~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 an action ~~a petition~~ pursuant to s. 718.1255 challenging  
the board's failure to act or challenging the board's  
determination on facial validity. The action ~~petition~~ must be  
filed within 60 days after the expiration of the applicable 5-



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full-business-day period. The review of an action ~~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.

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 the bylaws ~~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 an action ~~a petition~~ pursuant to s. 718.1255 challenging the validity of the recall. The action ~~petition~~ must be filed within 60 days after the recall. The association and the unit owner representative shall be named as the defendants ~~respondents~~. The action ~~petition~~ 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 court ~~arbitrator~~ determines the recall was invalid, the plaintiff ~~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



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fees and costs from the defendants ~~respondents~~. The court shall ~~arbitrator may~~ award reasonable attorney fees and costs to the defendants ~~respondents~~ if they prevail, if the court ~~arbitrator~~ makes a finding that the plaintiff's ~~petitioner's~~ claim is frivolous.

7. An action may not be filed regarding ~~The division may not accept for filing~~ a recall ~~petition~~, whether filed 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) Mediation ~~Arbitration~~.—There shall be a provision for mandatory mediation ~~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 6. Paragraphs (a) and (c) of subsection (8) of section 718.113, Florida Statutes, are amended to read:

718.113 Maintenance; limitation upon improvement; display



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of flag; hurricane shutters and protection; display of religious decorations.—

(8) The Legislature finds that the use of electric 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. Therefore, the installation of an electric vehicle charging 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 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, within the boundaries of his or her limited common element or exclusively designated parking area. The installation of such charging stations are subject to the provisions of this subsection.

(c) The electricity for the electric vehicle charging station must be separately metered or must use an embedded meter and be payable by the unit owner installing such charging station.

Section 7. 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



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plan of termination by initiating a summary procedure pursuant to s. 51.011 ~~petition 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). The court ~~arbitrator~~ shall determine the rights and interests of the parties in the apportionment of the sale proceeds. If the court ~~arbitrator~~ determines that the apportionment of sales proceeds is not fair and reasonable, the court ~~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 court ~~arbitrator~~ determines that the plan was not properly approved, or that the procedures to adopt the





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plan were not properly followed, the court ~~arbitrator~~ may void the plan or grant other relief it deems just and proper. The bulk owner is liable for any damages, as determined by the court, ~~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 8. Section 718.1255, Florida Statutes, is amended to read:

718.1255 Alternative dispute resolution; mandatory ~~voluntary~~ mediation; ~~mandatory nonbinding arbitration;~~ legislative findings.—

(1) DEFINITIONS.—As used in this section, the term “dispute” means any disagreement between two or more parties that involves:

(a) The authority of the board of directors, under this chapter or association document to:

1. Require any owner to take any action, or not to take any action, involving that owner’s unit or the appurtenances thereto.

2. Alter or add to a common area or element.

(b) The failure of a governing body, when required by this chapter or an association document, to:

1. Maintain common elements, association property, or



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portions of the unit for which the association is responsible  
~~Properly conduct elections.~~

2. Give adequate notice of meetings or other actions.

3. Properly conduct meetings of the board and committees  
appointed by the board and membership meetings. This  
subparagraph does not apply to elections held at a meeting.

4. Allow inspection of books and records.

~~(c) A plan of termination pursuant to s. 718.117.~~

"Dispute" does not include any disagreement that primarily  
involves: title to any unit or common element; the  
interpretation or enforcement of any warranty; the levy of a fee  
or assessment, or the collection of an assessment levied against  
a party; the eviction or other removal of a tenant from a unit;  
alleged breaches of fiduciary duty by one or more directors; or  
claims for damages to a unit based upon the alleged failure of  
the association to maintain the common elements or condominium  
property.

~~(2) VOLUNTARY MEDIATION. Voluntary mediation through~~  
~~Citizen Dispute Settlement Centers as provided for in s. 44.201~~  
~~is encouraged.~~

~~(2)(3)~~ LEGISLATIVE FINDINGS.—

~~(a)~~ The Legislature finds that alternative dispute  
resolution reduces court dockets and trials and offers a more  
efficient, cost-effective option to litigation. However, the  
Legislature also finds that alternative dispute resolution  
should not be used as a mechanism to encourage the filing of  
frivolous or nuisance actions. Upon serving a demand for presuit  
mediation as provided for in this section, the applicable



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statute of limitations is tolled until 30 days after mediation is completed and no agreement has been made, 10 days after the date by which a party must accept presuit mediation, or until the conclusion of the period of time during which a mediation must be conducted under this section ~~unit owners are frequently at a disadvantage when litigating against an association. Specifically, a condominium association, with its statutory assessment authority, is often more able to bear the costs and expenses of litigation than the unit owner who must rely on his or her own financial resources to satisfy the costs of litigation against the association.~~

~~(b) The Legislature finds that alternative dispute resolution has been making progress in reducing court dockets and trials and in offering a more efficient, cost-effective option to court litigation. However, the Legislature also finds that alternative dispute resolution should not be used as a mechanism to encourage the filing of frivolous or nuisance suits.~~

~~(c) There exists a need to develop a flexible means of alternative dispute resolution that directs disputes to the most efficient means of resolution.~~

~~(d) The high cost and significant delay of circuit court litigation faced by unit owners in the state can be alleviated by requiring nonbinding arbitration and mediation in appropriate cases, thereby reducing delay and attorney's fees while preserving the right of either party to have its case heard by a jury, if applicable, in a court of law.~~

~~(3)(4) MANDATORY NONBINDING ARBITRATION AND MEDIATION OF DISPUTES.—~~



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(a)1. Before an action may be filed in court, all disputes, except for disputes relating to the collection of any assessment, fine, or other financial obligation, including attorney fees and costs, between an association and a unit owner must be mediated pursuant to this subsection. An association or unit owner may file an action in court without presuit mediation to enforce a prior mediation settlement agreement between the parties or request injunctive relief. However, the court hearing the action for injunctive relief must refer the parties to a mediation program administered by the courts or mediation under this subsection after the injunctive relief issues are determined. Presuit mediation proceedings must be conducted in accordance with the applicable rules of the Florida Rules of Civil Procedure and chapter 44. The proceedings under this subsection are privileged and confidential to the same extent as court-ordered mediation. Except for each party's counsel, a corporate representative designated by the association, and a representative from the association's insurance carrier, if applicable, a person who is not a party to the dispute may not attend the presuit mediation without the consent of all the parties. If the presuit mediation is attended by a quorum of the board, the mediation is not considered a board meeting for purposes of notice and participation as required in s. 718.112. An aggrieved party shall serve a written demand to participate in presuit mediation on the responding party in substantially the following form:

STATUTORY OFFER TO PARTICIPATE  
IN PRESUIT MEDIATION



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The alleged aggrieved party, ....., hereby demands that ....., as the responding party, engage in mandatory presuit mediation in connection with the following disputes, which are statutorily subject to presuit mediation:

(List each dispute to be mediated and the basis for the violation.)

Under section 718.1255, Florida Statutes, this demand to resolve the dispute through presuit mediation is required before a lawsuit can be filed concerning the dispute. The parties are required to engage in presuit mediation with a neutral third-party mediator in order to attempt to resolve this dispute without court action, and the aggrieved party demands that you likewise agree to this process. If you fail to participate in the presuit mediation process, an action may be brought against you without further warning.

Presuit mediation involves a supervised negotiation process in which a trained, neutral third-party mediator meets with both parties and assists them in exploring possible opportunities for resolving part or all of the dispute. By agreeing to participate in presuit mediation, you are not bound in any way to change your position. Furthermore, the mediator has no



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authority to make any decisions in this matter or to  
determine who is right or wrong; he or she merely acts  
as a facilitator to ensure that each party understands  
the position of the other party and that all options  
for reasonable settlement are fully explored.

If an agreement is reached, it must be reduced to  
writing and signed, at which time the agreement  
becomes a binding and enforceable contract between the  
parties. A resolution of one or more disputes in this  
fashion avoids the need to litigate those issues in  
court. The failure of a party to participate in the  
process or the failure of the parties to reach an  
agreement during the mediation process results in the  
aggrieved party being able to proceed to court on all  
outstanding and unsettled disputes. If you fail or  
refuse to participate in the presuit mediation  
process, you will not be entitled to recover your  
attorney fees, even if you prevail during the court  
process.

The aggrieved party has selected and hereby lists five  
circuit court civil mediators certified by the Florida  
Supreme Court who the aggrieved party believes to be  
neutral and qualified to mediate the dispute. You have  
the right to select any one of these mediators. The  
fact that one party may be familiar with one or more  
of the listed mediators does not mean that the  
mediator cannot act as a neutral and impartial



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facilitator. Any mediator who cannot act in this  
capacity is required ethically to decline to accept  
the engagement. The mediators that we suggest, and  
their current hourly rates, are as follows:

(List the names, physical addresses, e-mail addresses,  
telephone numbers, and hourly rates of the mediators.  
Other pertinent information about the backgrounds of  
the mediators may be included as an attachment,  
including whether the mediator is board certified by  
The Florida Bar in any practice area.)

By mutual agreement, and before accepting presuit  
mediation, we can also select mediators other than the  
Supreme Court-certified circuit court civil mediators  
named above as alternates to the above-named  
mediators. The alternate mediators are not required to  
be Supreme Court-certified circuit court civil  
mediators. The alternate mediators that we suggest,  
and their hourly rates, are as follows:

(List the names, physical addresses, e-mail addresses,  
telephone numbers, and hourly rates of the alternate  
mediators. Other pertinent information about the  
backgrounds of the alternate mediators may be included  
as an attachment.)

You may contact the offices of these mediators to  
confirm that the listed mediators will be neutral and



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will not show any favoritism toward either party. The  
Florida Supreme Court can provide you a list of  
mediators who are certified in the area of circuit  
civil law.

Unless otherwise agreed to by the parties, section  
718.1255(3)(d), Florida Statutes, requires that the  
parties share equally the costs of presuit mediation,  
including the fee charged by the mediator. A typical  
presuit mediation may require 3 to 4 hours of the  
mediator's time, including preparation time. Parties  
who choose to hire an attorney will pay their own  
attorney fees without a guarantee that the court will  
issue an award for reimbursement of the fees. However,  
the use of an attorney is not required. The mediator  
may require an advance payment for some or all of the  
anticipated fees. The aggrieved party hereby agrees to  
pay, or prepay if requested by the mediator, one-half  
of the mediator's estimated fees and to forward this  
amount or such other reasonable advance deposits as  
the mediator requires. Any funds you deposit will be  
returned to you if the deposited funds are in excess  
of your share of the fees incurred.

To begin your participation in presuit mediation to  
try to resolve the dispute and avoid further legal  
action, please sign below and clearly indicate which  
mediator is acceptable to you. We will then ask the  
mediator to schedule a mutually convenient time and





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place for the presuit mediation conference to be held.  
The presuit mediation conference must be held within  
90 days after the date of acceptance of presuit  
mediation, unless extended by mutual written  
agreement. In the event that you fail to respond  
within 30 days after the date of this letter, or if  
you fail to agree to at least one of the mediators  
that we have suggested or fail to pay or prepay to the  
mediator one-half of the fees involved, the aggrieved  
party is authorized to proceed with the filing of a  
lawsuit against you without further notice and may  
then seek an award of attorney fees or costs incurred  
in attempting to mediate this dispute.

Therefore, please give this matter your immediate  
attention. By law, your response must be mailed by  
certified mail, return receipt requested, and by  
first-class mail to the address shown on this demand.

.....  
.....

RESPONDING PARTY: YOUR SIGNATURE INDICATES YOUR  
AGREEMENT TO THAT CHOICE.

AGREEMENT TO MEDIATE

The undersigned agrees to participate in presuit



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mediation and agrees to attend a mediation conducted  
by the following mediator or mediators who are listed  
above as individuals who would be acceptable to  
mediate this dispute:

(List acceptable mediator or mediators.)

I/we further agree to pay or prepay one-half of the  
mediator's fees and to forward such advance deposits  
as the mediator may require for this purpose.

.....

Signature of responding party #1

.....

Telephone number

.....

Signature and telephone number of responding party #2,  
if applicable. (If property is owned by more than one  
person, all owners must sign.)

2. The statutory demand must also contain the following  
statement in capitalized, bold letters in a font size larger  
than any other used in the statutory demand: A PERSON WHO FAILS  
OR REFUSES TO PARTICIPATE IN THE ENTIRE PRESUIT MEDIATION  
PROCESS IS PROHIBITED FROM RECOVERING ATTORNEY FEES AND COSTS IN  
SUBSEQUENT LITIGATION RELATING TO THE DISPUTE.

(b) Service of the statutory demand to participate in



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presuit mediation shall be effected by sending a letter in substantially the above form by certified mail, return receipt requested, with an additional copy being sent by first-class mail, to the address of the responding party as it last appears on the books and records of the association. The responding party shall serve a written response to the aggrieved party within 30 days after the date of the mailing of the statutory demand. The response must be sent by certified mail, return receipt requested, with an additional copy being sent by first-class mail, to the address shown on the statutory demand.

(c) Once the parties have selected a mediator, the mediator shall schedule the presuit mediation for a date and time mutually convenient to the parties. Each proposed mediator must be available to hold the presuit mediation in the county in which the condominium is located or within 40 miles of the condominium without charging extra for travel-related costs. If a presuit mediation session cannot be scheduled and concluded within 90 days after the date of acceptance of presuit mediation and there is no agreement between the parties to extend the 90-day deadline, the aggrieved party may file an action in court.

(d) The parties shall share equally the costs of presuit mediation, including any fee charged by the mediator, unless the parties agree otherwise. The mediator may require advance payment of his or her reasonable fees and costs, which must also be shared equally. The failure of any party to respond to a demand or response, to agree upon a mediator, to pay fees and costs within the time established by the mediator, or to fail to appear for a scheduled presuit mediation session without the approval of the mediator constitutes the failure or refusal to



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participate in the presuit mediation process, entitling the other party to proceed in court and to seek an award of the costs and fees associated with the presuit mediation.

Additionally, and notwithstanding any other law, document, or contractual provision, any person who fails or refuses to participate in the entire presuit mediation process may not recover attorney fees and costs in subsequent litigation relating to the dispute.

(e) If presuit mediation as described in paragraph (a) is not successful in resolving all issues between the parties, any party may file suit regarding the unresolved dispute in a court of competent jurisdiction. As to any issue or dispute that is not resolved at presuit mediation, and as to any issue or dispute that is settled at presuit mediation but is later subject to an action seeking enforcement of the mediation settlement, the prevailing party in any subsequent litigation or proceeding is entitled to an award of all costs and attorney fees incurred in the presuit mediation process.

(f) The parties may agree to a mediator who is not certified by the Florida Supreme Court. Unless such mediator is agreed upon, a mediator may not conduct presuit mediation under this section unless he or she has been certified as a circuit court civil mediator pursuant to the requirements established by the Florida Supreme Court. Settlement agreements resulting from presuit mediation do not have precedential value in proceedings involving parties other than those participating in the presuit mediation to support a claim or defense in other disputes.

