Journal of the Senate

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CONTENTS

CALL TO ORDER

The Senate was called to order by President Negron at 10:00 a.m. A quorum present—37:

Mr. President	Flores	Rader
Baxley	Gainer	Rodriguez
Bean	Galvano	Rouson
Benacquisto	Garcia	Simmons
Book	Gibson	Simpson
Bracy	Grimsley	Stargel
Bradley	Hutson	Steube
Brandes	Latvala	Stewart
Braynon	Mayfield	Thurston
Broxson	Montford	Torres
Campbell	Passidomo	Young
Clemens	Perry	
Farmer	Powell	

Excused: Senator Hukill

PRAYER

The following prayer was offered by Bishop Leofric W. Thomas, Sr., Open Arms Christian Fellowship, Jacksonville:

Gracious God, our father, we honor you, we applaud you, we appreciate you, and we adore you, today. We thank you for your omnipotent presence in this place.

We pray now, God, for the gathering that has assembled in this room. We pray for every piece of legislation and all of the bills. As these Senators dialogue and discuss the important things that go along with guiding and leading our state, I pray, God, that you will hover over this place and you will speak to every mind. I pray that you will corral every thought that will help them to understand that our gathering is about leading, guiding, and governing the people of the State of Florida.

We thank you for the State of Florida. I thank you for every municipality, for every township, and for every area that is represented here today. Thank you for governing from the heavenly realm.

Thank you, God, for you have pronounced that this time they share together will be guided by your presence. So, God, we give you glory, we give you praise, and we give you honor. In the matchless, marvelous, and mighty name of our Christ, we pray. Amen.

PLEDGE

Senate Pages, Darren Mayes of Bradenton; Stephanie Foxworth of Clarksville; and Joseph Eliancy of Miami, led the Senate in the Pledge of Allegiance to the flag of the United States of America.

ADOPTION OF RESOLUTIONS

At the request of Senator Grimsley—

By Senator Grimsley—

SR 1846—A resolution commending the University of Florida Institute of Food and Agricultural Sciences Citrus Research and Education Center for its 100 years of service to the state's citrus producers and residents.

WHEREAS, the University of Florida Institute of Food and Agricultural Sciences (UF/IFAS) Citrus Research and Education Center in Lake Alfred celebrates 100 years of service to the state of Florida, its residents, and its agricultural producers in 2017, and

WHEREAS, the UF/IFAS Citrus Research and Education Center is the state's oldest and largest agricultural research and education center and the largest facility in the world devoted to a single commodity, and

WHEREAS, the UF/IFAS Citrus Research and Education Center began in 1917 after a group of Polk County citrus growers raised nearly $14,000 to purchase land for a research station, and the center was later legally established by the Legislature, and

WHEREAS, today the UF/IFAS Citrus Research and Education Center employs 250 people and is also home to the scientific research staff of the Florida Department of Citrus, and

WHEREAS, the UF/IFAS Citrus Research and Education Center spans more than 600 acres of groves and has greenhouses, a fresh fruit packinghouse, a juice processing pilot plant, and more than 40 laboratories, and

WHEREAS, the UF/IFAS Citrus Research and Education Center has an enduring legacy of service to the citrus industry in the center's work to develop the technology for making frozen concentrate orange juice, as well as new orange, grapefruit, and lemon varieties, contributing to the state's multi-billion dollar citrus production, and

WHEREAS, UF/IFAS Citrus Research and Education Center scientists have been at the forefront in fighting diseases that have threatened or continue to threaten the state's citrus crop, including solutions for yellow spot, greasy spot, alternaria brown spot, and citrus canker, and in leading the fight against the devastating Huanglongbing, also known as citrus greening, and

WHEREAS, UF/IFAS Citrus Research and Education Center scientists and researchers have achieved advances in precision agriculture, especially the use of global positioning system satellites, computers, unmanned aerial vehicles, and other technology to analyze groves for disease and pests, soil deficiencies, and other problems that may otherwise go undetected, and have developed best management prac-

tices that minimize the negative effects of herbicides and pesticides on the environment, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the Florida Senate commends the University of Florida Institute of Food and Agricultural Sciences Citrus Research and Education Center for its 100 years of service to the state's citrus producers and residents.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the University of Florida Institute of Food and Agricultural Sciences Citrus Research and Education Center as a tangible token of the sentiments of the Florida Senate.

—was introduced, read, and adopted by publication.

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR

CS for CS for CS for SB 498—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 288.1175, F.S.; specifying that applications for funding for certain agriculture education and promotion facilities must be postmarked or electronically submitted by a certain date; amending s. 472.003, F.S.; specifying that certain persons under contract with registered or certified surveyors and mappers are not subject to the provisions of ch. 472, F.S.; amending s. 472.005, F.S.; redefining the terms "practice of surveying and mapping" and "subordinate"; amending s. 472.013, F.S.; revising the standards for applicant eligibility to take the licensure examination to practice as a surveyor or mapper; amending s. 472.015, F.S.; revising the qualifications for licensure by endorsement; amending s. 472.018, F.S.; authorizing the board to provide by rule for the carryover hours of continuing education requirements up to a specified maximum; deleting a requirement that the board approve course content for continuing education courses; requiring the board to adopt rules to establish criteria for continuing education providers; authorizing the board to provide by rule the method of delivery and criteria that may be used to satisfy continuing education requirements; deleting a requirement that the board must issue cease and desist orders and enact certain penalties for continuing education providers offering services that fail to conform to approved course material; amending s. 472.025, F.S.; deleting a requirement that registrant seals be of impression-type metal; amending s. 472.0366, F.S.; revising the requirements for copies of evaluation certificates that must be submitted to the Division of Emergency Management within the Executive Office of the Governor; requiring that certain copies of evaluation certificates be retained in the surveyor and mapper's records; amending s. 487.2041, F.S.; requiring the department to adopt by rule certain United States Environmental Protection Agency regulations relating to labeling requirements for pesticides and devices; amending s. 493.6101, F.S.; specifying that a manager of a private investigative agency may manage up to three offices, subject to certain requirements; amending s. 493.6105, F.S.; exempting certain partners and corporate officers from fingerprint retention requirements; revising the submission requirements for applications for Class "K" licenses; amending s. 493.6107, F.S.; deleting a specification that license fees are biennial; amending s. 493.6108, F.S.; providing an authorization to the Department of Law Enforcement to release certain mental health and substance abuse history of Class "G" or Class "K" applicants and licensees for the purpose of determining licensure eligibility; requiring licensees to notify their employer of an arrest within a specified period; amending s. 493.6112, F.S.; revising the notification requirements for changes of certain partners, officers, and employees of private investigative, security, and recovery agencies; amending s. 493.6113, F.S.; specifying that Class "G" licensees must complete requalification training for each type and caliber of firearm carried in the course of performing regulated duties; conforming terminology; amending s. 493.6115, F.S.; conforming a cross-reference; revising the circumstances under which certain licensees may carry a concealed firearm; revising the conditions under which the department may issue a temporary Class "G" license; amending s. 493.6118, F.S.; providing that failure of a licensee to timely notify his or her employer of an arrest is grounds for disciplinary action by the department; requiring the department to temporarily suspend specified licenses of a licensee arrested or formally charged with certain crimes until disposition of the case; requiring the department to notify a licensee of administrative hearing rights; specifying that any hearing must be limited to a determination as to whether the licensee has been arrested or charged with a disqualifying crime; providing that the suspension may be lifted under certain circumstances; requiring the department to proceed with revocation under certain circumstances; amending s. 493.6202, F.S.; deleting a specification that license fees are biennial; amending s. 493.6203, F.S.; deleting a requirement that certain training be provided in two parts; amending s. 493.6302, F.S.; deleting a specification that license fees are biennial; amending s. 493.6303, F.S.; deleting a requirement that certain training be provided in two parts; deleting obsolete provisions; making technical changes; specifying that re-applicants for a license expired for 1 year or more are considered initial applicants and must submit proof of certain training before issuance of a new license; amending s. 493.6304, F.S.; making technical changes; amending s. 493.6402, F.S.; deleting a specification that license fees are biennial; amending s. 493.6403, F.S.; requiring that applicants for Class "E" and "EE" licenses submit proof of successful completion of certain training, rather than just completion of such training; amending s. 501.013, F.S; providing that a program or facility offered by an organization for the exclusive use of its employees and their family members is not subject to certain health studio regulations; amending s. 501.059, F.S.; removing a limitation on the length of time for which the department must place certain persons on a no sales solicitation list; amending s. 507.04, F.S.; making a technical change; amending s. 531.37, F.S.; redefining the term "weights and measures" to exclude taximeters and transportation measurement systems; amending s. 531.61, F.S.; deleting certain taximeters from permitting requirements for commercially operated or tested weights or measures instruments or devices; repealing s. 531.63(2)(g), F.S.; relating to maximum permit fees for taximeters; amending s. 534.021, F.S.; specifying that a detailed drawing, rather than a facsimile, of a brand must accompany an application for the recording of certain marks and brands; amending s. 534.041, F.S.; extending the registration and renewal period for certain mark or brand certificates; eliminating a renewal fee; repealing s. 534.061, F.S., relating to the transfer of ownership of cattle; amending s. 570.07, F.S.; authorizing the department to perform certain food safety inspection services relating to raw agricultural commodities; amending s. 573.118, F.S.; specifying that the Division of Fruit and Vegetables, rather than the Division of Marketing and Development, must file a specified certification; amending s. 590.02, F.S.; specifying that the department has exclusive authority to enforce the Florida Building Code as it relates to Florida Forest Service facilities under the jurisdiction of the department; amending s. 597.004, F.S.; authorizing certain saltwater products dealers to sell certain aquaculture products without restriction under a specified circumstance; amending s. 604.16, F.S.; specifying that dealers in agricultural products who pay by credit card are exempt from certain dealer requirements; amending s. 790.06, F.S.; revising the requirements to obtain a license to carry a concealed weapon or firearm; revising the requirements of the application form; revising the license fees to obtain or renew such license; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 498**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 467** was withdrawn from the Committees on Commerce and Tourism; Judiciary; and Appropriations.