(4) DISPUTES INVOLVING ELECTIONS FOR THE BOARD OF ADMINISTRATION OR RECALL OF BOARD MEMBERS.—Any dispute



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challenging the legality of the election of any director of the  
board of administration or the recall of any member of the board  
of administration must be filed as a summary procedure under s.  
51.011, and in any such action the prevailing party is entitled  
to recover reasonable attorney fees and costs. Any action filed  
pursuant to this subsection must be tried without a jury. ~~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. No person may 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~~



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~~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 shall be final; however, a decision 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 shall be admissible in evidence in  
the trial de novo.~~

~~(a) Prior to the institution of court litigation, a party  
to a dispute shall petition the division for nonbinding  
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.~~

~~(b) The petition must recite, and have attached thereto,  
supporting proof that the petitioner gave the respondents:~~

~~1. Advance written notice of the specific nature of the  
dispute;~~

~~2. A demand for relief, and a reasonable opportunity to  
comply or to provide the relief; and~~

~~3. Notice of the intention to file an arbitration petition  
or other legal action in the absence of a resolution of the  
dispute.~~

~~Failure to include the allegations or proof of compliance with  
these prerequisites requires dismissal of the petition without~~



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~~prejudice.~~

~~(c) Upon receipt, the petition shall be promptly reviewed by the division to determine the existence of a dispute and compliance with the requirements of paragraphs (a) and (b). If emergency relief is required and is not available through arbitration, a motion to stay the arbitration may be filed. The motion must be accompanied by a verified petition alleging facts that, if proven, would support entry of a temporary injunction, and if an appropriate motion and supporting papers are filed, the division may abate the arbitration pending a court hearing and disposition of a motion for temporary injunction.~~

~~(d) Upon determination by the division that a dispute exists and that the petition substantially meets the requirements of paragraphs (a) and (b) and any other applicable rules, the division shall assign or enter into a contract with an arbitrator and serve a copy of the petition upon all respondents. The arbitrator shall conduct a hearing within 30 days after being assigned or entering into a contract unless the petition is withdrawn or a continuance is granted for good cause shown.~~

~~(e) Before or after the filing of the respondents' answer to the petition, any party may request that the arbitrator refer the case to mediation under this section and any rules adopted by the division. Upon receipt of a request for mediation, the division shall promptly contact the parties to determine if there is agreement that mediation would be appropriate. If all parties agree, the dispute must be referred to mediation. Notwithstanding a lack of an agreement by all parties, the arbitrator may refer a dispute to mediation at any time.~~



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~~(f) Upon referral of a case to mediation, the parties must select a mutually acceptable mediator. To assist in the selection, the arbitrator shall provide the parties with a list of both volunteer and paid mediators that have been certified by the division under s. 718.501. If the parties are unable to agree on a mediator within the time allowed by the arbitrator, the arbitrator shall appoint a mediator from the list of certified mediators. If a case is referred to mediation, the parties shall attend a mediation conference, as scheduled by the parties and the mediator. If any party fails to attend a duly noticed mediation conference, without the permission or approval of the arbitrator or mediator, the arbitrator must impose sanctions against the party, including the striking of any pleadings filed, the entry of an order of dismissal or default if appropriate, and the award of costs and attorney fees incurred by the other parties. Unless otherwise agreed to by the parties or as provided by order of the arbitrator, a party is deemed to have appeared at a mediation conference by the physical presence of the party or its representative having full authority to settle without further consultation, provided that an association may comply by having one or more representatives present with full authority to negotiate a settlement and recommend that the board of administration ratify and approve such a settlement within 5 days from the date of the mediation conference. The parties shall share equally the expense of mediation, unless they agree otherwise.~~

~~(g) The purpose of mediation as provided for by this section is to present the parties with an opportunity to resolve the underlying dispute in good faith, and with a minimum~~





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~~expenditure of time and resources.~~

~~(h) Mediation proceedings must generally be conducted in accordance with the Florida Rules of Civil Procedure, and these proceedings are privileged and confidential to the same extent as court-ordered mediation. Persons who are not parties to the dispute are not allowed to attend the mediation conference without the consent of all parties, with the exception of counsel for the parties and corporate representatives designated to appear for a party. If the mediator declares an impasse after a mediation conference has been held, the arbitration proceeding terminates, unless all parties agree in writing to continue the arbitration proceeding, in which case the arbitrator's decision shall be binding or nonbinding, as agreed upon by the parties; in the arbitration proceeding, the arbitrator shall not consider any evidence relating to the unsuccessful mediation except in a proceeding to impose sanctions for failure to appear at the mediation conference. If the parties do not agree to continue arbitration, the arbitrator shall enter an order of dismissal, and either party may institute a suit in a court of competent jurisdiction. The parties may seek to recover any costs and attorney fees incurred in connection with arbitration and mediation proceedings under this section as part of the costs and fees that may be recovered by the prevailing party in any subsequent litigation.~~

~~(i) Arbitration shall be conducted according to rules adopted by the division. The filing of a petition for arbitration shall toll the applicable statute of limitations.~~

~~(j) At the request of any party to the arbitration, the arbitrator shall issue subpoenas for the attendance of witnesses~~



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~~and the production of books, records, documents, and other evidence and any party on whose behalf a subpoena is issued may apply to the court for orders compelling such attendance and production. Subpoenas shall be served and shall be enforceable in the manner provided by the Florida Rules of Civil Procedure. Discovery may, in the discretion of the arbitrator, be permitted in the manner provided by the Florida Rules of Civil Procedure. Rules adopted by the division may authorize any reasonable sanctions except contempt for a violation of the arbitration procedural rules of the division or for the failure of a party to comply with a reasonable nonfinal order issued by an arbitrator which is not under judicial review.~~

~~(k) The arbitration decision shall be rendered within 30 days after the hearing and presented to the parties in writing. An arbitration decision is final in those disputes in which the parties have agreed to be bound. An arbitration decision is also final if a complaint for a trial de novo is not filed in a court of competent jurisdiction in which the condominium is located within 30 days. The right to file for a trial de novo entitles the parties to file a complaint in the appropriate trial court for a judicial resolution of the dispute. The prevailing party in an arbitration proceeding shall be awarded the costs of the arbitration and reasonable attorney fees in an amount determined by the arbitrator. Such an award shall include the costs and reasonable attorney fees incurred in the arbitration proceeding as well as the costs and reasonable attorney fees incurred in preparing for and attending any scheduled mediation. An arbitrator's failure to render a written decision within 30 days after the hearing may result in the cancellation of his or her~~



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~~arbitration certification.~~

~~(1) The party who files a complaint for a trial de novo shall be assessed the other party's arbitration costs, court costs, and other reasonable costs, including attorney fees, investigation expenses, and expenses for expert or other testimony or evidence incurred after the arbitration hearing if the judgment upon the trial de novo is not more favorable than the arbitration decision. If the judgment is more favorable, the party who filed a complaint for trial de novo shall be awarded reasonable court costs and attorney fees.~~

~~(m) Any party to an arbitration proceeding may enforce an arbitration award by filing a petition in a court of competent jurisdiction in which the condominium is located. A petition may not be granted unless the time for appeal by the filing of a complaint for trial de novo has expired. If a complaint for a trial de novo has been filed, a petition may not be granted with respect to an arbitration award that has been stayed. If the petition for enforcement is granted, the petitioner shall recover reasonable attorney fees and costs incurred in enforcing the arbitration award. A mediation settlement may also be enforced through the county or circuit court, as applicable, and any costs and fees incurred in the enforcement of a settlement agreement reached at mediation must be awarded to the prevailing party in any enforcement action.~~

~~(5) DISPUTES INVOLVING ELECTION IRREGULARITIES. Every arbitration petition received by the division and required to be filed under this section challenging the legality of the election of any director of the board of administration must be handled on an expedited basis in the manner provided by the~~



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~~division's rules for recall arbitration disputes.~~

(5) ~~(6)~~ APPLICABILITY.—This section does not apply to a nonresidential condominium unless otherwise specifically provided for in the declaration of the nonresidential condominium.

Section 9. 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



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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 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



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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 10. Paragraphs (m) through (s) of subsection (1) of section 718.501, Florida Statutes, are redesignated as paragraphs (l) through (r), respectively, and paragraphs (d) and (l) and present paragraph (s) of that subsection are amended to read:

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

(1) The division may enforce and ensure compliance with 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



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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 unit owner access to association records pursuant to s. 718.111(12).

(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



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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





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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 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 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



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1519 division, before initiating formal agency action under chapter  
1520 120, must afford the officer or board member an opportunity to  
1521 voluntarily comply, and an officer or board member who complies  
1522 within 10 days is not subject to a civil penalty. A penalty may  
1523 be imposed on the basis of each day of continuing violation, but  
1524 the penalty for any offense may not exceed \$5,000. By January 1,  
1525 1998, the division shall adopt, by rule, penalty guidelines  
1526 applicable to possible violations or to categories of violations  
1527 of this chapter or rules adopted by the division. The guidelines  
1528 must specify a meaningful range of civil penalties for each such  
1529 violation of the statute and rules and must be based upon the  
1530 harm caused by the violation, the repetition of the violation,  
1531 and upon such other factors deemed relevant by the division. For  
1532 example, the division may consider whether the violations were  
1533 committed by a developer, bulk assignee, or bulk buyer, or  
1534 owner-controlled association, the size of the association, and  
1535 other factors. The guidelines must designate the possible  
1536 mitigating or aggravating circumstances that justify a departure  
1537 from the range of penalties provided by the rules. It is the  
1538 legislative intent that minor violations be distinguished from  
1539 those which endanger the health, safety, or welfare of the  
1540 condominium residents or other persons and that such guidelines  
1541 provide reasonable and meaningful notice to the public of likely  
1542 penalties that may be imposed for proscribed conduct. This  
1543 subsection does not limit the ability of the division to  
1544 informally dispose of administrative actions or complaints by  
1545 stipulation, agreed settlement, or consent order. All amounts  
1546 collected shall be deposited with the Chief Financial Officer to  
1547 the credit of the Division of Florida Condominiums, Timeshares,



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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 (q) ~~paragraph (r)~~. The civil penalty shall be at least \$500 but no more than \$5,000 for each violation. The



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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.

~~(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 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.~~

~~(r)(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



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accordance with paragraph (l) ~~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.

Section 11. Section 718.5014, Florida Statutes, is amended to read:

718.5014 Ombudsman location.—The ombudsman shall maintain his or her principal office in any ~~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 12. 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 13. 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.—



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(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 pursuant to s. 719.501(1)(d). The association



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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.



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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





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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 14. Paragraphs (b), (f), and (l) of subsection (1) of section 719.106, Florida Statutes, are amended to read:

719.106 Bylaws; cooperative ownership.—

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

(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



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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



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creating a quorum.

5. A board or committee member's participation 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



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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 4. ~~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. 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 shall turn over to the board within 10 full business days after the date of the recall any and all records and property of the association in his or her possession ~~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 pursuant to the~~



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~~procedures of s. 719.1255. 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. If the arbitrator certifies the recall as to any 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 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.~~

3.4. 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.

4.5. 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 an action under s. 719.1255 challenging the board's failure to act or challenging the board's determination on facial validity. The action must be filed within 60 days after the expiration of the applicable 5-full-business-day period. The review of an action under this subparagraph is limited to the sufficiency of service on the board and the facial validity of the written agreement or



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~~ballots filed fails to file the required petition, the unit owner representative may file a petition pursuant to s. 719.1255 challenging the board's failure to act. The petition must be filed within 60 days after the 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.~~

~~5.6-~~ 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 subsection ~~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 must ~~shall~~ be filled in accordance with the bylaws ~~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.~~

~~6.7-~~ A board member who has been recalled may file an action under ~~a petition pursuant to s. 719.1255~~ challenging the validity of the recall. The action ~~petition~~ must be filed within 60 days after the recall is deemed certified. The association and the unit owner representative shall be named as the defendants ~~respondents~~.

~~7.8-~~ An action may not be filed to challenge the validity of the division may not accept for filing a recall petition,



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whether filed pursuant to subparagraph 1., subparagraph 2.,  
subparagraph 4., or subparagraph 6. ~~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.

(1) ~~Mediation Arbitration.~~—There shall be a provision for  
mandatory mediation ~~nonbinding arbitration~~ of internal disputes  
arising from the operation of the cooperative in accordance with  
s. 719.1255.

Section 15. Section 719.1255, Florida Statutes, is amended  
to read:

719.1255 Alternative resolution of disputes. ~~The Division  
of Florida Condominiums, Timeshares, and Mobile Homes of the  
Department of Business and Professional Regulation shall provide  
for~~ Alternative dispute resolution shall be conducted in  
accordance with s. 718.1255.

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

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

(1) The Division of Florida Condominiums, Timeshares, and  
Mobile Homes of the Department of Business and Professional  
Regulation, referred to as the “division” in this part, in  
addition to other powers and duties prescribed by chapter 718,  
has the power to enforce and ensure compliance with this chapter  
and adopted rules relating to the development, construction,  
sale, lease, ownership, operation, and management of residential



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cooperative units. In performing its duties, the division shall have the following powers and duties:

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

Section 17. Paragraph (c) of subsection (2), paragraph (1) of subsection (4), and paragraphs (d), (g), (h), (k), and (l) of subsection (10) of section 720.303, Florida Statutes, are amended, and paragraph (m) 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.—





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(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 a website serving the association for at least the minimum period of time for which a notice of a meeting is also



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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 for a meeting of the  
members, which must include a hyperlink to the website where 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



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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:

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

(m) All other ~~written~~ records of the association not specifically included in paragraphs (a) through (l) the foregoing which are related to the operation of the association.

(10) RECALL OF DIRECTORS.—

(d) If the board determines not to certify the written agreement or written ballots to recall a director or directors of the board or does not certify the recall by a vote at a meeting, the board shall, within 5 full business days after the meeting, file an action under ~~with the department a petition for binding arbitration 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 action ~~petition for arbitration.~~ If the court ~~arbitrator~~ certifies the recall as to any director or directors of the board, the recall is ~~will be~~ effective upon entry ~~mailing~~ of the final order ~~of arbitration to the~~



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2041 ~~association~~. The director or directors so recalled shall deliver  
2042 to the board any and all records of the association in their  
2043 possession within 5 full business days after the effective date  
2044 of the recall.

2045 (g) If the board fails to duly notice and hold the required  
2046 meeting or fails to file the required action ~~petition~~, the  
2047 parcel unit owner representative may file an action under a  
2048 ~~petition pursuant to~~ s. 718.1255 challenging the board's failure  
2049 to act. The action ~~petition~~ must be filed within 60 days after  
2050 the expiration of the applicable 5-full-business-day period. The  
2051 review of an action ~~a petition~~ under this paragraph is limited  
2052 to the sufficiency of service on the board and the facial  
2053 validity of the written agreement or ballots filed.

2054 (h) If a director who is removed fails to relinquish his or  
2055 her office or turn over records as required under this section,  
2056 the county circuit court in the county where the association  
2057 maintains its principal office may, upon the petition of the  
2058 association, summarily order the director to relinquish his or  
2059 her office and turn over all association records upon  
2060 application of the association.

2061 (k) A board member who has been recalled may file an action  
2062 under a ~~petition pursuant to~~ ss. 718.112(2)(j) and 718.1255 ~~and~~  
2063 ~~the rules adopted~~ challenging the validity of the recall. The  
2064 action ~~petition~~ must be filed within 60 days after the recall is  
2065 ~~deemed~~ certified. The association and the parcel unit owner  
2066 representative shall be named as defendants ~~respondents~~.

2067 (l) An action may not be filed challenging the validity of  
2068 ~~the division may not accept for filing a recall petition,~~  
2069 whether filed pursuant to paragraph (b), paragraph (c),



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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 18. 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



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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 governing documents ~~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,



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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 19. Paragraph (g) of subsection (1) and paragraph (c) of subsection (9) of section 720.306, Florida Statutes, are amended to read:

720.306 Meetings of members; voting and election procedures; amendments.—

(1) QUORUM; AMENDMENTS.—



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(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.

(9) ELECTIONS AND BOARD VACANCIES.—

(c) Any election dispute between a member and an association must be filed with the county court in the county where the association maintains its principal office ~~submitted to mandatory binding arbitration with the division~~. Such proceedings 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 20. Section 720.311, Florida Statutes, is amended to read:





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720.311 Dispute resolution.—

(1)(a) As used in this section, the term “dispute” means any disagreement between two or more parties which involves:

1. The authority of the board of directors, under this chapter or an association document, to:

a. Require any owner to take any action, or not to take any action, involving that owner’s parcel.

b. Alter or add to a common area.

2. The failure of a governing body, when required by this chapter or an association document, to:

a. Properly enforce the governing documents.

b. Provide adequate notice of meetings or other actions.

c. Properly conduct meetings of the board and committees appointed by the board and membership meetings. This subparagraph does not apply to elections held at a meeting.

d. To maintain a common area.

(b) The term “dispute” does not include any disagreement that primarily involves:

1. Title to any parcel or common area;

2. The interpretation or enforcement of any warranty;

3. The levy of a fee or assessment or the collection of an assessment levied against a party;

4. The eviction or removal of an occupant, licensee, or invitee from a parcel;

5. An alleged breach of fiduciary duty by one or more directors; or

6. Claims for damages to a parcel based upon the alleged failure of the association to maintain the common areas or association property.



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(2) The Legislature finds that alternative dispute resolution reduces ~~has made progress in reducing~~ court dockets and trials and offers ~~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 tolls ~~shall toll~~ the applicable statute of limitations until 30 days after mediation is completed and no agreement has been made, 10 days after the date by which a party must accept presuit mediation, or until the conclusion of the period of time during which a mediation must be conducted under this section. Any recall action must be in accordance with ss. 718.112(2)(j) and 718.1255. Election disputes and recall disputes are not eligible for presuit mediation ~~dispute filed with the department 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 pursuant to s. 718.1255 and rules adopted by the division. Neither election disputes nor recall disputes are eligible for presuit mediation; these disputes shall be arbitrated by the department. At the conclusion of 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~~



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~~proceeding shall recover its reasonable costs and attorney's fees in an amount found reasonable by the arbitrator. The department shall adopt rules to effectuate the purposes of this section.~~

(3) (a) ~~1. (2) (a)~~ Disputes between an association and a parcel owner regarding use of or changes to the parcel or the common areas and other covenant enforcement disputes, disputes regarding amendments to the association documents, disputes regarding meetings of the board and committees appointed by the board, membership meetings not including election meetings, and access to the official records of the association shall be the subject of a demand for presuit mediation served by an aggrieved party before the dispute is filed in court. Presuit mediation proceedings must be conducted in accordance with the applicable rules of the Florida Rules of Civil Procedure and chapter 44, and these proceedings are privileged and confidential to the same extent as court-ordered mediation. Disputes subject to presuit mediation under this section may ~~shall~~ not include the collection of any assessment, fine, or other financial obligation, including attorney ~~attorney's~~ fees and costs, claimed to be due or any action to enforce a prior mediation settlement agreement between the parties. ~~Also,~~ In any dispute subject to presuit mediation under this section where preliminary injunctive ~~emergency~~ relief is required, a motion for temporary injunctive relief may be filed with the court without first complying with the presuit mediation requirements of this section. After any issues regarding preliminary injunctive ~~emergency or temporary~~ relief are resolved, the court may ~~either~~ refer the parties to a mediation program administered



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by the courts or require mediation under this section. A ~~An~~  
~~arbitrator or~~ judge may not consider any information or evidence  
arising from the presuit mediation proceeding except in a  
proceeding to impose sanctions for failure to attend a presuit  
mediation session or to enforce a mediated settlement agreement.  
Persons who are not parties to the dispute may not attend the  
presuit mediation conference without the consent of all parties,  
except for counsel for the parties, and a corporate  
representative designated by the association, and a  
representative from the association's insurance carrier, if  
applicable. When mediation is attended by a quorum of the board,  
such mediation is not a board meeting for purposes of notice and  
participation set forth in s. 720.303. An aggrieved party shall  
serve on the responding party a written demand to participate in  
presuit mediation in substantially the following form:

STATUTORY OFFER TO PARTICIPATE  
IN PRESUIT MEDIATION

The alleged aggrieved party, ....., hereby  
demands that ....., as the responding  
party, engage in mandatory presuit mediation in  
connection with the following disputes, which by  
statute are of a type that are subject to presuit  
mediation:

(List specific nature of the dispute or disputes to be  
mediated and the authority supporting a finding of a  
violation as to each dispute.)



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Pursuant to section 720.311, Florida Statutes, this demand to resolve the dispute through presuit mediation is required before a lawsuit can be filed concerning the dispute. Pursuant to the statute, the parties are required to engage in presuit mediation with a neutral third-party mediator in order to attempt to resolve this dispute without court action, and the aggrieved party demands that you likewise agree to this process. If you fail to participate in the mediation process, suit may be brought against you without further warning.

The process of mediation involves a supervised negotiation process in which a trained, neutral third-party mediator meets with both parties and assists them in exploring possible opportunities for resolving part or all of the dispute. By agreeing to participate in presuit mediation, you are not bound in any way to change your position. Furthermore, the mediator has no authority to make any decisions in this matter or to determine who is right or wrong and merely acts as a facilitator to ensure that each party understands the position of the other party and that all options for reasonable settlement are fully explored.

If an agreement is reached, it must ~~shall~~ be reduced to writing and signed, at which time the agreement becomes a binding and enforceable contract between



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~~commitment~~ of the parties. A resolution of one or more  
disputes in this fashion avoids the need to litigate  
those ~~these~~ issues in court. The failure ~~to reach an~~  
~~agreement, or the failure~~ of a party to participate in  
the process or the failure of the parties to reach an  
agreement during the mediation process, results in the  
aggrieved party being able to ~~mediator declaring an~~  
~~impasse in the mediation, after which the aggrieved~~  
~~party may~~ proceed to court on all outstanding and,  
unsettled disputes. If you fail or refuse ~~have failed~~  
~~or refused~~ to participate in the entire mediation  
process, you will not be entitled to recover attorney  
~~attorney's~~ fees, even if you prevail.

The aggrieved party has selected and hereby lists five  
circuit court civil ~~certified~~ mediators certified by  
the Florida Supreme Court who the aggrieved party  
believes ~~we believe~~ to be neutral and qualified to  
mediate the dispute. You have the right to select any  
one of these mediators. The fact that one party may be  
familiar with one or more of the listed mediators does  
not mean that the mediator cannot act as a neutral and  
impartial facilitator. Any mediator who cannot act in  
this capacity is required ethically to decline to  
accept engagement. The mediators that we suggest, and  
their current hourly rates, are as follows:

(List the names, physical addresses, e-mail addresses,  
telephone numbers, and hourly rates of the mediators.



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Other pertinent information about the backgrounds  
~~background~~ of the mediators may be included as an  
attachment, including whether the mediator is board  
certified by The Florida Bar in any practice area.)

By mutual agreement, and before accepting presuit  
mediation, we can also select mediators other than the  
Supreme Court-certified circuit court civil mediators  
named above as alternates to the above-named  
mediators. The alternate mediators are not required to  
be Supreme Court-certified circuit court civil  
mediators. The alternate mediators that we suggest,  
and their hourly rates, are as follows:  
(List the names, physical addresses, e-mail addresses,  
telephone numbers, and hourly rates of the alternate  
mediators. Other pertinent information about the  
backgrounds of the alternate mediators may be included  
as an attachment.)

You may contact the offices of these mediators to  
confirm that the listed mediators will be neutral and  
will not show any favoritism toward either party. The  
Florida Supreme Court can provide you a list of  
~~certified~~ mediators who are certified in the area of  
circuit civil law.

Unless otherwise agreed by the parties, section  
720.311(2) (b), Florida Statutes, requires that the  
parties share equally the costs of presuit mediation



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~~equally~~, including the fee charged by the mediator. A  
typical ~~An average~~ mediation may require three to four  
hours of the mediator's time, including some  
preparation time, and the parties would need to share  
equally the mediator's fees as well as pay their own  
attorney ~~attorney's~~ fees if they choose to employ an  
attorney in connection with the mediation. However,  
use of an attorney is not required and is at the  
option of each party. The mediators may require the  
advance payment of some or all of the anticipated  
fees. The aggrieved party hereby agrees to pay or  
prepay one-half of the mediator's estimated fees and  
to forward this amount or such other reasonable  
advance deposits as the mediator requires for this  
purpose. Any funds deposited will be returned to you  
if these are in excess of your share of the fees  
incurred.

To begin your participation in presuit mediation to  
try to resolve the dispute and avoid further legal  
action, please sign below and clearly indicate which  
mediator is acceptable to you. We will then ask the  
mediator to schedule a mutually convenient time and  
place for the mediation conference to be held. The  
mediation conference must be held within 90 ~~ninety~~  
~~(90)~~ days after the date of acceptance of presuit  
mediation ~~of this date~~, unless extended by mutual  
written agreement. In the event that you fail to  
respond within 30 days after ~~20 days from~~ the date of





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this letter, or if you fail to agree to at least one of the mediators that we have suggested or to pay or prepay to the mediator one-half of the costs involved, the aggrieved party will be authorized to proceed with the filing of a lawsuit against you without further notice and may seek an award of attorney ~~attorney's~~ fees or costs incurred in attempting to obtain mediation.

Therefore, please give this matter your immediate attention. By law, your response must be mailed by certified mail, return receipt requested, and by first-class mail to the address shown on this demand.

.....  
.....

RESPONDING PARTY: YOUR SIGNATURE INDICATES YOUR AGREEMENT TO THAT CHOICE.

AGREEMENT TO MEDIATE

The undersigned hereby agrees to participate in presuit mediation and agrees to attend a mediation conducted by the following mediator or mediators who are listed above as individuals ~~someone~~ who would be acceptable to mediate this dispute:

(List acceptable mediator or mediators.)



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I/we further agree to pay or prepay one-half of the mediator's fees and to forward such advance deposits as the mediator may require for this purpose.

.....  
Signature of responding party #1

.....  
Telephone contact information

.....  
Signature and telephone contact information of responding party #2 (if applicable) (if property is owned by more than one person, all owners must sign)

2. The statutory demand must also contain the following statement in capitalized, bold letters in a font size larger than any other used in the statutory demand: A PERSON WHO FAILS OR REFUSES TO PARTICIPATE IN THE ENTIRE PRESUIT MEDIATION PROCESS IS PROHIBITED FROM RECOVERING ATTORNEY FEES AND COSTS IN SUBSEQUENT LITIGATION RELATING TO THE DISPUTE.

(b) Service of the statutory demand to participate in presuit mediation shall be effected by sending a letter in substantial conformity with the above form by certified mail, return receipt requested, with an additional copy being sent by regular first-class mail, to the address of the responding party as it last appears on the books and records of the association. The responding party has 30 ~~20~~ days after ~~from~~ the date of the mailing of the statutory demand to serve a response to the



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2476 aggrieved party in writing. The response must be sent ~~shall be~~  
2477 ~~served~~ by certified mail, return receipt requested, with an  
2478 additional copy being sent by ~~regular~~ first-class mail, to the  
2479 address shown on the statutory demand. Notwithstanding the  
2480 foregoing, once the parties have agreed on a mediator, the  
2481 mediator may schedule ~~reschedule~~ the mediation for a date and  
2482 time mutually convenient to the parties. Each proposed mediator  
2483 must be available to hold the mediation in the county in which  
2484 the parcel is located or within 40 miles of the parcel without  
2485 charging extra for travel-related costs. If a presuit mediation  
2486 session cannot be scheduled and concluded within 90 days after  
2487 the date of acceptance of presuit mediation and there is no  
2488 agreement between the parties to extend the 90-day deadline, the  
2489 aggrieved party may file an action in court. The parties shall  
2490 share equally the costs of presuit mediation ~~equally~~, including  
2491 the fee charged by the mediator, if any, unless the parties  
2492 agree otherwise, and the mediator may require advance payment of  
2493 its reasonable fees and costs. The failure of any party to  
2494 respond to a demand or response, to agree upon a mediator, to  
2495 make payment of fees and costs within the time established by  
2496 the mediator, or to appear for a scheduled mediation session  
2497 without the approval of the mediator, constitutes ~~shall~~  
2498 ~~constitute~~ the failure or refusal to participate in the  
2499 mediation process and operates ~~shall operate~~ as an impasse in  
2500 the presuit mediation by such party, entitling the other party  
2501 to proceed in court and to seek an award of the costs and fees  
2502 associated with the mediation. Additionally, notwithstanding ~~the~~  
2503 ~~provisions of~~ any other law or document, persons who fail or  
2504 refuse to participate in the entire mediation process may not



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recover attorney ~~attorney's~~ fees and costs in subsequent litigation relating to the dispute. ~~If any presuit mediation session cannot be scheduled and conducted within 90 days after the offer to participate in mediation was filed, an impasse shall be deemed to have occurred unless both parties agree to extend this deadline.~~

(c) If presuit mediation as described in paragraph (a) is not successful in resolving all issues between the parties, any party ~~the parties~~ may file an action regarding the unresolved dispute in a court of competent jurisdiction ~~or elect to enter into binding or nonbinding arbitration pursuant to the procedures set forth in s. 718.1255 and rules adopted by the division, with the arbitration proceeding to be conducted by a department arbitrator or by a private arbitrator certified by the department. If all parties do not agree to arbitration proceedings following an unsuccessful presuit mediation, any party may file the dispute in court. A final order resulting from nonbinding arbitration is final and enforceable in the courts if a complaint for trial de novo is not filed in a court of competent jurisdiction within 30 days after entry of the order.~~ As to any issue or dispute that is not resolved at presuit mediation, and as to any issue that is settled at presuit mediation but is thereafter subject to an action seeking enforcement of the mediation settlement, the prevailing party in any subsequent arbitration or litigation proceeding shall be entitled to seek recovery of all costs and attorney ~~attorney's~~ fees incurred in the presuit mediation process.

(d) The parties may agree to a mediator who is not certified by the Florida Supreme Court. Unless such mediator is



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agreed upon, a mediator may not ~~or arbitrator shall be~~  
~~authorized to~~ conduct mediation or arbitration under this  
section unless ~~only if~~ he or she has been certified as a circuit  
court civil mediator ~~or arbitrator, respectively~~, pursuant to  
the requirements established by the Florida Supreme Court.  
Settlement agreements resulting from mediation may ~~shall~~ not  
have precedential value in proceedings involving parties other  
than those participating in the mediation to support either a  
claim or defense in other disputes.

(e) The presuit mediation procedures provided by this  
subsection may be used by a Florida corporation responsible for  
the operation of a community in which the voting members are  
parcel owners or their representatives, in which membership in  
the corporation is not a mandatory condition of parcel  
ownership, or which is not authorized to impose an assessment  
that may become a lien on the parcel.

(4) Any dispute challenging the legality of the election or  
the recall of any member of the board of directors must be filed  
as a summary procedure under s. 51.011, and in any such action  
the prevailing party is entitled to recover reasonable attorney  
fees and costs. Any action filed pursuant to this subsection  
must be tried without a jury.

Section 21. This act shall take effect July 1, 2019.

===== T I T L E   A M E N D M E N T =====  
And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled



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2563 An act relating to community associations; amending s.  
2564 34.01, F.S.; expanding the jurisdiction of the county  
2565 court to include certain disputes occurring in  
2566 condominium and cooperative associations; amending  
2567 514.0115, F.S.; providing that certain property  
2568 association pools are exempt from Department of Health  
2569 regulations; amending s. 627.714, F.S.; prohibiting  
2570 subrogation rights against a condominium association  
2571 under certain circumstances; amending s. 718.111,  
2572 F.S.; requiring certain records to be maintained for a  
2573 specified time; prohibiting an association from  
2574 requiring certain actions related to the inspection of  
2575 records; revising requirements relating to certain  
2576 associations posting digital copies of certain  
2577 documents; amending s. 718.112, F.S.; specifying that  
2578 only board service that occurs on or after a specified  
2579 date may be used for calculating a board member's term  
2580 limit; providing requirements for certain notices;  
2581 prohibiting an association from charging certain fees;  
2582 providing an exception; revising requirements relating  
2583 to the recall of board members; deleting a prohibition  
2584 against employing or contracting with certain service  
2585 providers; amending s. 718.113, F.S.; revising  
2586 installation requirements for electric vehicle  
2587 charging stations; amending s. 718.117, F.S.; revising  
2588 requirements for contesting a plan of termination for  
2589 a condominium; providing liability for certain owners;  
2590 amending s. 718.1255, F.S.; revising the definition of  
2591 the term "dispute"; deleting a provision encouraging



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2592 certain voluntary mediation; revising legislative  
2593 findings; requiring mediation rather than nonbinding  
2594 arbitration for disputes between a condominium  
2595 association and a unit owner; providing requirements  
2596 for the mediation; providing a form for the written  
2597 demand an aggrieved party is required to serve on a  
2598 responding party; providing requirements for the  
2599 service of a statutory demand to participate in  
2600 presuit mediation and the response to such service;  
2601 providing requirements for mediators selected by the  
2602 parties; requiring the parties to equally share the  
2603 costs of presuit mediation; authorizing a mediator to  
2604 require advance payment of fees and costs; specifying  
2605 what constitutes a failure or refusal to participate  
2606 in the mediation process; prohibiting a person who  
2607 fails or refuses to participate in the entire  
2608 mediation process from recovering fees and costs in  
2609 subsequent litigation; authorizing parties to file  
2610 suit regarding unresolved disputes under certain  
2611 circumstances; specifying that a prevailing party in  
2612 certain subsequent litigation is entitled to an award  
2613 of all costs and attorney fees incurred in the presuit  
2614 mediation process; authorizing the parties to select a  
2615 mediator who has not been certified by the Florida  
2616 Supreme Court; prohibiting a mediator from conducting  
2617 mediation under certain circumstances unless he or she  
2618 has been certified as a circuit court civil mediator;  
2619 providing requirements for certain disputes involving  
2620 the legality of an election or the recall of a board



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2621 member; amending s. 718.303, F.S.; revising  
2622 requirements for certain actions for failure to comply  
2623 with specified provisions; revising requirements for  
2624 certain fines; amending s. 718.501, F.S.; deleting  
2625 provisions relating to the Division of Florida  
2626 Condominiums, Timeshares, and Mobile Homes'  
2627 certification of mediators; amending s. 718.5014,  
2628 F.S.; revising the location of the principal office of  
2629 the Office of the Condominium Ombudsman; amending s.  
2630 719.103, F.S.; revising the definition of the term  
2631 "unit" to specify that an interest in a cooperative  
2632 unit is an interest in real property; amending s.  
2633 719.104, F.S.; prohibiting an association from  
2634 requiring certain actions related to the inspection of  
2635 records; amending s. 719.106, F.S.; revising  
2636 provisions relating to a quorum and voting rights for  
2637 members remotely participating in meetings; revising  
2638 requirements relating to the recall of board members  
2639 and challenges to such recalls; requiring mediation  
2640 rather than nonbinding arbitration for certain  
2641 disputes; amending s. 719.1255, F.S.; revising  
2642 requirements for alternative resolution of disputes;  
2643 amending s. 719.501, F.S.; deleting provisions  
2644 relating to the division's certification of mediators;  
2645 amending s. 720.303, F.S.; authorizing an association  
2646 to adopt procedures for electronic meeting notices;  
2647 revising the documents that constitute the official  
2648 records of an association; revising requirements  
2649 relating to the recall of board members and challenges





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2650 to such recalls; amending s. 720.305, F.S.; providing  
2651 requirements for certain fines; amending s. 720.306,  
2652 F.S.; revising requirements for providing certain  
2653 notices and for challenging certain elections;  
2654 amending s. 720.311, F.S.; revising requirements for  
2655 dispute resolution; defining the term "dispute";  
2656 revising legislative findings; revising the  
2657 standardized form for the offer to participate in  
2658 presuit mediation; providing requirements for the  
2659 service of a statutory demand to participate in  
2660 presuit mediation; providing requirements for  
2661 mediators selected by the parties; authorizing the  
2662 parties to select a mediator who has not been  
2663 certified by the Florida Supreme Court; requiring that  
2664 certain disputes be filed as a summary procedure;  
2665 providing an effective date.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2019	.	
	.	
	.	
	.	