On motion by Senator Young—

CS for CS for HB 467—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 288.1175, F.S.; specifying that applications for funding for certain agriculture education and promotion facilities be postmarked or electronically submitted by a certain date; amending s. 472.003, F.S.; specifying that certain persons under contract with registered or certified surveyors and mappers are not subject to the provisions of ch. 472, F.S.; amending s. 472.005, F.S.; redefining the terms "practice of surveying and mapping" and "subordinate"; amending s. 472.013, F.S.; revising the standards for when an applicant is eligible to take the licensure examination to practice as a surveyor and mapper; amending s. 472.015, F.S.; revising the qualifications for licensure by endorsement for surveyors and mappers; amending s. 472.018, F.S.; revising the continuing education requirements for new surveyor and mapper licensees and renewal of surveyor and mapper licenses; authorizing the

board to provide by rule the method of delivery of, criteria for, and provisions to carryover hours for continuing education requirements; deleting a requirement that the board approve courses; requiring the board to issue cease and desist orders and enact certain penalties for continuing education providers failing to conform to board rules; requiring the department to establish a system for the administration of continuing education requirements adopted by the board; amending s. 472.025, F.S.; deleting a requirement that registrant seals be of impression-type metal; amending s. 472.0366, F.S.; revising the requirements for copies of evaluation certificates that must be submitted to the Division of Emergency Management within the Executive Office of the Governor; requiring that certain copies of evaluation certificates be retained in the surveyor and mapper's records; amending s. 487.2041, F.S.; requiring the department to adopt by rule certain United States Environmental Protection Agency regulations relating to labeling requirements for pesticides and devices; amending s. 493.6101, F.S.; specifying that a manager of a private investigative agency may manage up to three offices, subject to certain requirements; amending s. 493.6105, F.S.; exempting certain partners and corporate officers from fingerprint retention requirements; revising the submission requirements for applications for Class "K" licenses; amending s. 493.6107, F.S.; deleting a specification that license fees are biennial; amending s. 493.6108, F.S.; providing an authorization to the Department of Law Enforcement to release certain mental health and substance abuse history of applicants and licensees for the purpose of determining licensure eligibility; requiring licensees to notify their employer of an arrest within a specified period; amending s. 493.6112, F.S.; revising the notification requirements for changes of certain partners, officers, and employees of private investigative, security, and recovery agencies; amending s. 493.6113, F.S.; specifying that Class "G" licensees must complete requalification training for each type and caliber of firearm carried in the course of performing regulated duties; conforming terminology; amending s. 493.6115, F.S.; correcting a cross-reference regarding the conditions under which a Class "G" licensee may carry a concealed weapon; revising the conditions under which the department may issue a temporary Class "G" license; amending s. 493.6118, F.S.; providing that failure of a licensee to timely notify his or her employer of an arrest is grounds for disciplinary action by the Department of Agriculture and Consumer Services; requiring the department to suspend specified licenses of a licensee arrested or formally charged with certain crimes until disposition of the case; requiring the department to notify a licensee of administrative hearing rights; specifying that any hearing must be limited to a determination as to whether the licensee has been arrested or charged with a disqualifying crime; providing that the suspension may be lifted under certain circumstances; requiring the department to proceed with revocation under certain circumstances; amending s. 493.6202, F.S.; deleting a specification that license fees are biennial; amending s. 493.6203, F.S.; deleting a requirement that certain training be provided in two parts; deleting obsolete provisions; amending s. 493.6302, F.S.; deleting a specification that license fees are biennial; amending s. 493.6303, F.S.; deleting a requirement that certain training must be provided in two parts; deleting obsolete provisions; making technical changes; amending s. 493.6304, F.S.; making technical changes; amending s. 493.6402, F.S.; deleting a specification that license fees are biennial; amending s. 493.6403, F.S.; requiring that applicants for Class "E" and "EE" licenses submit proof of successful completion of certain training, not just complete such training; deleting an obsolete provision; amending s. 501.013, F.S.; exempting certain programs and facilities from health studio regulations; amending s. 501.059, F.S.; removing a limitation on the length of time for which the department must place certain persons on a no-solicitation list; amending s. 507.04, F.S.; making a technical change; amending s. 531.37, F.S.; revising a definition; amending s. 531.61, F.S.; removing an exemption from commercial use permit requirements for taximeters and transportation measurement systems; amending s. 531.63, F.S.; removing a limitation on annual commercial use permit fees for taximeters; amending s. 534.021, F.S.; specifying that a detailed drawing, rather than a facsimile, must accompany an application for the recording of certain marks and brands; amending s. 534.041, F.S.; extending the renewal period for certain mark or brand certificates; eliminating a renewal fee; repealing s. 534.061, F.S., relating to the transfer of ownership of cattle; amending s. 570.07, F.S.; authorizing the department to perform certain food safety inspection services relating to raw agricultural commodities; amending s. 573.118, F.S.; specifying that the Division of Fruit and Vegetables, rather than the Division of Marketing and Development, must file a specified certification; amending s. 590.02, F.S.; specifying that the department has exclusive authority to enforce the Florida Building Code as it relates to Florida Forest Service facilities under the jurisdiction of the department; amending s. 597.004, F.S.; authorizing certain saltwater products dealers to sell certain aquaculture products without restriction under a specified circumstance; amending s. 604.16, F.S.; specifying that dealers in agricultural products who pay by credit card are exempt from certain dealer requirements; amending s. 790.06, F.S.; revising the requirements to obtain a license to carry a concealed weapon or firearm; revising the requirements of the application form; reducing the fees for concealed weapon or firearm licenses; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 498** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 467** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 346—A bill to be entitled An act relating to fictitious name registration; reordering and amending s. 865.09, F.S.; defining the term "registrant"; revising the information required to register a fictitious name; revising requirements for a change in registration; revising provisions concerning the expiration of a registration; prohibiting a renewal of a registration if the registered fictitious name is prohibited by specified provisions; specifying additional forms of business organization that may not be required to register under certain circumstances; revising provisions concerning penalties for violations; specifying additional terms that may not be included in a fictitious name; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 346**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 169** was withdrawn from the Committees on Commerce and Tourism; Governmental Oversight and Accountability; and Rules.