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The Committee on Innovation, Industry, and Technology (Gruters) recommended the following:

**Senate Substitute for Amendment (390698) (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. 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



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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 2. 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. An insurance policy issued to an individual unit owner may not provide rights of subrogation against the condominium association operating the condominium in which such individual's unit is located.

Section 3. Paragraphs (a), (b), (c), and (g) of subsection (12) of section 718.111, Florida Statutes, are amended to read:

718.111 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 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.



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

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

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

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

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

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

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

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

68           11. Accounting records for the association and separate



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accounting records for each condominium that the association operates. Any person who knowingly or intentionally defaces or destroys such records, or who knowingly or intentionally fails to create or maintain such records, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty pursuant to s. 718.501(1)(d). The accounting records must include, but are not limited to:

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

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

c. All audits, reviews, accounting statements, 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.



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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) .

16.~~17.~~ Bids for materials, equipment, or services.

17. All other records of the association not specifically included in subparagraphs 1.-16. which are related to the operation of the association.

(b) The official records specified in subparagraphs (a)1.-6. must be permanently maintained from the inception of the association. Bids for work to be performed or for materials, equipment, or services must be maintained for 1 year after receipt of the bid. All other official records must be maintained within the state for at least 7 years, unless otherwise provided by general law. The 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



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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 has a right to inspect and copy the association's bylaws and rules. 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



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

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

a. Any record protected by the lawyer-client privilege as described in s. 90.502 and any record protected by the work-product privilege, including a record prepared by an association attorney or prepared at the attorney's express direction, which





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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



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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.

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.

(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



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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 made available through an application that can be downloaded on a mobile device:

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



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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.



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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.

1. 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 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 the association's application that can be downloaded on a mobile device. 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 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 4. Paragraphs (d), (i), (j), and (p) of subsection (2) of section 718.112, Florida Statutes, are amended to read:



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718.112 Bylaws.—

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

(d) *Unit owner meetings.*—

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

2. Unless the bylaws provide otherwise, a vacancy on the board caused by the expiration of a director's term must be filled by electing a new board member, and the election must be by secret ballot. An election is not required if the number of vacancies equals or exceeds the number of candidates. For purposes of this paragraph, the term "candidate" means an eligible person who has timely submitted the written notice, as described in sub-subparagraph 4.a., of his or her intention to become a candidate. Except in a timeshare or nonresidential condominium, or if the staggered term of a board member does not expire until a later annual meeting, or if all members' terms would otherwise expire but there are no candidates, the terms of all board members expire at the annual meeting, and such members may stand for reelection unless prohibited by the bylaws. Board members may serve terms longer than 1 year if permitted by the bylaws or articles of incorporation. A board member may not serve more than 8 consecutive years unless approved by an affirmative vote of unit owners representing two-thirds of all



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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, coowners 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



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388 been convicted of any felony in this state or in a United States  
389 District or Territorial Court, or who has been convicted of any  
390 offense in another jurisdiction which would be considered a  
391 felony if committed in this state, is not eligible for board  
392 membership unless such felon's civil rights have been restored  
393 for at least 5 years as of the date such person seeks election  
394 to the board. The validity of an action by the board is not  
395 affected if it is later determined that a board member is  
396 ineligible for board membership due to having been convicted of  
397 a felony. This subparagraph does not limit the term of a member  
398 of the board of a nonresidential or timeshare condominium.

399       3. The bylaws must provide the method of calling meetings  
400 of unit owners, including annual meetings. Written notice must  
401 include an agenda, must be mailed, hand delivered, or  
402 electronically transmitted to each unit owner at least 14 days  
403 before the ~~annual~~ meeting, and must be posted in a conspicuous  
404 place on the condominium property at least 14 continuous days  
405 before the ~~annual~~ meeting. Upon notice to the unit owners, the  
406 board shall, by duly adopted rule, designate a specific location  
407 on the condominium property where all notices of unit owner  
408 meetings must be posted. This requirement does not apply if  
409 there is no condominium property for posting notices. In lieu  
410 of, or in addition to, the physical posting of meeting notices,  
411 the association may, by reasonable rule, adopt a procedure for  
412 conspicuously posting and repeatedly broadcasting the notice and  
413 the agenda on a closed-circuit cable television system serving  
414 the condominium association. However, if broadcast notice is  
415 used in lieu of a notice posted physically on the condominium  
416 property, the notice and agenda must be broadcast at least four





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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



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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,



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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



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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



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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



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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 an applicant any fees, except the actual costs of any background check or screening performed ~~shall be made~~ by the association,



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~~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. Except for the actual costs of any background check or screening performed by the association, any such fee may be preset, but may not ~~in no event may such fee~~ exceed \$100 per applicant other than a husband and wife or parent and dependent child ~~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. 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



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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 his or her ~~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 his or her ~~their~~ possession.

3. If the board fails to duly notice and hold a board





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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 pursuant to s. 718.1255 challenging the board's failure to act or challenging the board's determination on facial validity. The petition must be filed within 60 days after the 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.

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 the bylaws ~~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.~~



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6. A board member who has been recalled may file a petition pursuant to s. 718.1255 challenging the validity of the recall. The petition must be filed within 60 days after the recall. The association and the unit owner representative shall be named as the respondents. The petition 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 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 may award reasonable attorney fees and costs to the respondents if they prevail, if the arbitrator makes a finding that the petitioner's claim is frivolous.

7. The division may not accept for filing a recall petition, whether filed 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.

~~(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~~



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~~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 5. Paragraphs (a) and (c) of subsection (8) of  
section 718.113, Florida Statutes, are 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 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. Therefore, the installation of an electric  
vehicle charging 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 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, within the boundaries of his  
or her limited common element or exclusively designated parking  
area. The installation of such charging stations are subject to  
the provisions of this subsection.

(c) The electricity for the electric vehicle charging



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station must be separately metered or must use an embedded meter  
and be payable by the unit owner installing such charging  
station.

Section 6. Subsection (1) of section 718.1255, Florida  
Statutes, is amended to read:

718.1255 Alternative dispute resolution; voluntary  
mediation; mandatory nonbinding arbitration; legislative  
findings.—

(1) DEFINITIONS.—As used in this section, the term  
“dispute” means any disagreement between two or more parties  
that involves:

(a) The authority of the board of directors, under this  
chapter or association document to:

1. Require any owner to take any action, or not to take any  
action, involving that owner’s unit or the appurtenances  
thereto.

2. Alter or add to a common area or element.

(b) The failure of a governing body, when required by this  
chapter or an association document, to:

1. Properly conduct elections.

2. Maintain common elements, association property, or  
portions of the unit for which the association is responsible.

~~3.2.~~ Give adequate notice of meetings or other actions.

~~4.3.~~ Properly conduct meetings of the board and committees  
appointed by the board and membership meetings.

~~5.4.~~ Allow inspection of books and records.

(c) A plan of termination pursuant to s. 718.117.

“Dispute” does not include any disagreement that primarily



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involves: title to any unit or common element; the interpretation or enforcement of any warranty; the levy of a fee or assessment, or the collection of an assessment levied against a party; the eviction or other removal of a tenant from a unit; alleged breaches of fiduciary duty by one or more directors; or claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.

Section 7. 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.



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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 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



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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 8. Section 718.5014, Florida Statutes, is amended to read:

718.5014 Ombudsman location.—The ombudsman shall maintain his or her principal office in any ~~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 9. 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



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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 10. 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,





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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 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-



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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



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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 11. Paragraphs (b) and (f) of subsection (1) of section 719.106, Florida Statutes, are amended to read:

719.106 Bylaws; cooperative ownership.—

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

(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



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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



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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's participation 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



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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 4. ~~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. 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 shall turn over to the board within 10 full business days after the date of the recall any and all records and property of the association in his or her possession ~~At the meeting, the board shall either certify the written agreement to recall members of the board, in~~



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~~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 pursuant to the procedures of s. 719.1255. 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. If the arbitrator certifies the recall as to any 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 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.~~

~~3.4.~~ 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.

~~4.5.~~ If the board fails to duly notice and hold the



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required meeting or fails to file the required petition, the unit owner representative may file a petition pursuant to s. 719.1255 challenging the board's failure to act. The petition must be filed within 60 days after the 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.

~~5.6-~~ 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 subsection ~~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 must ~~shall~~ be filled in accordance with the bylaws ~~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.~~

~~6.7-~~ A board member who has been recalled may file a petition pursuant to s. 719.1255 challenging the validity of the recall. The petition must be filed within 60 days after the recall is deemed certified. The association and the unit owner representative shall be named as the respondents.

~~7.8-~~ The division may not accept for filing a recall petition, whether filed pursuant to subparagraph 1., subparagraph 2., subparagraph 4., or subparagraph 6.





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~~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.

Section 12. Paragraph (c) of subsection (2) and paragraph (1) of subsection (4) of section 720.303, Florida Statutes, are amended, and paragraph (m) 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'



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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 a website serving the 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 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 for a meeting of the members, which must include a hyperlink to the website where 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



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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:

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

(m) All other ~~written~~ records of the association not specifically included in paragraphs (a) through (1) the foregoing which are related to the operation of the association.

Section 13. Subsections (1) and (2) of section 720.305,



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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



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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 governing documents ~~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



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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 14. Paragraph (g) of subsection (1) of section 720.306, Florida Statutes, is amended 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



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electronic transmission.

Section 15. Subsections (1) and (2) of section 720.311, Florida Statutes, are redesignated as subsections (2) and (3), respectively, a new subsection (1) is added to that section, and present subsection (2) is amended, to read:

720.311 Dispute resolution.—

(1) (a) As used in this section, the term “dispute” means any disagreement between two or more parties which involves:

1. The authority of the board of directors, under this chapter or an association document, to:

a. Require any owner to take any action, or not to take any action, involving that owner’s parcel.

b. Alter or add to a common area.

2. The failure of a governing body, when required by this chapter or an association document, to:

a. Properly enforce the governing documents.

b. Provide adequate notice of meetings or other actions.

c. Properly conduct meetings of the board and committees appointed by the board and membership meetings. This subparagraph does not apply to elections held at a meeting.

d. To maintain a common area.

(b) The term “dispute” does not include any disagreement that primarily involves:

1. Title to any parcel or common area;

2. The interpretation or enforcement of any warranty;

3. The levy of a fee or assessment or the collection of an assessment levied against a party;

4. The eviction or removal of an occupant, licensee, or invitee from a parcel;



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5. An alleged breach of fiduciary duty by one or more directors; or

6. Claims for damages to a parcel based upon the alleged failure of the association to maintain the common areas or association property.

(3) (a) 1.~~(2) (a)~~ Disputes between an association and a parcel owner regarding use of or changes to the parcel or the common areas and other covenant enforcement disputes, disputes regarding amendments to the association documents, disputes regarding meetings of the board and committees appointed by the board, membership meetings not including election meetings, and access to the official records of the association shall be the subject of a demand for presuit mediation served by an aggrieved party before the dispute is filed in court. Presuit mediation proceedings must be conducted in accordance with the applicable rules of the Florida Rules of Civil Procedure and chapter 44, and these proceedings are privileged and confidential to the same extent as court-ordered mediation. Disputes subject to presuit mediation under this section may ~~shall~~ not include the collection of any assessment, fine, or other financial obligation, including attorney ~~attorney's~~ fees and costs, claimed to be due or any action to enforce a prior mediation settlement agreement between the parties. ~~Also,~~ In any dispute subject to presuit mediation under this section where preliminary injunctive ~~emergency~~ relief is required, a motion for temporary injunctive relief may be filed with the court without first complying with the presuit mediation requirements of this section. After any issues regarding preliminary injunctive ~~emergency or temporary~~ relief are resolved, the court





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may ~~either~~ refer the parties to a mediation program administered by the courts or require mediation under this section. An arbitrator or judge may not consider any information or evidence arising from the presuit mediation proceeding except in a proceeding to impose sanctions for failure to attend a presuit mediation session or to enforce a mediated settlement agreement. Persons who are not parties to the dispute may not attend the presuit mediation conference without the consent of all parties, except for counsel for the parties, and a corporate representative designated by the association, and a representative from the association's insurance carrier, if applicable. When mediation is attended by a quorum of the board, such mediation is not a board meeting for purposes of notice and participation set forth in s. 720.303. An aggrieved party shall serve on the responding party a written demand to participate in presuit mediation in substantially the following form:

STATUTORY OFFER TO PARTICIPATE  
IN PRESUIT MEDIATION

The alleged aggrieved party, ....., hereby demands that ....., as the responding party, engage in mandatory presuit mediation in connection with the following disputes, which by statute are of a type that are subject to presuit mediation:

(List specific nature of the dispute or disputes to be mediated and the authority supporting a finding of a



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violation as to each dispute.)

Pursuant to section 720.311, Florida Statutes, this demand to resolve the dispute through presuit mediation is required before a lawsuit can be filed concerning the dispute. Pursuant to the statute, the parties are required to engage in presuit mediation with a neutral third-party mediator in order to attempt to resolve this dispute without court action, and the aggrieved party demands that you likewise agree to this process. If you fail to participate in the mediation process, suit may be brought against you without further warning.

The process of mediation involves a supervised negotiation process in which a trained, neutral third-party mediator meets with both parties and assists them in exploring possible opportunities for resolving part or all of the dispute. By agreeing to participate in presuit mediation, you are not bound in any way to change your position. Furthermore, the mediator has no authority to make any decisions in this matter or to determine who is right or wrong and merely acts as a facilitator to ensure that each party understands the position of the other party and that all options for reasonable settlement are fully explored.

If an agreement is reached, it must ~~shall~~ be reduced to writing and signed, at which time the agreement



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becomes a binding and enforceable contract between  
~~commitment of~~ the parties. A resolution of one or more  
disputes in this fashion avoids the need to litigate  
those ~~these~~ issues in court. The failure ~~to reach an~~  
~~agreement, or the failure~~ of a party to participate in  
the process or the failure of the parties to reach an  
agreement during the mediation process, results in the  
aggrieved party being able to ~~mediator declaring an~~  
~~impasse in the mediation, after which the aggrieved~~  
~~party may~~ proceed to court on all outstanding and,  
unsettled disputes. If you fail or refuse ~~have failed~~  
~~or refused~~ to participate in the entire mediation  
process, you will not be entitled to recover attorney  
~~attorney's~~ fees, even if you prevail.

The aggrieved party has selected and hereby lists five  
circuit court civil ~~certified~~ mediators certified by  
the Florida Supreme Court who the aggrieved party  
believes ~~we believe~~ to be neutral and qualified to  
mediate the dispute. You have the right to select any  
one of these mediators. The fact that one party may be  
familiar with one or more of the listed mediators does  
not mean that the mediator cannot act as a neutral and  
impartial facilitator. Any mediator who cannot act in  
this capacity is required ethically to decline to  
accept engagement. The mediators that we suggest, and  
their current hourly rates, are as follows:

(List the names, physical addresses, e-mail addresses,



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telephone numbers, and hourly rates of the mediators.  
Other pertinent information about the backgrounds  
~~background~~ of the mediators may be included as an  
attachment, including whether the mediator is board  
certified by The Florida Bar in any practice area.)

By mutual agreement, and before accepting presuit  
mediation, we can also select mediators other than the  
Supreme Court-certified circuit court civil mediators  
named above as alternates to the above-named  
mediators. The alternate mediators are not required to  
be Supreme Court-certified circuit court civil  
mediators. The alternate mediators that we suggest,  
and their hourly rates, are as follows:  
(List the names, physical addresses, e-mail addresses,  
telephone numbers, and hourly rates of the alternate  
mediators. Other pertinent information about the  
backgrounds of the alternate mediators may be included  
as an attachment.)

You may contact the offices of these mediators to  
confirm that the listed mediators will be neutral and  
will not show any favoritism toward either party. The  
Florida Supreme Court can provide you a list of  
~~certified~~ mediators who are certified in the area of  
circuit civil law.

Unless otherwise agreed by the parties, section  
720.311(2)(b), Florida Statutes, requires that the



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parties share equally the costs of presuit mediation  
~~equally~~, including the fee charged by the mediator. A  
typical ~~An average~~ mediation may require three to four  
hours of the mediator's time, including some  
preparation time, and the parties would need to share  
equally the mediator's fees as well as pay their own  
attorney ~~attorney's~~ fees if they choose to employ an  
attorney in connection with the mediation. However,  
use of an attorney is not required and is at the  
option of each party. The mediators may require the  
advance payment of some or all of the anticipated  
fees. The aggrieved party hereby agrees to pay or  
prepay one-half of the mediator's estimated fees and  
to forward this amount or such other reasonable  
advance deposits as the mediator requires for this  
purpose. Any funds deposited will be returned to you  
if these are in excess of your share of the fees  
incurred.

To begin your participation in presuit mediation to  
try to resolve the dispute and avoid further legal  
action, please sign below and clearly indicate which  
mediator is acceptable to you. We will then ask the  
mediator to schedule a mutually convenient time and  
place for the mediation conference to be held. The  
mediation conference must be held within 90 ~~ninety~~  
~~(90)~~ days after the date of acceptance of presuit  
mediation ~~of this date~~, unless extended by mutual  
written agreement. In the event that you fail to



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respond within 30 days after ~~20 days from~~ the date of  
this letter, or if you fail to agree to at least one  
of the mediators that we have suggested or to pay or  
prepay to the mediator one-half of the costs involved,  
the aggrieved party will be authorized to proceed with  
the filing of a lawsuit against you without further  
notice and may seek an award of attorney ~~attorney's~~  
fees or costs incurred in attempting to obtain  
mediation.

Therefore, please give this matter your immediate  
attention. By law, your response must be mailed by  
certified mail, return receipt requested, and by  
first-class mail to the address shown on this demand.

.....  
.....

RESPONDING PARTY: YOUR SIGNATURE INDICATES YOUR  
AGREEMENT TO THAT CHOICE.

AGREEMENT TO MEDIATE

The undersigned hereby agrees to participate in  
presuit mediation and agrees to attend a mediation  
conducted by the following mediator or mediators who  
are listed above as individuals ~~someone~~ who would be  
acceptable to mediate this dispute:

(List acceptable mediator or mediators.)



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I/we further agree to pay or prepay one-half of the mediator's fees and to forward such advance deposits as the mediator may require for this purpose.

.....  
Signature of responding party #1

.....  
Telephone contact information

.....  
Signature and telephone contact information of responding party #2 (if applicable) (if property is owned by more than one person, all owners must sign)

2. The statutory demand must also contain the following statement in capitalized, bold letters in a font size larger than any other used in the statutory demand: A PERSON WHO FAILS OR REFUSES TO PARTICIPATE IN THE ENTIRE PRESUIT MEDIATION PROCESS IS PROHIBITED FROM RECOVERING ATTORNEY FEES AND COSTS IN SUBSEQUENT LITIGATION RELATING TO THE DISPUTE.

(b) Service of the statutory demand to participate in presuit mediation shall be effected by sending a letter in substantial conformity with the above form by certified mail, return receipt requested, with an additional copy being sent by regular first-class mail, to the address of the responding party as it last appears on the books and records of the association. The responding party has 30 ~~20~~ days after ~~from~~ the date of the



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mailing of the statutory demand to serve a response to the  
aggrieved party in writing. The response must be sent ~~shall be~~  
~~served~~ by certified mail, return receipt requested, with an  
additional copy being sent by ~~regular~~ first-class mail, to the  
address shown on the statutory demand. Notwithstanding the  
foregoing, once the parties have agreed on a mediator, the  
mediator may schedule ~~reschedule~~ the mediation for a date and  
time mutually convenient to the parties. Each proposed mediator  
must be available to hold the mediation in the county in which  
the parcel is located or within 40 miles of the parcel without  
charging extra for travel-related costs. If a presuit mediation  
session cannot be scheduled and concluded within 90 days after  
the date of acceptance of presuit mediation and there is no  
agreement between the parties to extend the 90-day deadline, the  
aggrieved party may file an action in court. The parties shall  
share equally the costs of presuit mediation ~~equally~~, including  
the fee charged by the mediator, if any, unless the parties  
agree otherwise, and the mediator may require advance payment of  
its reasonable fees and costs. The failure of any party to  
respond to a demand or response, to agree upon a mediator, to  
make payment of fees and costs within the time established by  
the mediator, or to appear for a scheduled mediation session  
without the approval of the mediator, constitutes ~~shall~~  
~~constitute~~ the failure or refusal to participate in the  
mediation process and operates ~~shall operate~~ as an impasse in  
the presuit mediation by such party, entitling the other party  
to proceed in court and to seek an award of the costs and fees  
associated with the mediation. Additionally, notwithstanding ~~the~~  
~~provisions of~~ any other law or document, persons who fail or





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refuse to participate in the entire mediation process may not recover attorney ~~attorney's~~ fees and costs in subsequent litigation relating to the dispute. ~~If any presuit mediation session cannot be scheduled and conducted within 90 days after the offer to participate in mediation was filed, an impasse shall be deemed to have occurred unless both parties agree to extend this deadline.~~

(c) If presuit mediation as described in paragraph (a) is not successful in resolving all issues between the parties, any party ~~the parties~~ may file an action regarding the unresolved dispute in a court of competent jurisdiction or elect to enter into binding or nonbinding arbitration pursuant to the procedures set forth in s. 718.1255 and rules adopted by the division, with the arbitration proceeding to be conducted by a department arbitrator or by a private arbitrator certified by the department. If all parties do not agree to arbitration proceedings following an unsuccessful presuit mediation, any party may file the dispute in court. A final order resulting from nonbinding arbitration is final and enforceable in the courts if a complaint for trial de novo is not filed in a court of competent jurisdiction within 30 days after entry of the order. As to any issue or dispute that is not resolved at presuit mediation, and as to any issue that is settled at presuit mediation but is thereafter subject to an action seeking enforcement of the mediation settlement, the prevailing party in any subsequent arbitration or litigation proceeding shall be entitled to seek recovery of all costs and attorney ~~attorney's~~ fees incurred in the presuit mediation process.

(d) The parties may agree to a mediator or arbitrator who



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is not certified by the Florida Supreme Court. Unless such mediator or arbitrator is agreed upon, a mediator or arbitrator may not ~~shall be authorized to~~ conduct mediation or arbitration under this section unless ~~only if~~ he or she has been certified as a circuit court civil mediator or arbitrator, respectively, pursuant to the requirements established by the Florida Supreme Court. Settlement agreements resulting from mediation may ~~shall~~ not have precedential value in proceedings involving parties other than those participating in the mediation to support either a claim or defense in other disputes.

(e) The presuit mediation procedures provided by this subsection may be used by a Florida corporation responsible for the operation of a community in which the voting members are parcel owners or their representatives, in which membership in the corporation is not a mandatory condition of parcel ownership, or which is not authorized to impose an assessment that may become a lien on the parcel.

Section 16. This act shall take effect July 1, 2019.

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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to community associations; amending  
514.0115, F.S.; providing that certain property  
association pools are exempt from Department of Health  
regulations; amending s. 627.714, F.S.; prohibiting  
subrogation rights against a condominium association



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1635 under certain circumstances; amending s. 718.111,  
1636 F.S.; requiring certain records to be maintained for a  
1637 specified time; prohibiting an association from  
1638 requiring certain actions related to the inspection of  
1639 records; revising requirements relating to certain  
1640 associations posting digital copies of certain  
1641 documents; amending s. 718.112, F.S.; specifying that  
1642 only board service that occurs on or after a specified  
1643 date may be used for calculating a board member's term  
1644 limit; providing requirements for certain notices;  
1645 prohibiting an association from charging certain fees;  
1646 providing an exception; revising requirements relating  
1647 to the recall of board members; deleting a prohibition  
1648 against employing or contracting with certain service  
1649 providers; amending s. 718.1255, F.S.; revising the  
1650 definition of the term "dispute"; amending s. 718.303,  
1651 F.S.; revising requirements for certain actions for  
1652 failure to comply with specified provisions; revising  
1653 requirements for certain fines; amending s. 718.5014,  
1654 F.S.; revising the location of the principal office of  
1655 the Office of the Condominium Ombudsman; amending s.  
1656 719.103, F.S.; revising the definition of the term  
1657 "unit" to specify that an interest in a cooperative  
1658 unit is an interest in real property; amending s.  
1659 719.104, F.S.; prohibiting an association from  
1660 requiring certain actions related to the inspection of  
1661 records; amending s. 719.106, F.S.; revising  
1662 provisions relating to a quorum and voting rights for  
1663 members remotely participating in meetings; revising



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1664 requirements relating to the recall of board members  
1665 and challenges to such recalls; amending s. 719.1255,  
1666 F.S.; revising requirements for alternative resolution  
1667 of disputes; amending s. 719.501, F.S.; deleting  
1668 provisions relating to the division's certification of  
1669 mediators; amending s. 720.303, F.S.; authorizing an  
1670 association to adopt procedures for electronic meeting  
1671 notices; revising the documents that constitute the  
1672 official records of an association; amending s.  
1673 720.305, F.S.; providing requirements for certain  
1674 fines; amending s. 720.306, F.S.; revising  
1675 requirements for providing certain notices; amending  
1676 s. 720.311, F.S.; defining the term "dispute";  
1677 revising the standardized form for the offer to  
1678 participate in presuit mediation; providing  
1679 requirements for the service of a statutory demand to  
1680 participate in presuit mediation; providing  
1681 requirements for mediators and arbitrators selected by  
1682 the parties; authorizing the parties to select a  
1683 mediator or arbitrator who has not been certified by  
1684 the Florida Supreme Court; providing an effective  
1685 date.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Commerce and Tourism, *Chair*  
Finance and Tax, *Vice Chair*  
Appropriations Subcommittee on Criminal  
and Civil Justice  
Banking and Insurance

### JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

### SENATOR JOE GRUTERS

23rd District

March 18, 2019

The Honorable Wilton Simpson, Chair  
Innovation, Industry, and Technology Committee  
420 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chair Simpson:

I am writing to request that Senate Bill 1362, Community Associations be placed on the agenda of the next Innovation, Industry, and Technology meeting.

Should you have any questions regarding this bill, please do not hesitate to reach out to me. Thank you for your time and consideration.

Warm regards,

A handwritten signature in black ink that reads "Joe Gruters". The signature is written in a cursive, flowing style.

Joe Gruters

cc: Booter Imhof, Staff Director  
Lynn Koon, Committee Administrative Assistant

### REPLY TO:

- ☐ 381 Interstate Boulevard, Sarasota, Florida 34240 (941) 378-6309
- ☐ 324 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**BILL GALVANO**  
President of the Senate

**DAVID SIMMONS**  
President Pro Tempore

**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

~~8/30/19~~ 8/10/19

Meeting Date

1362

Bill Number (if applicable)

Topic Community Associations

Amendment Barcode (if applicable)

Name TRAVIS MOORE

Job Title \_\_\_\_\_

Address P.O. Box 2020  
Street

Phone \_\_\_\_\_

St. Petersburg FL 33731  
City State Zip

Email \_\_\_\_\_

Speaking: ☒ For ☐ Against ☐ InformationWaive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)Representing Community Associations Institute (CAI)Appearing at request of Chair: ☐ Yes ☒ NoLobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

1362

Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable)

Name Peter Dunbar

Job Title \_\_\_\_\_

Address 215 S. Monroe

Street

Phone 850/999 4100

Tallahassee

City

State

32312

Zip

Email pdunbar@deanmcclellan.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Real Property, Probate & Trust Law Section - The Bar

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/14  
Meeting Date

1362  
Bill Number (if applicable)

Topic SB 1362

Amendment Barcode (if applicable)

Name Mark Anderson

Job Title \_\_\_\_\_

Address 110 S. Monroe St  
Street

Phone 813-205-0656

Tallahassee FL 32301  
City State Zip

Email Mark@consultanderson.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing CEOMC

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/14/14)



THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19  
Meeting Date

1362  
Bill Number (if applicable)

Topic COMMUNITY ASSOC.

Amendment Barcode (if applicable)

Name KYLE ULRICH

Job Title SVP

Address 3157 SHAMROCK S.  
Street

Phone 850-566-4204

TALLAHASSEE FL 32309  
City State Zip

Email KULRICH@FAIA.COM

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing FL. ASSOC. OF INSURANCE AGENTS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/19

Meeting Date

1362

Bill Number (if applicable)

728666

Amendment Barcode (if applicable)

Topic Community Associations

Name TRAVIS MOORE

Job Title \_\_\_\_\_

Address P.O. Box 2020  
Street

Phone 727.421-6902

St. Petersburg FL 33731  
City State Zip

Email travis@moore-relations.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Community Associations Institute (CAI)

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-10-19

Meeting Date

1362

Bill Number (if applicable)

390698

Amendment Barcode (if applicable)

Topic

Name GLENW LANG

Job Title ARBITRATOR

Address 1122 LENWOOD DRIVE

Street

Phone 850-445-2011

TALL FL 32304

City

State

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

ARBITRATOR AFFECTED BY BILL

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date \_\_\_\_\_

Topic Condos

Name Terr. Jones

Job Title Citizen

Address 8405 Old Post Rd.

Street Tallahassee State FL Zip 32311

City \_\_\_\_\_

1362

Bill Number (if applicable)

Strike-All

Amendment Barcode (if applicable)

??

Phone 321-537-5673

Email TLJonesPA@bellsoast.net

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2019, APR. 10

Meeting Date

SB 1362

Bill Number (if applicable)

Topic COMMUNITY ASSOCIATIONS

Amendment Barcode (if applicable)

Name CHARLIE FOXY

Job Title CONDO ASSOC. PRES

Address 1111 LAKE TERRACE

Street

BOYNTON BEACH FL

City

State

33462

Zip

Phone 305-906-2439

Email HAMILTON.JBUBBA@

YAHOO

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**COMMITTEE:** Innovation, Industry, and Technology  
**ITEM:** SB 1362  
**FINAL ACTION:** Favorable with Committee Substitute  
**MEETING DATE:** Wednesday, April 10, 2019  
**TIME:** 1:30—3:30 p.m.  
**PLACE:** 110 Senate Building

[illegible]

CODES: FAV=Favorable  
UNF=Unfavorable  
-R=Reconsidered

RCS=Replaced by Committee Substitute  
RE=Replaced by Engrossed Amendment  
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed  
VA=Vote After Roll Call  
VC=Vote Change After Roll Call

WD=Withdrawn  
OO=Out of Order  
AV=Abstain from Voting

**By** the Committee on Innovation, Industry, and Technology; and  
Senator Gruters

580-04148A-19

20191362c1

A bill to be entitled

An act relating to community associations; amending 514.0115, F.S.; providing that certain property association pools are exempt from Department of Health regulations; amending s. 627.714, F.S.; prohibiting subrogation rights against a condominium association under certain circumstances; amending s. 718.111, F.S.; requiring certain records to be maintained for a specified time; prohibiting an association from requiring certain actions related to the inspection of records; revising requirements relating to certain associations posting digital copies of certain documents; amending s. 718.112, F.S.; specifying that only board service that occurs on or after a specified date may be used for calculating a board member's term limit; providing requirements for certain notices; prohibiting an association from charging certain fees; providing an exception; revising requirements relating to the recall of board members; deleting a prohibition against employing or contracting with certain service providers; amending s. 718.1255, F.S.; revising the definition of the term "dispute"; 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. 718.5014, F.S.; revising the location of the principal office of the Office of the Condominium Ombudsman; amending s. 719.103, F.S.; revising the definition of the term "unit" to specify that an interest in a cooperative

580-04148A-19

20191362c1

unit is an interest in real property; amending s. 719.104, F.S.; prohibiting an association from requiring certain actions related 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; revising requirements relating to the recall of board members and challenges to such recalls; amending s. 719.1255, F.S.; revising requirements for alternative resolution of disputes; amending s. 719.501, F.S.; deleting provisions relating to the division's certification of mediators; 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; amending s. 720.305, F.S.; providing requirements for certain fines; amending s. 720.306, F.S.; revising requirements for providing certain notices; amending s. 720.311, F.S.; defining the term "dispute"; revising the standardized form for the offer to participate in presuit mediation; providing requirements for the service of a statutory demand to participate in presuit mediation; providing requirements for mediators and arbitrators selected by the parties; authorizing the parties to select a mediator or arbitrator who has not been certified by the Florida Supreme Court; providing an effective date.