On motion by Senator Stargel—

CS for CS for HB 169—A bill to be entitled An act relating to fictitious name registration; amending s. 865.09, F.S.; defining the term "registrant"; revising the information required to register a fictitious name; revising requirements for a change in registration; revising provisions concerning the expiration of a registration; prohibiting a renewal of a registration if the registered fictitious name is prohibited by specified provisions; specifying additional forms of business organization that may not be required to register under certain circumstances; revising provisions concerning penalties for violations; specifying additional terms that may not be included in a fictitious name; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 346** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 169** was placed on the calendar of Bills on Third Reading.

CS for SB 50—A bill to be entitled An act for the relief of Eddie Weekley and Charlotte Williams, individually and as co-personal representatives of the Estate of Franklin Weekley, their deceased son, for the disappearance and death of their son while he was in the care of the Marianna Sunland Center, currently operated by the Agency for Persons with Disabilities; providing an appropriation to compensate them for the disappearance and death of Franklin Weekley, which were due to the negligence of the Department of Children and Families; providing a limitation on the payment of attorney fees; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 50**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 6539** was withdrawn from the Committee on Appropriations.

On motion by Senator Gibson—

CS for HB 6539—A bill to be entitled An act for the relief of Eddie Weekley and Charlotte Williams, individually and as co-personal representatives of the Estate of Franklin Weekley, their deceased son, for

the disappearance and death of their son while he was in the care of the Marianna Sunland Center, currently operated by the Agency for Persons with Disabilities; providing an appropriation to compensate them for the disappearance and death of Franklin Weekley, which were due to the negligence of the Department of Children and Families; providing a limitation on the payment of fees and costs; providing an effective date.

—a companion measure, was substituted for **CS for SB 50** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 6539** was placed on the calendar of Bills on Third Reading.

CS for SB 46—A bill to be entitled An act for the relief of Mary Mifflin-Gee by the City of Miami; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of employees of the City of Miami Department of Fire-Rescue; providing a limitation on the payment of attorney fees; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 46**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 6521** was withdrawn from the Committees on Judiciary; Community Affairs; and Rules.

On motion by Senator Montford—

CS for HB 6521—A bill to be entitled An act for the relief of Mary Mifflin-Gee by the City of Miami; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of employees of the City of Miami Department of Fire-Rescue; providing a limitation on the payment of compensation, fees, and costs; providing an effective date.

—a companion measure, was substituted for **CS for SB 46** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 6521** was placed on the calendar of Bills on Third Reading.

CS for SB 42—A bill to be entitled An act for the relief of Angela Sanford by Leon County; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of an employee of Leon County; providing that certain payments and the appropriation satisfy all present and future claims related to the negligent act; providing a limitation on the payment of attorney fees; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 42**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 6507** was withdrawn from the Committees on Judiciary; Community Affairs; and Rules.

On motion by Senator Montford—

CS for HB 6507—A bill to be entitled An act for the relief of Angela Sanford by Leon County; providing for an appropriation to compensate her for injuries and damages sustained as a result of the negligence of an employee of Leon County; providing that certain payments and the appropriation satisfy all present and future claims related to the negligent act; providing a limitation on the payment of compensation, fees, and costs; providing an effective date.

—a companion measure, was substituted for **CS for SB 42** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 6507** was placed on the calendar of Bills on Third Reading.

SB 720—A bill to be entitled An act related to the Central Florida Expressway Authority; amending s. 348.753, F.S.; increasing the number of members making up the governing body of the Central Florida Expressway Authority; adding the chair of the board of the county commission of Brevard County to the list of chairs authorized to appoint a member to the authority; adding Brevard County to the list of counties the citizens of which may be appointed by the Governor to serve on the authority; requiring six members of the authority to constitute a quorum; requiring the vote of six members for any action taken by the authority; amending s. 348.754, F.S.; adding the geographical boundary of Brevard County to the area served by the authority; conforming a provision to changes made by the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 720**, pursuant to Rule 3.11(3), there being no objection, **HB 299** was withdrawn from the Committees on Transportation; Ethics and Elections; and Rules.

On motion by Senator Mayfield—

HB 299—A bill to be entitled An act relating to the Central Florida Expressway Authority; amending s. 348.753, F.S.; increasing the membership of the governing board of the authority to include a member appointed by the chair of the Brevard County Commission; authorizing the Governor to appoint a citizen member from Brevard County; conforming quorum and voting requirements; amending s. 348.754, F.S.; adding the area within the geographical boundary of Brevard County to the area to be served by the authority; authorizing the authority to exercise certain powers outside the jurisdictional boundaries of Brevard County; providing an effective date.

—a companion measure, was substituted for **SB 720** and read the second time by title.

Pursuant to Rule 4.19, **HB 299** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 986** was deferred.

SB 1056—A bill to be entitled An act relating to home health care agency licenses; amending s. 400.471, F.S.; removing a prohibition against the issuance of an initial home health agency license to an applicant who shares common controlling interests with another licensed home health agency located within 10 miles of the applicant and in the same county; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1056**, pursuant to Rule 3.11(3), there being no objection, **HB 6021** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Garcia—

HB 6021—A bill to be entitled An act relating to home health agency licensure; amending s. 400.471, F.S.; repealing a provision prohibiting the Agency for Health Care Administration from issuing an initial license to an applicant for a home health agency license which is located within a certain distance of a licensed home health agency that has common controlling interests; providing an effective date.

—a companion measure, was substituted for **SB 1056** and read the second time by title.

Pursuant to Rule 4.19, **HB 6021** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 150—A bill to be entitled An act relating to controlled substances; amending s. 381.887, F.S.; providing that certain emergency responders and crime laboratory personnel may possess, store, and administer emergency opioid antagonists; amending s. 782.04, F.S.; providing that unlawful distribution of specified controlled substances and analogs or mixtures thereof by an adult which proximately cause a death is murder; providing criminal penalties; creating s. 893.015, F.S.; specifying purpose relating to drug abuse prevention and control; providing that a reference to ch. 893, F.S., or to any section or portion thereof, includes all subsequent amendments; amending s.

893.03, F.S.; adding certain synthetic opioid substitute compounds to the list of Schedule I controlled substances; amending s. 893.13, F.S.; prohibiting possession of more than 10 grams of specified substances; providing criminal penalties; amending s. 893.135, F.S.; revising the substances that constitute the offenses of trafficking and capital trafficking in, and capital importation of, hydrocodone and oxycodone; creating the offense of trafficking in fentanyl; providing penalties and specifying minimum terms of imprisonment and fines based on the quantity involved in the offense; revising the substances that constitute the offenses of trafficking in phencyclidine and capital importation of phencyclidine; revising the substances that constitute trafficking in phenethylamines and capital manufacture or importation of phenethylamines; creating the offense of trafficking in synthetic cannabinoids; providing penalties and specifying minimum terms of imprisonment and fines based on the quantity involved in the offense; creating the offenses of trafficking in n-benzyl phenethylamines and capital manufacture or importation of a n-benzyl phenethylamine compound; providing penalties and specifying minimum terms of imprisonment and fines based on the quantity involved in the offense; reenacting and amending s. 921.0022, F.S.; ranking offenses on the offense severity ranking chart of the Criminal Punishment Code; incorporating the amendments made by the act in cross-references to amended provisions; reenacting ss. 39.806(1)(d), 63.089(4)(b), 95.11(10), 775.082(1)(b) and (3)(a), (b), and (c), 775.0823(1) and (2), 921.16(1), 948.06(8)(c), 948.062(1)(a), 985.265(3)(b), 1012.315(1)(d), and 1012.467(2)(g), relating to grounds for termination of parental rights, proceeding to terminate parental rights pending adoption, limitations other than for the recovery of real property, penalties, violent offenses committed against specified officials, when sentences to be concurrent and when consecutive, violation of probation or community control, reviewing and reporting serious offenses committed by offenders placed on probation or community control, detention transfer and release, disqualification from employment, and noninstructional contractors who are permitted access to school grounds when students are present, respectively, to incorporate the amendments made by the act in cross-references to amended provisions; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 150**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 477** was withdrawn from the Committees on Criminal Justice; Judiciary; and Appropriations.