580-04148A-19

20191362c1

Be It Enacted by the Legislature of the State of Florida:

Section 1. 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 2. 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. An insurance policy issued to an individual unit owner may not provide rights of subrogation against the condominium association operating the condominium in which such individual's unit is located.

Section 3. Paragraphs (a), (b), (c), and (g) of subsection (12) of section 718.111, Florida Statutes, are amended to read:

718.111 The association.—

(12) OFFICIAL RECORDS.—

(a) From the inception of the association, the association

580-04148A-19

20191362c1

88 shall maintain each of the following items, if applicable, which  
89 constitutes the official records of the association:

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

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

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

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

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

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

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

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

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20191362c1

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

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

123 11. Accounting records for the association and separate  
124 accounting records for each condominium that the association  
125 operates. Any person who knowingly or intentionally defaces or  
126 destroys such records, or who knowingly or intentionally fails  
127 to create or maintain such records, with the intent of causing  
128 harm to the association or one or more of its members, is  
129 personally subject to a civil penalty pursuant to s.  
130 718.501(1)(d). The accounting records must include, but are not  
131 limited to:

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

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

138 c. All audits, reviews, accounting statements, and  
139 financial reports of the association or condominium.

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

144 12. Ballots, sign-in sheets, voting proxies, and all other  
145 papers and electronic records relating to voting by unit owners,

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146 which must be maintained for 1 year from the date of the  
147 election, vote, or meeting to which the document relates,  
148 notwithstanding paragraph (b).

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

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

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

156 ~~16.~~ A copy of the inspection report as described in s.  
157 718.301(4) (p).

158 ~~16.~~~~17.~~ Bids for materials, equipment, or services.

159 17. All other records of the association not specifically  
160 included in subparagraphs 1.-16. which are related to the  
161 operation of the association.

162 (b) The official records specified in subparagraphs (a)1.-  
163 6. must be permanently maintained from the inception of the  
164 association. Bids for work to be performed or for materials,  
165 equipment, or services must be maintained for 1 year after  
166 receipt of the bid. All other official records must be  
167 maintained within the state for at least 7 years, unless  
168 otherwise provided by general law. The records of the  
169 association shall be made available to a unit owner within 45  
170 miles of the condominium property or within the county in which  
171 the condominium property is located within 10 working days after  
172 receipt of a written request by the board or its designee.  
173 However, such distance requirement does not apply to an  
174 association governing a timeshare condominium. This paragraph

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175 may be complied with by having a copy of the official records of  
176 the association available for inspection or copying on the  
177 condominium property or association property, or the association  
178 may offer the option of making the records available to a unit  
179 owner electronically via the Internet or by allowing the records  
180 to be viewed in electronic format on a computer screen and  
181 printed upon request. The association is not responsible for the  
182 use or misuse of the information provided to an association  
183 member or his or her authorized representative in ~~pursuant to~~  
184 ~~the~~ compliance with requirements of this chapter unless the  
185 association has an affirmative duty not to disclose such  
186 information under ~~pursuant to~~ this chapter.

187 (c)1. The official records of the association are open to  
188 inspection by any association member or the authorized  
189 representative of such member at all reasonable times. The right  
190 to inspect the records includes the right to make or obtain  
191 copies, at the reasonable expense, if any, of the member or  
192 authorized representative of such member. A renter of a unit has  
193 a right to inspect and copy the association's bylaws and rules.  
194 The association may adopt reasonable rules regarding the  
195 frequency, time, location, notice, and manner of record  
196 inspections and copying, but may not require a member to  
197 demonstrate any purpose or state any reason for the inspection.  
198 The failure of an association to provide the records within 10  
199 working days after receipt of a written request creates a  
200 rebuttable presumption that the association willfully failed to  
201 comply with this paragraph. A unit owner who is denied access to  
202 official records is entitled to the actual damages or minimum  
203 damages for the association's willful failure to comply. Minimum

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204 damages are \$50 per calendar day for up to 10 days, beginning on  
205 the 11th working day after receipt of the written request. The  
206 failure to permit inspection entitles any person prevailing in  
207 an enforcement action to recover reasonable attorney fees from  
208 the person in control of the records who, directly or  
209 indirectly, knowingly denied access to the records.

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

218 3. The association shall maintain an adequate number of  
219 copies of the declaration, articles of incorporation, bylaws,  
220 and rules, and all amendments to each of the foregoing, as well  
221 as the question and answer sheet as described in s. 718.504 and  
222 year-end financial information required under this section, on  
223 the condominium property to ensure their availability to unit  
224 owners and prospective purchasers, and may charge its actual  
225 costs for preparing and furnishing these documents to those  
226 requesting the documents. An association shall allow a member or  
227 his or her authorized representative to use a portable device,  
228 including a smartphone, tablet, portable scanner, or any other  
229 technology capable of scanning or taking photographs, to make an  
230 electronic copy of the official records in lieu of the  
231 association's providing the member or his or her authorized  
232 representative with a copy of such records. The association may

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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 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

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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.

(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:



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

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

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

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

310 2. A current copy of the following documents must be posted  
311 in digital format on the association's website or made available  
312 through an application that can be downloaded on a mobile  
313 device:

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

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

319 c. The articles of incorporation of the association, or

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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.

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349 468.436(2)(b)6. and 718.3027(3).

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

361 1. Notice of any board meeting, the agenda, and any other  
362 document required for the meeting as required by s.  
363 718.112(2)(c), which must be posted no later than the date  
364 required for notice pursuant to s. 718.112(2)(c).

365 3. The association shall ensure that the information and  
366 records described in paragraph (c), which are not allowed to be  
367 accessible to unit owners, are not posted on the association's  
368 website or the association's application that can be downloaded  
369 on a mobile device. If protected information or information  
370 restricted from being accessible to unit owners is included in  
371 documents that are required to be posted on the association's  
372 website or application, the association shall ensure the  
373 information is redacted before posting the documents ~~online~~.  
374 Notwithstanding the foregoing, the association or its agent is  
375 not liable for disclosing information that is protected or  
376 restricted pursuant to this paragraph unless such disclosure was  
377 made with a knowing or intentional disregard of the protected or

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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 4. Paragraphs (d), (i), (j), and (p) of subsection (2) of section 718.112, Florida Statutes, are 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:

(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

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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, coowners 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

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436 deadline for submitting a notice of intent to run in order to  
437 have his or her name listed as a proper candidate on the ballot  
438 or to serve on the board. A person who has been suspended or  
439 removed by the division under this chapter, or who is delinquent  
440 in the payment of any monetary obligation due to the  
441 association, is not eligible to be a candidate for board  
442 membership and may not be listed on the ballot. A person who has  
443 been convicted of any felony in this state or in a United States  
444 District or Territorial Court, or who has been convicted of any  
445 offense in another jurisdiction which would be considered a  
446 felony if committed in this state, is not eligible for board  
447 membership unless such felon's civil rights have been restored  
448 for at least 5 years as of the date such person seeks election  
449 to the board. The validity of an action by the board is not  
450 affected if it is later determined that a board member is  
451 ineligible for board membership due to having been convicted of  
452 a felony. This subparagraph does not limit the term of a member  
453 of the board of a nonresidential or timeshare condominium.

454 3. The bylaws must provide the method of calling meetings  
455 of unit owners, including annual meetings. Written notice must  
456 include an agenda, must be mailed, hand delivered, or  
457 electronically transmitted to each unit owner at least 14 days  
458 before the ~~annual~~ meeting, and must be posted in a conspicuous  
459 place on the condominium property at least 14 continuous days  
460 before the ~~annual~~ meeting. Upon notice to the unit owners, the  
461 board shall, by duly adopted rule, designate a specific location  
462 on the condominium property where all notices of unit owner  
463 meetings must be posted. This requirement does not apply if  
464 there is no condominium property for posting notices. In lieu

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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

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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.



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523 Together with the written notice and agenda as set forth in  
524 subparagraph 3., the association shall mail, deliver, or  
525 electronically transmit a second notice of the election to all  
526 unit owners entitled to vote, together with a ballot that lists  
527 all candidates not less than 14 days or more than 34 days before  
528 the date of the election. Upon request of a candidate, an  
529 information sheet, no larger than 8 1/2 inches by 11 inches,  
530 which must be furnished by the candidate at least 35 days before  
531 the election, must be included with the mailing, delivery, or  
532 transmission of the ballot, with the costs of mailing, delivery,  
533 or electronic transmission and copying to be borne by the  
534 association. The association is not liable for the contents of  
535 the information sheets prepared by the candidates. In order to  
536 reduce costs, the association may print or duplicate the  
537 information sheets on both sides of the paper. The division  
538 shall by rule establish voting procedures consistent with this  
539 sub-subparagraph, including rules establishing procedures for  
540 giving notice by electronic transmission and rules providing for  
541 the secrecy of ballots. Elections shall be decided by a  
542 plurality of ballots cast. There is no quorum requirement;  
543 however, at least 20 percent of the eligible voters must cast a  
544 ballot in order to have a valid election. A unit owner may not  
545 authorize any other person to vote his or her ballot, and any  
546 ballots improperly cast are invalid. A unit owner who violates  
547 this provision may be fined by the association in accordance  
548 with s. 718.303. A unit owner who needs assistance in casting  
549 the ballot for the reasons stated in s. 101.051 may obtain such  
550 assistance. The regular election must occur on the date of the  
551 annual meeting. Notwithstanding this sub-subparagraph, an

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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,

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581 whichever is longer. Failure to have such written certification  
582 or educational certificate on file does not affect the validity  
583 of any board action.

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

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

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

607 7. Unit owners have the right to participate in meetings of  
608 unit owners with reference to all designated agenda items.  
609 However, the association may adopt reasonable rules governing

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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

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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 an applicant any fees, except the actual costs of any background check or screening performed ~~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. Except for the actual costs of any background check or screening performed by the association, any such fee may be preset, but may not ~~in no event may such fee~~ exceed \$100 per applicant other than a husband and wife or parent and dependent child ~~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. 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.

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668 (j) *Recall of board members.*—Subject to s. 718.301, any  
669 member of the board of administration may be recalled and  
670 removed from office with or without cause by the vote or  
671 agreement in writing by a majority of all the voting interests.  
672 A special meeting of the unit owners to recall a member or  
673 members of the board of administration may be called by 10  
674 percent of the voting interests giving notice of the meeting as  
675 required for a meeting of unit owners, and the notice shall  
676 state the purpose of the meeting. Electronic transmission may  
677 not be used as a method of giving notice of a meeting called in  
678 whole or in part for this purpose.

679 1. If the recall is approved by a majority of all voting  
680 interests by a vote at a meeting, the recall will be effective  
681 as provided in this paragraph. The board shall duly notice and  
682 hold a board meeting within 5 full business days after the  
683 adjournment of the unit owner meeting to recall one or more  
684 board members. Such member or members shall be recalled  
685 effective immediately upon conclusion of the board meeting,  
686 provided that the recall is facially valid. A recalled member  
687 must turn over to the board, within 10 full business days after  
688 the vote, any and all records and property of the association in  
689 his or her ~~their~~ possession.

690 2. If the proposed recall is by an agreement in writing by  
691 a majority of all voting interests, the agreement in writing or  
692 a copy thereof shall be served on the association by certified  
693 mail or by personal service in the manner authorized by chapter  
694 48 and the Florida Rules of Civil Procedure. The board of  
695 administration shall duly notice and hold a meeting of the board  
696 within 5 full business days after receipt of the agreement in

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697 writing. Such member or members shall be recalled effective  
698 immediately upon the conclusion of the board meeting, provided  
699 that the recall is facially valid. A recalled member must turn  
700 over to the board, within 10 full business days, any and all  
701 records and property of the association in his or her ~~their~~  
702 possession.

703 3. If the board fails to duly notice and hold a board  
704 meeting within 5 full business days after service of an  
705 agreement in writing or within 5 full business days after the  
706 adjournment of the unit owner recall meeting, the recall is  
707 ~~shall be deemed~~ effective and the board members so recalled  
708 shall turn over to the board within 10 full business days after  
709 the vote any and all records and property of the association.

710 4. If the board fails to duly notice and hold the required  
711 meeting or at the conclusion of the meeting determines that the  
712 recall is not facially valid, the unit owner representative may  
713 file a petition pursuant to s. 718.1255 challenging the board's  
714 failure to act or challenging the board's determination on  
715 facial validity. The petition must be filed within 60 days after  
716 the expiration of the applicable 5-full-business-day period. The  
717 review of a petition under this subparagraph is limited to the  
718 sufficiency of service on the board and the facial validity of  
719 the written agreement or ballots filed.

720 5. If a vacancy occurs on the board as a result of a recall  
721 or removal and less than a majority of the board members are  
722 removed, the vacancy may be filled by the affirmative vote of a  
723 majority of the remaining directors, notwithstanding any  
724 provision to the contrary contained in this subsection. If  
725 vacancies occur on the board as a result of a recall and a

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majority or more of the board members are removed, the vacancies shall be filled in accordance with the bylaws ~~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 pursuant to s. 718.1255 challenging the validity of the recall. The petition must be filed within 60 days after the recall. The association and the unit owner representative shall be named as the respondents. The petition 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 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 may award reasonable attorney fees and costs to the respondents if they prevail, if the arbitrator makes a finding that the petitioner's claim is frivolous.

7. The division may not accept for filing a recall petition, whether filed 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.



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~~(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 5. Paragraphs (a) and (c) of subsection (8) of section 718.113, Florida Statutes, are 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 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. Therefore, the installation of an electric vehicle charging 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 within the boundaries of the unit owner's limited common element or exclusively designated parking area. The board of administration

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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, within the boundaries of his or her limited common element or exclusively designated parking area. The installation of such charging stations are subject to the provisions of this subsection.

(c) The electricity for the electric vehicle charging station must be separately metered or must use an embedded meter and be payable by the unit owner installing such charging station.

Section 6. Subsection (1) of section 718.1255, Florida Statutes, is amended to read:

718.1255 Alternative dispute resolution; voluntary mediation; mandatory nonbinding arbitration; legislative findings.—

(1) DEFINITIONS.—As used in this section, the term “dispute” means any disagreement between two or more parties that involves:

(a) The authority of the board of directors, under this chapter or association document to:

1. Require any owner to take any action, or not to take any action, involving that owner’s unit or the appurtenances thereto.

2. Alter or add to a common area or element.

(b) The failure of a governing body, when required by this chapter or an association document, to:

1. Properly conduct elections.

2. Maintain common elements, association property, or portions of the unit for which the association is responsible.

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813       ~~3.2-~~ Give adequate notice of meetings or other actions.

814       ~~4.3-~~ Properly conduct meetings of the board and committees  
815 appointed by the board and membership meetings.

816       ~~5.4-~~ Allow inspection of books and records.

817       (c) A plan of termination pursuant to s. 718.117.

818  
819 "Dispute" does not include any disagreement that primarily  
820 involves: title to any unit or common element; the  
821 interpretation or enforcement of any warranty; the levy of a fee  
822 or assessment, or the collection of an assessment levied against  
823 a party; the eviction or other removal of a tenant from a unit;  
824 alleged breaches of fiduciary duty by one or more directors; or  
825 claims for damages to a unit based upon the alleged failure of  
826 the association to maintain the common elements or condominium  
827 property.

828       Section 7. Subsection (1) and paragraph (b) of subsection  
829 (3) of section 718.303, Florida Statutes, are amended to read:

830       718.303 Obligations of owners and occupants; remedies.—

831       (1) Each unit owner, ~~each~~ tenant and other invitee, and  
832 ~~each~~ association is governed by, and must comply with the  
833 provisions of, this chapter, the declaration, the documents  
834 creating the association, and the association bylaws which are  
835 ~~shall be deemed~~ expressly incorporated into any lease of a unit.  
836 Actions at law or in equity ~~for damages or for injunctive~~  
837 ~~relief~~, or both, for failure to comply with these provisions may  
838 be brought by the association or by a unit owner against:

839       (a) The association.

840       (b) A unit owner.

841       (c) Directors designated by the developer, for actions

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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

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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 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 8. Section 718.5014, Florida Statutes, is amended to read:

718.5014 Ombudsman location.—The ombudsman shall maintain his or her principal office in any ~~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

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and functions of his or her office. The ombudsman may establish branch offices elsewhere in the state upon the concurrence of the Governor.

Section 9. 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 10. 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

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929 access to official records is entitled to the actual damages or  
930 minimum damages for the association's willful failure to comply.  
931 The minimum damages are \$50 per calendar day for up to 10 days,  
932 beginning on the 11th working day after receipt of the written  
933 request. The failure to permit inspection entitles any person  
934 prevailing in an enforcement action to recover reasonable  
935 attorney fees from the person in control of the records who,  
936 directly or indirectly, knowingly denied access to the records.  
937 Any person who knowingly or intentionally defaces or destroys  
938 accounting records that are required by this chapter to be  
939 maintained during the period for which such records are required  
940 to be maintained, or who knowingly or intentionally fails to  
941 create or maintain accounting records that are required to be  
942 created or maintained, with the intent of causing harm to the  
943 association or one or more of its members, is personally subject  
944 to a civil penalty pursuant to s. 719.501(1)(d). The association  
945 shall maintain an adequate number of copies of the declaration,  
946 articles of incorporation, bylaws, and rules, and all amendments  
947 to each of the foregoing, as well as the question and answer  
948 sheet as described in s. 719.504 and year-end financial  
949 information required by the department, on the cooperative  
950 property to ensure their availability to members ~~unit-owners~~ and  
951 prospective purchasers, and may charge its actual costs for  
952 preparing and furnishing these documents to those requesting the  
953 same. An association shall allow a member or his or her  
954 authorized representative to use a portable device, including a  
955 smartphone, tablet, portable scanner, or any other technology  
956 capable of scanning or taking photographs, to make an electronic  
957 copy of the official records in lieu of the association

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958 providing the member or his or her authorized representative  
959 with a copy of such records. The association may not charge a  
960 member or his or her authorized representative for the use of a  
961 portable device. Notwithstanding this paragraph, the following  
962 records shall not be accessible to members ~~unit owners~~:

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

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

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

984 4. Medical records of unit owners.

985 5. Social security numbers, driver license numbers, credit  
986 card numbers, e-mail addresses, telephone numbers, facsimile



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987 numbers, emergency contact information, addresses of a unit  
988 owner other than as provided to fulfill the association's notice  
989 requirements, and other personal identifying information of any  
990 person, excluding the person's name, unit designation, mailing  
991 address, property address, and any address, e-mail address, or  
992 facsimile number provided to the association to fulfill the  
993 association's notice requirements. Notwithstanding the  
994 restrictions in this subparagraph, an association may print and  
995 distribute to unit ~~parcel~~ owners a directory containing the  
996 name, unit ~~parcel~~ address, and all telephone numbers of each  
997 unit ~~parcel~~ owner. However, an owner may exclude his or her  
998 telephone numbers from the directory by so requesting in writing  
999 to the association. An owner may consent in writing to the  
1000 disclosure of other contact information described in this  
1001 subparagraph. The association is not liable for the inadvertent  
1002 disclosure of information that is protected under this  
1003 subparagraph if the information is included in an official  
1004 record of the association and is voluntarily provided by an  
1005 owner and not requested by the association.

1006 6. Electronic security measures that are used by the  
1007 association to safeguard data, including passwords.

1008 7. The software and operating system used by the  
1009 association which allow the manipulation of data, even if the  
1010 owner owns a copy of the same software used by the association.  
1011 The data is part of the official records of the association.

1012 Section 11. Paragraphs (b) and (f) of subsection (1) of  
1013 section 719.106, Florida Statutes, are amended to read:

1014 719.106 Bylaws; cooperative ownership.—

1015 (1) MANDATORY PROVISIONS.—The bylaws or other cooperative

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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

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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's participation 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.~~

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(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 4. ~~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

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1103 writing. Such member or members shall be recalled effective  
1104 immediately upon the conclusion of the board meeting, provided  
1105 that the recall is facially valid. A recalled member shall turn  
1106 over to the board within 10 full business days after the date of  
1107 the recall any and all records and property of the association  
1108 in his or her possession ~~At the meeting, the board shall either~~  
1109 ~~certify the written agreement to recall members of the board, in~~  
1110 ~~which case such members shall be recalled effective immediately~~  
1111 ~~and shall turn over to the board, within 5 full business days,~~  
1112 ~~any and all records and property of the association in their~~  
1113 ~~possession, or proceed as described in subparagraph 3.~~

1114 ~~3. If the board determines not to certify the written~~  
1115 ~~agreement to recall members of the board, or does not certify~~  
1116 ~~the recall by a vote at a meeting, the board shall, within 5~~  
1117 ~~full business days after the board meeting, file with the~~  
1118 ~~division a petition for binding arbitration pursuant to the~~  
1119 ~~procedures of s. 719.1255. For purposes of this paragraph, the~~  
1120 ~~unit owners who voted at the meeting or who executed the~~  
1121 ~~agreement in writing shall constitute one party under the~~  
1122 ~~petition for arbitration. If the arbitrator certifies the recall~~  
1123 ~~as to any member of the board, the recall shall be effective~~  
1124 ~~upon mailing of the final order of arbitration to the~~  
1125 ~~association. If the association fails to comply with the order~~  
1126 ~~of the arbitrator, the division may take action pursuant to s.~~  
1127 ~~719.501. Any member so recalled shall deliver to the board any~~  
1128 ~~and all records and property of the association in the member's~~  
1129 ~~possession within 5 full business days after the effective date~~  
1130 ~~of the recall.~~

1131 3.4. If the board fails to duly notice and hold a board

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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.

4.5. If the board fails to duly notice and hold the required meeting or fails to file the required petition, the unit owner representative may file a petition pursuant to s. 719.1255 challenging the board's failure to act. The petition must be filed within 60 days after the 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.

5.6. 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 subsection ~~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 must ~~shall~~ be filled in accordance with the bylaws ~~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.~~

6.7. A board member who has been recalled may file a

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petition pursuant to s. 719.1255 challenging the validity of the recall. The petition must be filed within 60 days after the recall is deemed certified. The association and the unit owner representative shall be named as the respondents.

~~7.8.~~ The division may not accept for filing a recall petition, whether filed pursuant to subparagraph 1., subparagraph 2., subparagraph 4., or subparagraph 6. ~~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.

Section 12. Paragraph (c) of subsection (2) and paragraph (1) of subsection (4) of section 720.303, Florida Statutes, are amended, and paragraph (m) 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

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1190 emergency. Notwithstanding this general notice requirement, for  
1191 communities with more than 100 members, the association bylaws  
1192 may provide for a reasonable alternative to posting or mailing  
1193 of notice for each board meeting, including publication of  
1194 notice, provision of a schedule of board meetings, or the  
1195 conspicuous posting and repeated broadcasting of the notice on a  
1196 closed-circuit cable television system serving the homeowners'  
1197 association. However, if broadcast notice is used in lieu of a  
1198 notice posted physically in the community, the notice must be  
1199 broadcast at least four times every broadcast hour of each day  
1200 that a posted notice is otherwise required. When broadcast  
1201 notice is provided, the notice and agenda must be broadcast in a  
1202 manner and for a sufficient continuous length of time so as to  
1203 allow an average reader to observe the notice and read and  
1204 comprehend the entire content of the notice and the agenda. In  
1205 addition to any of the authorized means of providing notice of a  
1206 meeting of the board, the association may, by rule, adopt a  
1207 procedure for conspicuously posting the meeting notice and the  
1208 agenda on a website serving the association for at least the  
1209 minimum period of time for which a notice of a meeting is also  
1210 required to be physically posted on the association property.  
1211 Any rule adopted shall, in addition to other matters, include a  
1212 requirement that the association send an electronic notice in  
1213 the same manner as is required for a notice for a meeting of the  
1214 members, which must include a hyperlink to the website where the  
1215 notice is posted, to members whose e-mail addresses are included  
1216 in the association's official records. The association may  
1217 provide notice by electronic transmission in a manner authorized  
1218 by law for meetings of the board of directors, committee



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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:

(1) Ballots, sign-in sheets, voting proxies, and all other papers and electronic records relating to voting by parcel

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owners, which shall be maintained for at least 1 year after the date of the election, vote, or meeting to which the document relates.

(m) All other ~~written~~ records of the association not specifically included in paragraphs (a) through (l) the foregoing which are related to the operation of the association.

Section 13. 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

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1277 the court to be necessary to reimburse the member for his or her  
1278 share of assessments levied by the association to fund its  
1279 expenses of the litigation. This relief does not exclude other  
1280 remedies provided by law. This section does not deprive any  
1281 person of any other available right or remedy.

1282 (2) An ~~The~~ association may levy reasonable fines. A fine  
1283 may not exceed \$100 per violation against any member or any  
1284 member's tenant, guest, or invitee for the failure of the owner  
1285 of the parcel or its occupant, licensee, or invitee to comply  
1286 with any provision of the governing documents ~~declaration, the~~  
1287 ~~association bylaws, or reasonable rules of the association~~  
1288 unless otherwise provided in the governing documents. A fine may  
1289 be levied by the board for each day of a continuing violation,  
1290 with a single notice and opportunity for hearing, except that  
1291 the fine may not exceed \$1,000 in the aggregate unless otherwise  
1292 provided in the governing documents. A fine of less than \$1,000  
1293 may not become a lien against a parcel. In any action to recover  
1294 a fine, the prevailing party is entitled to reasonable attorney  
1295 fees and costs from the nonprevailing party as determined by the  
1296 court.

1297 (a) An association may suspend, for a reasonable period of  
1298 time, the right of a member, or a member's tenant, guest, or  
1299 invitee, to use common areas and facilities for the failure of  
1300 the owner of the parcel or its occupant, licensee, or invitee to  
1301 comply with any provision of the declaration, the association  
1302 bylaws, or reasonable rules of the association. This paragraph  
1303 does not apply to that portion of common areas used to provide  
1304 access or utility services to the parcel. A suspension may not  
1305 prohibit an owner or tenant of a parcel from having vehicular

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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 14. Paragraph (g) of subsection (1) of section 720.306, Florida Statutes, is amended to read:

720.306 Meetings of members; voting and election procedures; amendments.—

(1) QUORUM; AMENDMENTS.—

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(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.

Section 15. Subsections (1) and (2) of section 720.311, Florida Statutes, are redesignated as subsections (2) and (3), respectively, a new subsection (1) is added to that section, and present subsection (2) is amended, to read:

720.311 Dispute resolution.—

(1)(a) As used in this section, the term "dispute" means any disagreement between two or more parties which involves:

1. The authority of the board of directors, under this chapter or an association document, to:

a. Require any owner to take any action, or not to take any action, involving that owner's parcel.

b. Alter or add to a common area.

2. The failure of a governing body, when required by this chapter or an association document, to:

a. Properly enforce the governing documents.

b. Provide adequate notice of meetings or other actions.

c. Properly conduct meetings of the board and committees appointed by the board and membership meetings. This subparagraph does not apply to elections held at a meeting.

d. Maintain a common area.

(b) The term "dispute" does not include any disagreement

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that primarily involves:

1. Title to any parcel or common area;  
2. The interpretation or enforcement of any warranty;  
3. The levy of a fee or assessment or the collection of an  
assessment levied against a party;

4. The eviction or removal of an occupant, licensee, or  
invitee from a parcel;

5. An alleged breach of fiduciary duty by one or more  
directors; or

6. Claims for damages to a parcel based upon the alleged  
failure of the association to maintain the common areas or  
association property.

(3) (a) 1.~~(2) (a)~~ Disputes between an association and a parcel owner regarding use of or changes to the parcel or the common areas and other covenant enforcement disputes, disputes regarding amendments to the association documents, disputes regarding meetings of the board and committees appointed by the board, membership meetings not including election meetings, and access to the official records of the association shall be the subject of a demand for presuit mediation served by an aggrieved party before the dispute is filed in court. Presuit mediation proceedings must be conducted in accordance with the applicable rules of the Florida Rules of Civil Procedure and chapter 44, and these proceedings are privileged and confidential to the same extent as court-ordered mediation. Disputes subject to presuit mediation under this section may ~~shall~~ not include the collection of any assessment, fine, or other financial obligation, including attorney ~~attorney's~~ fees and costs, claimed to be due or any action to enforce a prior mediation

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settlement agreement between the parties. ~~Also,~~ In any dispute  
subject to presuit mediation under this section where  
preliminary injunctive ~~emergency~~ relief is required, a motion  
for temporary injunctive relief may be filed with the court  
without first complying with the presuit mediation requirements  
of this section. After any issues regarding preliminary  
injunctive ~~emergency or temporary~~ relief are resolved, the court  
may ~~either~~ refer the parties to a mediation program administered  
by the courts or require mediation under this section. An  
arbitrator or judge may not consider any information or evidence  
arising from the presuit mediation proceeding except in a  
proceeding to impose sanctions for failure to attend a presuit  
mediation session or to enforce a mediated settlement agreement.  
Persons who are not parties to the dispute may not attend the  
presuit mediation conference without the consent of all parties,  
except for counsel for the parties, and ~~and~~ a corporate  
representative designated by the association, and a  
representative from the association's insurance carrier, if  
applicable. When mediation is attended by a quorum of the board,  
such mediation is not a board meeting for purposes of notice and  
participation set forth in s. 720.303. An aggrieved party shall  
serve on the responding party a written demand to participate in  
presuit mediation in substantially the following form:

STATUTORY OFFER TO PARTICIPATE  
IN PRESUIT MEDIATION

The alleged aggrieved party, ....., hereby  
demands that ....., as the responding

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party, engage in mandatory presuit mediation in connection with the following disputes, which by statute are of a type that are subject to presuit mediation:

(List specific nature of the dispute or disputes to be mediated and the authority supporting a finding of a violation as to each dispute.)

Pursuant to section 720.311, Florida Statutes, this demand to resolve the dispute through presuit mediation is required before a lawsuit can be filed concerning the dispute. Pursuant to the statute, the parties are required to engage in presuit mediation with a neutral third-party mediator in order to attempt to resolve this dispute without court action, and the aggrieved party demands that you likewise agree to this process. If you fail to participate in the mediation process, suit may be brought against you without further warning.

The process of mediation involves a supervised negotiation process in which a trained, neutral third-party mediator meets with both parties and assists them in exploring possible opportunities for resolving part or all of the dispute. By agreeing to participate in presuit mediation, you are not bound in any way to change your position. Furthermore, the mediator has no authority to make any decisions in this matter or to



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determine who is right or wrong and merely acts as a facilitator to ensure that each party understands the position of the other party and that all options for reasonable settlement are fully explored.

If an agreement is reached, it must ~~shall~~ be reduced to writing and signed, at which time the agreement becomes a binding and enforceable contract between ~~commitment of~~ the parties. A resolution of one or more disputes in this fashion avoids the need to litigate those ~~these~~ issues in court. The failure ~~to reach an agreement, or the failure~~ of a party to participate in the process or the failure of the parties to reach an agreement during the mediation process, results in the aggrieved party being able to mediator declaring an ~~impasse in the mediation, after which the aggrieved party may~~ proceed to court on all outstanding and, unsettled disputes. If you fail or refuse ~~have failed or refused~~ to participate in the entire mediation process, you will not be entitled to recover attorney ~~attorney's~~ fees, even if you prevail.

The aggrieved party has selected and hereby lists five circuit court civil ~~certified~~ mediators certified by ~~the Florida Supreme Court~~ who the aggrieved party ~~believes we believe~~ to be neutral and qualified to mediate the dispute. You have the right to select any one of these mediators. The fact that one party may be familiar with one or more of the listed mediators does

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not mean that the mediator cannot act as a neutral and impartial facilitator. Any mediator who cannot act in this capacity is required ethically to decline to accept engagement. The mediators that we suggest, and their current hourly rates, are as follows:

(List the names, physical addresses, e-mail addresses, telephone numbers, and hourly rates of the mediators. Other pertinent information about the backgrounds ~~background~~ of the mediators may be included as an attachment, including whether the mediator is board certified by The Florida Bar in any practice area.)

By mutual agreement, and before accepting presuit mediation, we can also select mediators other than the Supreme Court-certified circuit court civil mediators named above as alternates to the above-named mediators. The alternate mediators are not required to be Supreme Court-certified circuit court civil mediators. The alternate mediators that we suggest, and their hourly rates, are as follows:

(List the names, physical addresses, e-mail addresses, telephone numbers, and hourly rates of the alternate mediators. Other pertinent information about the backgrounds of the alternate mediators may be included as an attachment.)

You may contact the offices of these mediators to confirm that the listed mediators will be neutral and

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will not show any favoritism toward either party. The Florida Supreme Court can provide you a list of ~~certified~~ mediators who are certified in the area of circuit civil law.