On motion by Senator Steube—

CS for HB 477—A bill to be entitled An act relating to controlled substances; amending s. 381.887, F.S.; providing that certain emergency responders and crime laboratory personnel may possess, store, and administer emergency opioid antagonists; amending s. 782.04, F.S.; providing that unlawful distribution of specified controlled substances and analogs or mixtures thereof by an adult which proximately cause a death is murder; providing criminal penalties; creating s. 893.015, F.S.; specifying purpose relating to drug abuse prevention and control; providing that a reference to ch. 893, F.S., or to any section or portion thereof, includes all subsequent amendments; amending s. 893.03, F.S.; adding certain synthetic opioid substitute compounds to the list of Schedule I controlled substances; amending s. 893.13, F.S.; prohibiting possession of more than 10 grams of specified substances; providing criminal penalties; amending s. 893.135, F.S.; revising the substances that constitute the offenses of trafficking and capital trafficking in, and capital importation of, hydrocodone and oxycodone; creating the offense of trafficking in fentanyl; providing penalties and specifying minimum terms of imprisonment and fines based on the quantity involved in the offense; revising the substances that constitute the offenses of trafficking in phencyclidine and capital importation of phencyclidine; revising the substances that constitute trafficking in phenethylamines and capital manufacture or importation of phenethylamines; creating the offense of trafficking in synthetic cannabinoids; providing penalties and specifying minimum terms of imprisonment and fines based on the quantity involved in the offense; creating the offenses of trafficking in n-benzyl phenethylamines and capital manufacture or importation of a n-benzyl phenethylamine compound; providing penalties and specifying minimum terms of imprisonment and fines based on the quantity involved in the offense; reenacting and amending s. 921.0022, F.S.; ranking offenses on the offense severity ranking chart of the Criminal Punishment Code; incorporating the amendments made by the act in cross-references to amended provisions; reenacting ss. 39.806(1)(d), 63.089(4)(b), 95.11(10), 775.082(1)(b) and (3)(a), (b), and (c), 775.0823(1) and (2), 921.16(1), 948.06(8)(c), 948.062(1)(a), 985.265(3)(b), 1012.315(1)(d), and 1012.467(2)(g), relating to grounds for termination of parental rights, proceeding to terminate parental rights pending adoption, limitations other than for the recovery of real property, penalties, when sentences to be concurrent and when consecutive, violent offenses committed against specified officials, violation of probation or community control, reviewing and reporting serious offenses committed by offenders placed on probation or community control, detention transfer and release, disqualification from employment, and noninstructional contractors who are permitted access to school grounds when students are present, respectively, to incorporate the amendments made by the act in cross-references to amended provisions; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 150** and read the second time by title.

Senator Bracy moved the following amendment which was adopted:

Amendment 1 (285990) (with title amendment)—Between lines 1371 and 1372 insert:

c. For an offense listed under this subparagraph, a court may depart from the applicable mandatory minimum sentence under sub-subparagraph b. if the court finds in giving due regard to the nature of the defendant's crime, the defendant's criminal history and character, and the defendant's chance of successful rehabilitation, there are compelling reasons on the record that imposition of the mandatory minimum is not necessary for the protection of the public.

And the title is amended as follows:

Delete line 26 and insert: offense; authorizing a court to depart from a mandatory minimum sentence for trafficking in fentanyl if the court makes specified findings; revising the substances that constitute the

Pursuant to Rule 4.19, **CS for HB 477**, as amended, was placed on the calendar of Bills on Third Reading.

RECESS

On motion by Senator Benacquisto, the Senate recessed at 11:06 a.m. to reconvene at 2:00 p.m., or upon call of the President.

AFTERNOON SESSION

The Senate was called to order by the President at 3:00 p.m. A quorum present—32:

Mr. President	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bracy	Hutson	Simpson
Bradley	Latvala	Stargel
Brandes	Mayfield	Steube
Braynon	Montford	Stewart
Broxson	Passidomo	Torres
Campbell	Perry	Young
Clemens	Powell	

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 10, with 1 amendment, and requests the concurrence of the Senate.

Portia Palmer, Clerk

CS for SB 10—A bill to be entitled An act relating to water resources; amending s. 201.15, F.S.; revising the requirements under which cer-

tain bonds may be issued; amending s. 215.618, F.S.; providing an exception to the requirement that bonds issued for acquisition and improvement of land, water areas, and related property interests and resources be deposited into the Florida Forever Trust Fund and distributed in a specified manner; creating s. 373.4598, F.S.; providing legislative findings and intent; defining terms; authorizing the South Florida Water Management District and the Board of Trustees of the Internal Improvement Trust Fund to negotiate the amendment and termination of leases on lands within the Everglades Agricultural Area for exchange or use for the reservoir project; requiring certain lease agreements for agricultural work programs to be terminated in accordance with the lease terms; requiring the district to identify certain lands; requiring that the district contact the lessors or landowners of any land identified by a certain date; requiring the board to provide certain land to the district; authorizing the district to acquire land from willing sellers under certain circumstances; prohibiting the total acreage necessary for additional water treatment from exceeding the amount reasonably required to meet state and federal water quality standards; requiring the district to request that the United States Army Corps of Engineers jointly develop a post-authorization change report for the Central Everglades Planning Project; providing requirements for the report; requiring the district to report the status of the report to the Legislature by a certain date; requiring the district to terminate an option agreement under certain circumstances; requiring the district to request the corps to initiate the project implementation report for the Everglades Agricultural Area reservoir project by a certain date under specified conditions; requiring the district to give hiring preferences to certain displaced agricultural workers; authorizing the district to negotiate with the owners of the C-51 reservoir project; providing requirements for the C-51 reservoir project if state funds are appropriated for the project; authorizing certain costs to be funded using Florida Forever bond proceeds under certain circumstances; specifying how such bond proceeds shall be deposited; authorizing the use of state funds for the reservoir project; requiring the district to seek additional sources of funding; requiring the district to request the corps, in the corps' review of the regulation schedule, to consider any repairs to the Herbert Hoover Dike and implementation of certain projects to optimally utilize the added storage capacity; creating s. 373.475, F.S.; providing legislative findings and intent; defining terms; requiring the state, through the Department of Environmental Protection, to provide certain funding assistance to local governments and water supply entities for the development and construction of water storage facilities; requiring the department to adopt rules; specifying required documentation for local government or water supply entities; specifying that recipients need not request certain advance payment; authorizing technical assistance from the department and water management districts to local governments or water supply entities for a certain purpose; specifying certain loan funding minimums and term requirements; requiring a report; authorizing certain audits and servicing fees; providing that the Water Protection and Sustainability Program Trust Fund must be used to carry out the purposes of the water storage facility revolving loan fund; specifying certain default and compliance provisions; amending s. 375.041, F.S.; requiring certain distributions to be made from the Land Acquisition Trust Fund; amending s. 403.890, F.S.; revising the purposes for which distributions may be made from and to the Water Protection and Sustainability Program Trust Fund; creating s. 446.71, F.S.; requiring the Department of Economic Opportunity, in cooperation with CareerSource Florida, Inc., to establish the Everglades Restoration Agricultural Community Employment Training Program within the department; providing requirements for the program; providing a legislative finding; specifying award restrictions; requiring the department to adopt rules; amending s. 946.511, F.S.; prohibiting the use of inmates for correctional work programs in the agricultural industry in certain areas; providing a directive to the Division of Law Revision and Information; providing appropriations; providing an effective date.

House Amendment 1 (061749) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Paragraph (a) of subsection (3) of section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are hereby pledged and shall be first made available to make payments when due on bonds issued pursuant to s. 215.618 or s. 215.619, or any other bonds authorized to be issued on a parity basis with such bonds. Such pledge and availability for the payment of these bonds shall have priority over any requirement for the payment of service charges or costs of collection and enforcement under this section. All taxes collected under this chapter, except taxes distributed to the Land Acquisition Trust Fund pursuant to subsections (1) and (2), are subject to the service charge imposed in s. 215.20(1). Before distribution pursuant to this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. The costs and service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. All of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2017, secured by revenues distributed pursuant to this section. All taxes remaining after deduction of costs shall be distributed as follows:

(3) Amounts on deposit in the Land Acquisition Trust Fund shall be used in the following order:

(a) Payment of debt service or funding of debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued pursuant to s. 215.618. The amount used for such purposes may not exceed $300 million in each fiscal year. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2040. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act *or other law with respect to bonds issued for the purposes of s. 373.4598*.

Bonds issued pursuant to s. 215.618 or s. 215.619 are equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund.

Section 2. Subsection (5) of section 215.618, Florida Statutes, is amended to read:

215.618 Bonds for acquisition and improvement of land, water areas, and related property interests and resources.—

(5) The proceeds from the sale of bonds issued pursuant to this section, less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, shall be deposited into the Florida Forever Trust Fund. The bond proceeds deposited into the Florida Forever Trust Fund shall be distributed by the Department of Environmental Protection as provided in s. 259.105. *This subsection does not apply to proceeds from the sale of bonds issued for the purposes of s. 373.4598.*

Section 3. Section 373.4598, Florida Statutes, is created to read:

373.4598 Water storage reservoirs.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature declares that an emergency exists regarding the St. Lucie and Caloosahatchee estuaries due to the high-volume freshwater discharges to the east and west of the lake. Such discharges have manifested in widespread algae blooms, public health impacts, and extensive environmental harm to wildlife and the aquatic ecosystem. These conditions, as outlined in the state of emergency declared by the Governor under Executive Orders 16-59, 16-155, and 16-156, threaten the ecological integrity of the estuaries and the economic viability of the state and affected communities.

(b) The Legislature finds that increasing water storage is necessary to reduce the high-volume freshwater discharges from the lake to the estuaries and restore the hydrological connection to the Everglades. CERP projects necessary to reduce the discharges and improve the flows to the Everglades should receive priority funding, such as the Lake

Okeechobee Watershed project to the north of the lake; the Everglades Agricultural Area reservoir project to the south of the lake; the C-43 West Basin Reservoir Storage project to the west of the lake; and the Indian River Lagoon-South project to the east of the lake.

(c) The Legislature finds that the rate of funding for CERP must be increased if restoration will be achieved within the timeframe originally envisioned and that the delay in substantial progress toward completing critical elements of restoration, such as southern storage, will cause irreparable harm to natural systems and, ultimately, increase the cost of restoration. A substantial commitment to the advancement of projects identified as part of CERP will reduce ongoing ecological damage to the St. Lucie and Caloosahatchee estuaries.

(d) The Legislature recognizes that the EAA reservoir project was conditionally authorized in the Water Resources Development Act of 2000 as a project component of CERP. Unless other funding is available, the Legislature directs the district, in the implementation of the reservoir project, to abide by applicable state and federal law in order to do that which is required to obtain federal credit under CERP. If the district implements the EAA reservoir project as a project component as defined in s. 373.1501, the district must abide by all applicable state and federal law relating to such projects.

(e) This section is not intended to diminish the commitments made by the state in chapter 2016-201, Laws of Florida.

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

(a) "A-1 parcel" means an area of district-owned land located between the Miami Canal and North New River Canal consisting of approximately 17,000 acres which is bordered to the north by private agricultural lands, to the east by U.S. Highway 27, to the south by Stormwater Treatment Area 3/4, and to the west by the Holey Land Wildlife Management Area and the A-2 parcel.

(b) "A-2 parcel" means an area of district-owned land located between the Miami Canal and the North New River Canal consisting of approximately 14,000 acres of land to the east of the Miami Canal which is bordered to the north by private agricultural lands, to the east by the A-1 parcel, and to the south by the Holey Land Wildlife Management Area.

(c) "Board" means the Board of Trustees of the Internal Improvement Trust Fund.

(d) "Central Everglades Planning Project" or "CEPP" means the suite of CERP projects authorized as the "Central Everglades" project in the Water Infrastructure Improvements for the Nation Act, Public Law No: 114-322.

(e) "Comprehensive Everglades Restoration Plan" or "CERP" has the same meaning as the term "comprehensive plan" as defined in s. 373.470.

(f) "Corps" means the United States Army Corps of Engineers.

(g) "District" means the South Florida Water Management District.

(h) "Everglades Agricultural Area" or "EAA" has the same meaning as in s. 373.4592.

(i) "EAA reservoir project" means the Everglades Agricultural Area storage reservoir, known as Component G of CERP. The term includes any necessary water quality features that are required to meet state and federal water quality standards.

(j) "Lake" means Lake Okeechobee.

(k) "Option agreement" means the Second Amended and Restated Agreement for Sale and Purchase between the seller, United States Sugar Corporation, SBG Farms, Inc., and Southern Garden Groves Corporation, and the buyer, the South Florida Water Management District, dated August 12, 2010.

(3) EAA LEASE AGREEMENTS.—

(a) The district and the board are authorized to negotiate the amendment or termination of leases on lands within the EAA for exchange or use for the EAA reservoir project. Any such lease must be terminated in accordance with the lease terms or upon the voluntary agreement of the lessor and lessee. In the event of any such lease termination, the lessee must be permitted to continue to farm on a field-by-field basis until such time as the lessee's operations are incompatible with implementation of the EAA reservoir project, as reasonably determined by the lessor. The district and the board may include the swapping of land, assignment of leases, and other methods of providing valuable consideration in negotiating the amendments to or termination of such lease agreements.

(b) Any lease agreement relating to land in the EAA leased to the Prison Rehabilitative Industries and Diversified Enterprises, Inc., (PRIDE Enterprises) for an agricultural work program is required to be terminated in accordance with the terms of the lease agreement. Any such land previously leased may be made available by the board to the district for exchange for lands suitable for the EAA reservoir project or may be leased for agricultural purposes. The terms of any such lease must include provisions authorizing the lessor to terminate the lease at any time during the lease term as to any portion, or all of the premises, to be used for an environmental restoration purpose. The terms of the lease may not require more than 1 years' notice in order for such termination to be effective. Any agricultural owner managing lands subject to an agreement with PRIDE shall be given the right of first refusal in leasing any such lands.

(c) If, after any termination of an EAA lease agreement, ratoon, stubble, or residual crop remaining on the lease premises is harvested or otherwise used by the lessor or any third party, the lessee is entitled to be compensated for any documented, unamortized planting costs, and any unamortized capital costs associated with the lease and incurred before notice.

(4) LAND ACQUISITION.—The Legislature declares that acquiring land to increase water storage south of the lake is in the public interest and that the governing board of the district may acquire land, if necessary, to implement the EAA reservoir project with the goal of providing at least 240,000 acre-feet of water storage south of the lake. The use of eminent domain in the EAA for the purpose of implementing the EAA reservoir project is prohibited.

(a) Upon the effective date of this act, the district shall identify the lessees of the approximately 3,200 acres of land owned by the state or the district west of the A-2 parcel and east of the Miami Canal and the private property owners of the approximately 500 acres of land surrounded by such lands.

(b) By July 31, 2017, the district shall contact the lessors and landowners of the land identified pursuant paragraph (a) to express the district's interest in acquiring land through the purchase or exchange of lands or by the amendment or termination of lease agreements. If land swaps or purchases are necessary to assemble the required acreage, the participation of private landowners must be voluntary. The district shall contact the board to request that any lease of land identified pursuant to paragraph (a), the title to which is vested in the board, be amended or terminated. All appraisal reports, offers, and counteroffers in relation to this subsection are confidential and exempt from s. 119.07(1), as provided in s. 373.139.

(c) The board shall provide to the district, through direct acquisition in fee or by a supplemental agreement, any land, the title to which is vested in the board, that the district identifies as necessary to construct the EAA reservoir project.

(d) The total acreage necessary for additional water treatment may not exceed the amount reasonably required to meet state and federal water quality standards as determined using the water quality modeling tools of the district. The district shall use the latest version of the Dynamic Model for Stormwater Treatment Areas Model modeling tool and other modeling tools that will be required in the planning and design of the EAA reservoir project. If additional land not identified in paragraph (a) is necessary for the EAA reservoir project, the district shall acquire that land from willing sellers of property in conjunction with the development of the post—authorization change report.