Unless otherwise agreed by the parties, section 720.311(2)(b), Florida Statutes, requires that the parties share equally the costs of presuit mediation ~~equally~~, including the fee charged by the mediator. A typical ~~An average~~ mediation may require three to four hours of the mediator's time, including some preparation time, and the parties would need to share equally the mediator's fees as well as pay their own attorney ~~attorney's~~ fees if they choose to employ an attorney in connection with the mediation. However, use of an attorney is not required and is at the option of each party. The mediators may require the advance payment of some or all of the anticipated fees. The aggrieved party hereby agrees to pay or prepay one-half of the mediator's estimated fees and to forward this amount or such other reasonable advance deposits as the mediator requires for this purpose. Any funds deposited will be returned to you if these are in excess of your share of the fees incurred.

To begin your participation in presuit mediation to try to resolve the dispute and avoid further legal action, please sign below and clearly indicate which

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mediator is acceptable to you. We will then ask the mediator to schedule a mutually convenient time and place for the mediation conference to be held. The mediation conference must be held within 90 ~~ninety~~ ~~(90)~~ days after the date of acceptance of presuit mediation of this date, unless extended by mutual written agreement. In the event that you fail to respond within 30 days after ~~20 days from~~ the date of this letter, or if you fail to agree to at least one of the mediators that we have suggested or to pay or prepay to the mediator one-half of the costs involved, the aggrieved party will be authorized to proceed with the filing of a lawsuit against you without further notice and may seek an award of attorney ~~attorney's~~ fees or costs incurred in attempting to obtain mediation.

Therefore, please give this matter your immediate attention. By law, your response must be mailed by certified mail, return receipt requested, and by first-class mail to the address shown on this demand.

.....  
.....

RESPONDING PARTY: YOUR SIGNATURE INDICATES YOUR AGREEMENT TO THAT CHOICE.

AGREEMENT TO MEDIATE

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The undersigned hereby agrees to participate in presuit mediation and agrees to attend a mediation conducted by the following mediator or mediators who are listed above as individuals ~~someone~~ who would be acceptable to mediate this dispute:

(List acceptable mediator or mediators.)

I/we further agree to pay or prepay one-half of the mediator's fees and to forward such advance deposits as the mediator may require for this purpose.

.....

Signature of responding party #1

.....

Telephone contact information

.....

Signature and telephone contact information of responding party #2 (if applicable) (if property is owned by more than one person, all owners must sign)

2. The statutory demand must also contain the following statement in capitalized, bold letters in a font size larger than any other used in the statutory demand: A PERSON WHO FAILS OR REFUSES TO PARTICIPATE IN THE ENTIRE PRESUIT MEDIATION PROCESS IS PROHIBITED FROM RECOVERING ATTORNEY FEES AND COSTS IN SUBSEQUENT LITIGATION RELATING TO THE DISPUTE.

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(b) Service of the statutory demand to participate in presuit mediation shall be effected by sending a letter in substantial conformity with the above form by certified mail, return receipt requested, with an additional copy being sent by regular first-class mail, to the address of the responding party as it last appears on the books and records of the association. The responding party has 30 ~~20~~ days after ~~from~~ the date of the mailing of the statutory demand to serve a response to the aggrieved party in writing. The response must be sent ~~shall be served~~ by certified mail, return receipt requested, with an additional copy being sent by ~~regular~~ first-class mail, to the address shown on the statutory demand. Notwithstanding the foregoing, once the parties have agreed on a mediator, the mediator may schedule ~~reschedule~~ the mediation for a date and time mutually convenient to the parties. Each proposed mediator must be available to hold the mediation in the county in which the parcel is located or within 40 miles of the parcel without charging extra for travel-related costs. If a presuit mediation session cannot be scheduled and concluded within 90 days after the date of acceptance of presuit mediation and there is no agreement between the parties to extend the 90-day deadline, the aggrieved party may file an action in court. The parties shall share equally the costs of presuit mediation ~~equally~~, including the fee charged by the mediator, if any, unless the parties agree otherwise, and the mediator may require advance payment of its reasonable fees and costs. The failure of any party to respond to a demand or response, to agree upon a mediator, to make payment of fees and costs within the time established by the mediator, or to appear for a scheduled mediation session

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without the approval of the mediator, constitutes ~~shall~~  
constitute the failure or refusal to participate in the  
mediation process and operates ~~shall operate~~ as an impasse in  
the presuit mediation by such party, entitling the other party  
to proceed in court and to seek an award of the costs and fees  
associated with the mediation. Additionally, notwithstanding ~~the~~  
~~provisions of~~ any other law or document, persons who fail or  
refuse to participate in the entire mediation process may not  
recover attorney ~~attorney's~~ fees and costs in subsequent  
litigation relating to the dispute. ~~If any presuit mediation~~  
~~session cannot be scheduled and conducted within 90 days after~~  
~~the offer to participate in mediation was filed, an impasse~~  
~~shall be deemed to have occurred unless both parties agree to~~  
~~extend this deadline.~~

(c) If presuit mediation as described in paragraph (a) is  
not successful in resolving all issues between the parties, any  
party ~~the parties~~ may file an action regarding the unresolved  
dispute in a court of competent jurisdiction or elect to enter  
into binding or nonbinding arbitration pursuant to the  
procedures set forth in s. 718.1255 and rules adopted by the  
division, with the arbitration proceeding to be conducted by a  
department arbitrator or by a private arbitrator certified by  
the department. If all parties do not agree to arbitration  
proceedings following an unsuccessful presuit mediation, any  
party may file the dispute in court. A final order resulting  
from nonbinding arbitration is final and enforceable in the  
courts if a complaint for trial de novo is not filed in a court  
of competent jurisdiction within 30 days after entry of the  
order. As to any issue or dispute that is not resolved at

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presuit mediation, and as to any issue that is settled at presuit mediation but is thereafter subject to an action seeking enforcement of the mediation settlement, the prevailing party in any subsequent arbitration or litigation proceeding shall be entitled to seek recovery of all costs and attorney ~~attorney's~~ fees incurred in the presuit mediation process.

(d) The parties may agree to a mediator or arbitrator who is not certified by the Florida Supreme Court. Unless such mediator or arbitrator is agreed upon, a mediator or arbitrator may not ~~shall be authorized to~~ conduct mediation or arbitration under this section unless ~~only if~~ he or she has been certified as a circuit court civil mediator or arbitrator, respectively, pursuant to the requirements established by the Florida Supreme Court. Settlement agreements resulting from mediation may ~~shall~~ not have precedential value in proceedings involving parties other than those participating in the mediation to support either a claim or defense in other disputes.

(e) The presuit mediation procedures provided by this subsection may be used by a Florida corporation responsible for the operation of a community in which the voting members are parcel owners or their representatives, in which membership in the corporation is not a mandatory condition of parcel ownership, or which is not authorized to impose an assessment that may become a lien on the parcel.

Section 16. This act shall take effect July 1, 2019.



# CourtSmart Tag Report

Room: EL 110

Case No.:

Caption: Senate Innovation Industry and Technology

Type:

Judge:

Started: 4/10/2019 1:37:57 PM

Ends: 4/10/2019 3:19:57 PM

Length: 01:42:01

1:37:57 PM	Roll call
1:37:57 PM	Pledge to the Flag
1:37:57 PM	Tab 3, CS/SB 620 by Senator Broxson
1:37:57 PM	Senator Broxson explaining CS/SB 620
1:38:08 PM	Senator Broxson in debate
1:38:14 PM	Senator Brandes in debate
1:38:21 PM	Senator Broxson in debate
1:38:34 PM	Senator Brandes in debate
1:38:40 PM	Senator Broxson in debate
1:39:02 PM	Senator Brandes in debate
1:40:06 PM	Senator Broxson to close
1:40:29 PM	CS/SB 620 is reported favorably
1:40:50 PM	Take up Tab 4 CS/SB 1704
1:41:24 PM	Senator Wright for an explanation
1:42:37 PM	Take up Amendment 709198
1:42:50 PM	Senator Hutson for an explanation
1:42:59 PM	Questions?
1:43:03 PM	Leader Gibson asked to repeat the explanation
1:43:28 PM	Leader Gibson for a question
1:43:58 PM	Senator Hutson for a response
1:44:26 PM	Leader Gibson for a follow up
1:45:05 PM	Seantor Hutson for a response
1:45:24 PM	Senator Wright for a response to Leader Gibson
1:45:59 PM	Senator Bradley for a question
1:46:16 PM	Seantor Wright for a response
1:46:26 PM	Senator Braynon for a question
1:47:05 PM	Senator Wright for a response
1:47:44 PM	Senator Braynon for a follow up
1:47:50 PM	Senator Wright for a response
1:47:58 PM	Appearance forms
1:48:03 PM	Wendy Miner
1:48:37 PM	Wendy Weiner
1:50:29 PM	Senator Bradley for a question of Wendy Weiner
1:50:46 PM	Wendy Weiner for a response
1:50:52 PM	Senator Bradley for a folow up
1:51:13 PM	Wendy Weiner for a response
1:51:37 PM	Senator Bradley for a follow up
1:51:42 PM	Wendy Weiner for a response
1:52:01 PM	Senator Bradley for a follow up
1:52:10 PM	Wendy Weiner for a response
1:53:07 PM	Senator Bradely for a follow up
1:53:15 PM	Wendy Weiner with a response
1:54:13 PM	Howard Beckham
1:58:17 PM	Georgia Mckeown waives i support
1:58:30 PM	Fiona Nicholson waives in support
1:58:44 PM	Debate?
1:58:58 PM	Senator Hutson to close
1:59:07 PM	Senator Hutson withdraws the amendment
1:59:21 PM	Chair Simpson TP's the bill until the Senator Brandes is able to return to present his amendment
1:59:50 PM	Take up Tab 1 SB 7100
2:00:07 PM	Mary Kraemer (staff) to explain the Bill
2:02:05 PM	Questions?

2:02:09 PM Appearance forms  
 2:02:16 PM Jake Gilbert waives in support  
 2:02:26 PM Debate?  
 2:02:28 PM SPB is submitted as a committee bill  
 2:02:37 PM SPB 7100 is reported favorably  
 2:02:56 PM Take up Tab 2 SPB 7102  
 2:03:09 PM Miguel Oxamendi (staff) for an explanation  
 2:03:56 PM Take up Amendment 142576 by Senator Benacquisto  
 2:04:14 PM Senator Benacquisto for an explanation  
 2:04:21 PM Questions?  
 2:04:23 PM Jeffrey Sharkey waives in support  
 2:04:35 PM Debate?  
 2:04:37 PM The Amendment is adopted  
 2:04:45 PM Questions on the bill as amended  
 2:04:53 PM Senator Braynon for a question  
 2:04:59 PM Miguel Oximendi for a response  
 2:06:01 PM Senator Bracy for a question  
 2:06:08 PM Miguel Oximendi for a response  
 2:07:07 PM Jim McGill  
 2:07:17 PM Gary Stein  
 2:08:17 PM Spencer Hunter  
 2:09:44 PM Michael Minard  
 2:11:42 PM Debate?  
 2:11:51 PM SPB 7102 is reported favorably as a committee bill  
 2:12:23 PM Return to tab 4  
 2:12:36 PM Take up Amendment 567748  
 2:12:49 PM Senator Brandes for an explanation  
 2:13:10 PM Amendment is adopted  
 2:13:18 PM Sen. Hutson withdraws his amendment #824524  
 2:13:44 PM Take up Amendment by Senator Hutson #575184  
 2:14:13 PM Questions?  
 2:14:24 PM Howard Beckham  
 2:16:49 PM Senator Hutson for a question  
 2:17:03 PM Mr. Beckham for a response  
 2:17:17 PM Senator Hutson for a follow up  
 2:17:22 PM Mr. Beckham for a response  
 2:18:32 PM Senator Hutson for a follow up  
 2:18:44 PM Mr. Beckham for a response  
 2:18:50 PM Senator Hutson for a response  
 2:19:00 PM Senator Benacquisto for a question  
 2:19:24 PM Mr. Beckham for a response  
 2:21:03 PM Bill Williams waives in support  
 2:21:09 PM Wendy Weiner  
 2:25:12 PM Debate?  
 2:25:16 PM The Amdnement is adopted  
 2:25:24 PM back on the ill as amended  
 2:25:36 PM Chief Ray colburn  
 2:25:52 PM Ray Williams  
 2:25:55 PM Wendy Weiner  
 2:25:58 PM Amber Hughes  
 2:26:41 PM Senator Braynon for a question  
 2:27:41 PM Amber Hughes for a response  
 2:27:50 PM Senator Braynon for a question  
 2:27:58 PM Amber Hughes for a response  
 2:28:38 PM Senator Braynon for a question  
 2:28:50 PM Amber Hughes for a response  
 2:29:45 PM Senator Brandes for a question  
 2:29:50 PM Amber Hughes for a response  
 2:30:16 PM Senator Brandes for a follow up  
 2:30:25 PM Amber Hughes for a response  
 2:30:51 PM Senator Brandes for a follow up  
 2:30:55 PM Amber Hughes for a response

2:31:25 PM Jim Tolley  
2:32:37 PM Senator Brandes for a question  
2:32:43 PM Jim Tolley for a response  
2:33:08 PM Merideth Stanfield  
2:34:30 PM Senator Brandes for a comment  
2:34:45 PM Debate?  
2:35:02 PM Senator Wright to close  
2:36:09 PM CS/CS/SB 1704 is reported favorably  
2:36:40 PM Take up Tab 5 CS/SB 770  
2:36:57 PM Senator Hutson to explain the bill  
2:37:05 PM Take up Amendment 920704  
2:37:21 PM Senator Hutson for an explanation of the amendment  
2:43:22 PM Questions?  
2:43:27 PM Senator Bracy for a question  
2:43:34 PM Senator Hutson for a response  
2:44:10 PM Senator Bracy for a follow up  
2:44:20 PM Senator Hutson for a response  
2:45:05 PM Senator Farmer for a question  
2:45:12 PM Senator hutson for a response  
2:46:21 PM Senator Farmer for a follow up  
2:46:26 PM Senator Hutson for a response  
2:47:33 PM Leader Gibson for a question  
2:47:43 PM Senator Hutson for a response  
2:49:37 PM Leader Gibson for a follow up  
2:49:59 PM Senator Hutson for a response  
2:50:24 PM Leader Gibson for a follow up  
2:50:33 PM Senator Hutson for a response  
2:51:00 PM Leader Gibson for a follow up  
2:51:15 PM Senator Hutson for a response  
2:51:45 PM Leader Gibson for a question  
2:51:58 PM Senator Hutson for a response  
2:52:51 PM Appearance forms  
2:53:04 PM Nancy Stephens  
2:54:40 PM Theresa King  
2:57:55 PM Debate?  
2:57:56 PM Senator Hutson waives close on the amendment  
2:58:11 PM The amendment is adopted  
2:58:18 PM back on the bill  
2:58:23 PM Mathew Choy waives in support  
2:58:35 PM Holly Sagues waives in support  
2:58:40 PM Brewster Bevis waives in support Carol Bowen waives in support  
2:59:09 PM Ginene Mananoli waives in support  
2:59:21 PM Adam Campbell  
2:59:25 PM Theresa King waives in support  
2:59:32 PM Marc Anderson waives in support  
2:59:39 PM David Shepp waives in support  
2:59:55 PM Senator Hutson to close  
3:00:50 PM CS/CS/SB 770 is reported favorably  
3:01:19 PM Take up Tab 6 SB 824 is TP'd  
3:01:34 PM Take up Tab 7 SB 1362  
3:01:46 PM Senator Passidomo to explain the bill  
3:03:21 PM Temporarily postponed by Senator Simpson  
3:04:00 PM Take up Amendment 390698  
3:04:14 PM Take up the substitute Amendment  
3:05:09 PM Questions?  
3:05:14 PM Appearance forms  
3:05:18 PM Glenn Lang  
3:06:04 PM Travis Moore  
3:07:01 PM Terri Jones  
3:10:15 PM Charlie Fox  
3:11:52 PM Debate?  
3:11:58 PM Senator Gruters to close

**3:12:41 PM** The substitute amendment is adopted  
**3:12:51 PM** Appearance cards on the bill as amended  
**3:13:17 PM** Mark Anderson waives in support  
**3:13:24 PM** Kyle Ulrich waives in support  
**3:13:31 PM** Pete Dunbar  
**3:14:38 PM** Debate?  
**3:14:42 PM** Senator Braynon in debate  
**3:15:49 PM** Leader Gibson in debate  
**3:17:13 PM** Leader Passidomo in debate  
**3:18:11 PM** Senator Gruters to close  
**3:18:51 PM** CS/SB 1362 is reported favorably  
**3:19:23 PM** Senator Farmer votes favorably on SB 7100 and 7102  
**3:19:46 PM** Meeting is adjourned