(5) POST-AUTHORIZATION CHANGE REPORT.—

(a) The district is directed to request, by July 1, 2017, that the corps jointly develop a post-authorization change report with the district for

CEPP to revise the project component located on the A-2 parcel with the goal of increasing water storage provided by the project component to a minimum of 240,000 acre-feet. Upon agreement with the corps, development of the report must begin by August 1, 2017, and does not preclude the implementation of the remaining CEPP project components.

(b) Using the A-2 parcel and the additional land identified pursuant to subsection (4) and without modifying the A-1 parcel, the report must evaluate:

1. The optimal configuration of the EAA reservoir project for providing at least 240,000 acre-feet of water storage; and

2. Any necessary increases in canal conveyance capacity to reduce the discharges to the St. Lucie or Caloosahatchee estuaries.

(c) If the district and the corps determine that an alternate configuration of water storage and water quality features providing for significantly more water storage, but no less than 360,000 acre-feet of water storage, south of the lake can be implemented on a footprint that includes modification to the A-1 parcel, the district is authorized to recommend such an alternative configuration in the report. Any such recommendation must include sufficient water quality treatment capacity to meet state and federal water quality standards.

(d) Pending congressional approval of the report, the district may begin the preliminary planning or construction of, or modification to, the project site to the extent appropriate, subject to the availability of funding. Upon receipt of congressional approval of the report, construction of the EAA reservoir project shall be completed parallel with construction of the other CEPP project components, subject to the availability of funding.

(e) The district must report the status of the post-authorization change report to the Legislature by January 9, 2018. The status report must include information on the district's ability to obtain lease modifications and land acquisitions as provided in subsection (4). If the district in good faith believes that the post-authorization change report will receive ultimate approval but that an extension of the deadline provided in paragraph (7)(a) is needed, the district must include such a request in its status report and may be granted an extension by the Legislature. Any such extension must include a corresponding date by which the district must request the corps to initiate the project implementation report for the EAA reservoir project and may proceed with the implementation of CEPP project components in accordance with the final project implementation report.

(6) OPTION AGREEMENT.—The district must terminate the option agreement at the request of the seller if:

(a) The post-authorization change report receives congressional approval; or

(b) The district certifies to the board, the President of the Senate, and the Speaker of the House of Representatives that the acquisition of the land necessary for the EAA reservoir project, as provided in subsection (4), has been completed.

(7) PROJECT IMPLEMENTATION REPORT.—

(a) If, for any reason, the post-authorization change report is not approved by the corps and submitted for congressional approval by October 1, 2018, or the post-authorization change report has not received congressional approval by December 31, 2019, the district, unless granted an extension by the Legislature, must request the corps to initiate a project implementation report, as defined in s. 373.470, for the EAA reservoir project and the district may proceed with the implementation of CEPP project components in accordance with the final project implementation report.

(b) The district, when developing the project implementation report, must focus on the goals of the EAA reservoir project as identified in CERP, which include providing additional water storage and conveyance south of the lake to reduce the volume of regulatory discharges of water from the lake to the east and west.

(c) Upon finalization of the project implementation report, as defined in s. 373.470, the district, in coordination with the corps, shall seek congressional authorization for the EAA reservoir project.

(8) AGRICULTURAL WORKERS.—The district shall give preferential consideration to the hiring of former agricultural workers primarily employed during 36 of the past 60 months in the Everglades Agricultural Area, consistent with their qualifications and abilities, for the construction and operation of the EAA reservoir project. Any contract or subcontract for the construction and operation of the EAA reservoir project in which 50 percent or more of the cost is paid from state-appropriated funds must provide preference and priority in the hiring of such agricultural workers. The district shall give preferential consideration to contract proposals that include in the contractor's hiring practices training programs for such workers.

(9) C-51 RESERVOIR PROJECT.—

(a) The C-51 reservoir project is a water storage facility as defined in s. 373.475. The C-51 reservoir project is located in western Palm Beach County south of the lake and consists of in-ground reservoirs and conveyance structures that will provide water supply and water management benefits to participating water supply utilities and will also provide environmental benefits by reducing freshwater discharges to tide and making water available for natural systems.

(b) Phase I of the project will provide approximately 14,000 acre-feet of water storage and will hydraulically connect to the district's L-8 Flow Equalization Basin. Phase II of the project will provide approximately 46,000 acre-feet of water storage, for a total increase of 60,000 acre-feet of water storage.

(c) For Phase II of the C-51 reservoir project, the district may negotiate with the owners of the C-51 reservoir project site for the acquisition of the project or to enter into a public—private partnership. The district may acquire land near the C-51 reservoir through the purchase or exchange of land that is owned by the district or the state as necessary to implement Phase II of the project. The state and the district may consider potential swaps of land that is owned by the state or the district to achieve an optimal combination of water quality and water storage. The district may not exercise eminent domain for the purpose of implementing the C-51 reservoir project.

(d) If state funds are appropriated for Phase I or Phase II of the C-51 reservoir project:

1. The district shall operate the reservoir to maximize the reduction of high-volume Lake Okeechobee regulatory releases to the St. Lucie or Caloosahatchee estuaries, in addition to providing relief to the Lake Worth Lagoon;

2. Water made available by the reservoir shall be used for natural systems in addition to any allocated amounts for water supply; and

3. Any water received from Lake Okeechobee may not be available to support consumptive use permits.

(e) Phase I of the C-51 reservoir project may be funded by appropriation or through the water storage facility revolving loan fund as provided in s. 373.475. Phase II of the C-51 reservoir project may be funded pursuant to this section, pursuant to s. 373.475, as a project component of CERP, or pursuant to s. 375.041(3)(b)4.

(10) FUNDING.—

(a) The Legislature determines that the authorization and issuance of Florida Forever bonds for the purposes of this section is in the best interest of the state and determines that water storage reservoir projects should be implemented.

(b) Any cost related to this section, including, but not limited to, the costs for land acquisition, planning, and construction may be funded using proceeds from Florida Forever bonds issued under s. 215.618, in an amount of up to $800 million, as authorized under that section. The bond proceeds from bonds issued for the purposes of this section shall be deposited into the Everglades Trust Fund.

(c) Notwithstanding s. 373.026(8)(b) or any other provision of law, the use of state funds is authorized for the EAA reservoir project.

(d) The district shall actively seek additional sources of funding, including federal funding, for the reservoir project.

(11) LAKE OKEECHOBEE REGULATION SCHEDULE.—The district shall request that the corps pursue the reevaluation of the Lake Okeechobee Regulation Schedule as expeditiously as possible, taking into consideration the repairs made to the Herbert Hoover Dike and implementation of projects designed to reduce high—volume freshwater discharges from the lake, in order to optimally utilize the added water storage capacity to reduce the high-volume freshwater discharges to the St. Lucie and Caloosahatchee estuaries.

Section 4. Section 373.475, Florida Statutes, is created to read:

373.475 Water storage facility revolving loan fund.—

(1)(a) In recognition that waters of the state are among the state's most basic resources, the Legislature declares that such waters should be managed to conserve and protect water resources and to realize the full beneficial use of such resources.

(b) As natural storage within the system has been lost due to development, the Legislature finds that additional natural or man-made water storage is required to capture and prevent water from being discharged to tide or otherwise lost.

(c) The Legislature finds that establishing infrastructure financing and providing technical assistance to local governments or water supply entities for water storage facilities is necessary to conserve and protect the waters of the state.

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

(a) "Local governmental agency" means any municipality, county, district, or authority, or any agency thereof, or a combination of such, acting jointly in connection with a project, which has jurisdiction over a water storage facility.

(b) "Water storage facility" or "facility" means all facilities, including land, necessary for an above-ground or in-ground reservoir. Such facilities may be publicly owned, privately owned, investor-owned, or cooperatively held.

(3) The state, through the department, shall provide funding assistance to local governments or water supply entities for the development and construction of water storage facilities to increase the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems.

(a) The department may make loans, provide loan guarantees, purchase loan insurance, and refinance local debt through the issue of new loans for water storage facilities approved by the department. Local governments or water supply entities may borrow funds made available pursuant to this section and may pledge any revenues or other adequate security available to them to repay any funds borrowed.

(b) The department may award loan amounts for up to 75 percent of the costs of planning, designing, constructing, upgrading, or replacing water resource infrastructure or facilities, whether natural or man-made, including the acquisition of real property for water storage facilities.

(4) The department shall adopt rules to carry out the purposes of this section. Such rules must:

(a) Establish a priority system for loans based on compliance with state requirements. The priority system must give special consideration to:

1. Projects that provide for the development of alternative water supply projects and management techniques in areas where existing source waters are limited or threatened by saltwater intrusion, excessive drawdowns, contamination, or other problems;

2. Projects that contribute to the sustainability of regional water sources;

3. Projects that produce additional water available for consumptive uses or natural systems;

4. Projects that diversify water supply so that the needs of consumptive uses and the natural system are met during wet and dry conditions; or

5. Projects that provide flexibility in addressing the unpredictability of water conditions from water year to water year.

(b) Establish the requirements for the award and repayment of financial assistance.

(c) Require evidence of credit worthiness and adequate security, including an identification of revenues to be pledged and documentation of their sufficiency for loan repayment and pledged revenue coverage to ensure that each loan recipient can meet its loan repayment requirements.

(d) Require each project receiving financial assistance to be cost-effective, environmentally sound, and implementable.

(e) Require each project to be self-supporting if the project is primarily for the purpose of water supply for consumptive use.

(5) Before approval of a loan, the local government or water supply entity must, at a minimum, submit all of the following to the department:

(a) A repayment schedule.

(b) Evidence of the permittability or implementability of the facility proposed for financial assistance.

(c) Plans and specifications, biddable contract documents, or other documentation of appropriate procurement of goods and services.

(d) Written assurance that records will be kept using generally accepted accounting principles and that the department or its agents and the Auditor General will have access to all records pertaining to the loan.

(e) If the facility is required to be self-supporting according to paragraph (4)(e), documentation that it will be self-supporting.

(f) Documentation that the water management district within whose boundaries the facility will be located has approved the facility. If the facility crosses jurisdictional boundaries, approval from each applicable district must be documented and provided to the department.

(6) The department and water management districts are authorized to provide technical assistance to local governments or water supply entities for water storage facilities funded pursuant to this section.

(7) The minimum amount of a loan is $75,000. The term of loans made pursuant to this section may not exceed 30 years.

(8) As part of the report required under s. 403.8532, the department shall prepare a report at the end of each fiscal year which details the financial assistance provided under this section, service fees collected, interest earned, and loans outstanding.

(9) The department may conduct an audit of the loan project upon completion, or may require that a separate project audit, prepared by an independent certified public accountant, be submitted.

(10) The department may require reasonable service fees on loans made to local governments or water supply entities to ensure that the program will be operated in perpetuity and to implement the purposes authorized under this section. Service fees may not be less than 2 percent or greater than 4 percent of the loan amount exclusive of the service fee. Service fee revenues shall be deposited into the department's Grants and Donations Trust Fund. The fee revenues, and interest earnings thereon, shall be used exclusively for the purposes of this section.

(11) The Water Protection and Sustainability Program Trust Fund established under s. 403.891 shall be used for the purposes of this section. Any funds that are not needed for immediate financial assistance shall be invested pursuant to s. 215.49. State funds and investment earnings shall be deposited into the fund. The principal and interest of all loans repaid, and investment earnings thereon, shall be deposited into the fund.

(12)(a) If a local governmental agency defaults under the terms of its loan agreement, the department shall so certify to the Chief Financial Officer, who shall forward the amount delinquent to the department from any unobligated funds due to the local governmental agency under any revenue-sharing or tax-sharing fund established by the state, except as otherwise provided by the State Constitution. Certification of delinquency does not preclude the department from pursuing other remedies available for default on a loan, including accelerating loan repayments, eliminating all or part of the interest rate subsidy on the loan, and court appointment of a receiver to manage the public water system.

(b) If a water storage facility owned by a person other than a local governmental agency defaults under the terms of its loan agreement, the department may take all actions available under law to remedy the default.

(c) The department may impose a penalty for delinquent loan payments in the amount of 6 percent of the amount due, in addition to charging the cost to handle and process the debt. Penalty interest accrues on any amount due and payable beginning on the 30th day following the date that the payment was due.

(13) The department may terminate or rescind a financial assistance agreement if the recipient fails to comply with the terms and conditions of the agreement.

Section 5. Subsection (3) of section 375.041, Florida Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—

(3) Funds distributed into the Land Acquisition Trust Fund pursuant to s. 201.15 shall be applied:

(a) First, to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued under s. 215.618; and pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to Everglades restoration bonds issued under s. 215.619; and

(b) Of the funds remaining after the payments required under paragraph (a), but before funds may be appropriated, pledged, or dedicated for other uses:

1. A minimum of the lesser of 25 percent or $200 million shall be appropriated annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project subject to Congressional authorization; the Long-Term Plan as defined in s. 373.4592(2); and the Northern Everglades and Estuaries Protection Program as set forth in s. 373.4595. From these funds, $32 million shall be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). After deducting the $32 million distributed under this subparagraph, from the funds remaining, a minimum of the lesser of 76.5 percent or $100 million shall be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering, and construction of the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project*, the Everglades Agricultural Area Storage Reservoir Project, the Lake Okeechobee Watershed Project, the C-43 West Basin Storage Reservoir Project, the Indian River Lagoon-South Project, the Western Everglades Restoration Project, and the Picayune Strand Restoration Project* ~~subject to Congressional authorization~~. The Department of Environmental Protection and the South Florida Water Management District shall give preference to those Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the purposes set forth under paragraph (b) shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this subparagraph.

2. A minimum of the lesser of 7.6 percent or $50 million shall be appropriated annually for spring restoration, protection, and management projects. For the purpose of performing the calculation provided in this subparagraph, the amount of debt service paid pursuant to paragraph (a) for bonds issued after July 1, 2016, for the purposes set forth under paragraph (b) shall be added to the amount remaining after the payments required under paragraph (a). The amount of the distribution calculated shall then be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth under this subparagraph.

3. The sum of $5 million shall be appropriated annually each fiscal year through the 2025-2026 fiscal year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka. This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2016, for the purposes set forth in this subparagraph.

4. The sum of $64 million is appropriated and shall be transferred to the Everglades Trust Fund for the 2018-2019 fiscal year, and each fiscal year thereafter, for the EAA reservoir project pursuant to s. 373.4598. Any funds remaining in any fiscal year shall be made available only for Phase II of the C-51 reservoir project or projects identified in subparagraph 1. and must be used in accordance with laws relating to such projects. Any funds made available for such purposes in a fiscal year is in addition to the amount appropriated under subparagraph 1. This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2017, for the purposes set forth in this subparagraph.

Section 6. Section 403.890, Florida Statutes, is amended to read:

403.890 Water Protection and Sustainability Program.—

(1) Revenues deposited into or appropriated to the Water Protection and Sustainability Program Trust Fund shall be distributed by the Department of Environmental Protection *for the following purposes* ~~in the following manner~~:

(a)~~(1) Sixty-five percent to the Department of Environmental Protection for~~ The ~~implementation of an~~ alternative water supply program as provided in s. 373.707.

(b) The water storage facility revolving loan fund as provided in s. 373.475.

(2) Revenues deposited into or appropriated to the Water Protection and Sustainability Program Trust Fund for purposes of the water storage facility revolving loan fund may only be used for such purposes.

~~(2) Twenty-two and five-tenths percent for the implementation of best management practices and capital project expenditures necessary for the implementation of the goals of the total maximum daily load program established in s. 403.067. Of these funds, 83.33 percent shall be transferred to the credit of the Department of Environmental Protection Water Quality Assurance Trust Fund to address water quality impacts associated with nonagricultural nonpoint sources. Sixteen and sixty-seven hundredths percent of these funds shall be transferred to the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality impacts associated with agricultural nonpoint sources. These funds shall be used for research, development, demonstration, and implementation of the total maximum daily load program under s. 403.067, suitable best management practices or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best management practices and other measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. The Department of Environmental Protection and the Department of Agriculture and Consumer Services may adopt rules governing the distribution of funds for implementation of capital projects, best management practices, and other measures. These funds shall not be used to abrogate the financial responsibility of those point and nonpoint sources that have contributed to the degradation of water or land areas. Increased priority shall be given by the department and the water management district governing boards to those projects that~~

~~have secured a cost-sharing agreement allocating responsibility for the cleanup of point and nonpoint sources.~~

~~(3) Twelve and five tenths percent to the Department of Environmental Protection for the Disadvantaged Small Community Wastewater Grant Program as provided in s. 403.1838.~~

(3)~~(4)~~ On June 30, 2009, and every 24 months thereafter, the Department of Environmental Protection shall request the return of all unencumbered funds distributed *for the purposes of the alternative water supply program* ~~pursuant to this section~~. These funds shall be deposited into the Water Protection and Sustainability Program Trust Fund and redistributed *for such purposes* ~~pursuant to the provisions of this section~~.

Section 7. Section 446.71, Florida Statutes, is created to read:

446.71 Everglades Restoration Agricultural Community Employment Training Program.—

(1) The Department of Economic Opportunity, in cooperation with CareerSource Florida, Inc., shall establish the Everglades Restoration Agricultural Community Employment Training Program within the Department of Economic Opportunity. The Department of Economic Opportunity shall use funds appropriated to the program by the Legislature to provide grants to stimulate and support training and employment programs that seek to match persons who complete such training programs to nonagricultural employment opportunities in areas of high agricultural unemployment, and to provide other training, educational, and information services necessary to stimulate the creation of jobs in the areas of high agricultural unemployment. In determining whether to provide funds to a particular program, the Department of Economic Opportunity shall consider the location of the program in proximity to the program's intended participants.

(2) The Legislature supports projects that improve the economy in the Everglades Agricultural Area. In recognition of the employment opportunities and economic development generated by new and expanding industries in the area, such as the Airglades Airport in Hendry County and the development of an inland port in Palm Beach County, the Legislature finds that training the citizens of the state to fill the needs of these industries significantly enhances the economic viability of the region.

(3) Funds may be used for grants for tuition for public or private technical or vocational programs and matching grants to employers to conduct employer-based training programs, or for the purchase of equipment to be used for training purposes, the hiring of instructors, or any other purpose directly associated with the program.

(4) The Department of Economic Opportunity may not award a grant to any given training program which exceeds 50 percent of the total cost of the program, unless the training program is located within a rural area of opportunity, in which case the grant may exceed 50 percent of the total cost of the program and up to 100 percent. Matching contributions may include in-kind services, including, but not limited to, the provision of training instructors, equipment, and training facilities.

(5) Before granting a request for funds made in accordance with this section, the Department of Economic Opportunity shall enter into a grant agreement with the requestor of funds and the institution receiving funding through the program. Such agreement must include all of the following information:

(a) An identification of the personnel necessary to conduct the instructional program, the qualifications of such personnel, and the respective responsibilities of the parties for paying costs associated with the employment of such personnel.

(b) An identification of the estimated length of the instructional program.

(c) An identification of all direct, training-related costs, including tuition and fees, curriculum development, books and classroom materials, and overhead or indirect costs.

(d) An identification of special program requirements that are not otherwise addressed in the agreement.

(6) The Department of Economic Opportunity may grant up to 100 percent of the tuition for a training program participant who currently resides, and has resided for at least 3 of the 5 immediately preceding years within the Everglades Agricultural Area as described in s. 373.4592 and in counties that provide for water storage and dispersed water storage that is located in Rural Areas of Opportunity as described in s. 288.0656.

(7) Programs established in the Everglades Agricultural Area must include opportunities to obtain the qualifications and skills necessary for jobs related to federal and state restoration projects, the Airglades Airport in Hendry County, an inland port in Palm Beach County, or other industries with verifiable, demonstrated interest in operating within the Everglades Agricultural Area and in counties that provide for water storage and dispersed water storage that is located in Rural Areas of Opportunity as described in s. 288.0656.

(8) The Department of Economic Opportunity shall adopt rules to implement this section.

Section 8. Subsection (3) is added to section 946.511, Florida Statutes, to read:

946.511 Inmate labor to operate correctional work programs.—

(3) Beginning July 1, 2017, the use of inmates for correctional work programs in the agricultural industry in the Everglades Agricultural Area or in any area experiencing high unemployment rates in the agricultural sector is prohibited. Any lease agreement relating to land in the Everglades Agricultural Area leased to the Prison Rehabilitative Industries and Diversified Enterprises, Inc., (PRIDE Enterprises) for an agricultural work program is required to be terminated in accordance with the terms of the lease agreement.

Section 9. *The Division of Law Revision and Information is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date the act becomes a law.*

Section 10. *For the 2017-2018 fiscal year, the sum of $30 million in nonrecurring funds from the Land Acquisition Trust Fund is appropriated to the Everglades Trust Fund for the purposes of acquiring land or negotiating leases to implement the Everglades Agricultural Area reservoir project pursuant to s. 373.4598, Florida Statutes, or for any cost related to the planning or construction of the Everglades Agricultural Area reservoir project as defined in s. 373.4598, Florida Statutes.*

Section 11. *For the 2017-2018 fiscal year, the sum of $3 million in nonrecurring funds from the Land Acquisition Trust Fund is appropriated to the Everglades Trust Fund for the purposes of developing the post-authorization change report pursuant to s. 373.4598, Florida Statutes, and the sum of $1 million in nonrecurring funds from the Land Acquisition Trust Fund is appropriated to the Everglades Trust Fund for the purposes of negotiating Phase II of the C-51 reservoir project pursuant to s. 373.4598, Florida Statutes.*

Section 12. *For the 2017-2018 fiscal year, the sum of $30 million in nonrecurring funds from the General Revenue Trust Fund is appropriated to the Water Resource Protection and Sustainability Program Trust Fund for the purpose of providing a loan to implement Phase I of the C-51 reservoir project. The loan must have a 30-year term, may be prepaid at any time, and shall accrue interest until repayment. The loan shall be repaid from the proceeds of the sale of unreserved capacity in the water storage facility, or other appropriate payment, at time of receipt less reasonable expenses. The loan must be secured by a first mortgage lien on the water storage facility and a collateral assignment of unreserved capacity as adequate security for the loan. The loan does not reserve for use by the state or the district any capacity authorized pursuant to the consumptive use permit for Phase I of the C-51 Reservoir. Once the Department of Environmental Protection adopts rules pursuant to s. 373.475, Florida Statutes, the department may modify the terms of the loan agreement to ensure that the loan agreement is in accordance with such rules, except that any terms specifically stated herein may not be modified.*

Section 13. This act shall take effect upon becoming a law.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to water resources; amending s. 201.15, F.S.; revising the requirements under which certain bonds may be issued; amending s. 215.618, F.S.; providing an exception to the requirement that bonds issued for acquisition and improvement of land, water areas, and related property interests and resources be deposited into the Florida Forever Trust Fund and distributed in a specified manner; creating s. 373.4598, F.S.; providing legislative findings and intent; defining terms; authorizing the South Florida Water Management District and the Board of Trustees of the Internal Improvement Trust Fund to negotiate the amendment and termination of leases on lands within the Everglades Agricultural Area for exchange or use for the reservoir project; requiring certain lease agreements for agricultural work programs to be terminated in accordance with the lease terms; requiring the district to identify certain lands; requiring that the district contact the lessors or landowners of any land identified by a certain date; requiring the board to provide certain land to the district; authorizing the district to acquire land from willing sellers under certain circumstances; prohibiting the total acreage necessary for additional water treatment from exceeding the amount reasonably required to meet state and federal water quality standards; requiring the district to request that the United States Army Corps of Engineers jointly develop a post-authorization change report for the Central Everglades Planning Project; providing requirements for the report; requiring the district to report the status of the report to the Legislature by a certain date; requiring the district to terminate an option agreement under certain circumstances; requiring the district to request the corps to initiate the project implementation report for the Everglades Agricultural Area reservoir project by a certain date under specified conditions; requiring the district to give hiring preferences to certain displaced agricultural workers; authorizing the district to negotiate with the owners of the C-51 reservoir project; providing requirements for the C-51 reservoir project if state funds are appropriated for the project; authorizing certain costs to be funded using Florida Forever bond proceeds under certain circumstances; specifying how such bond proceeds shall be deposited; authorizing the use of state funds for the reservoir project; requiring the district to seek additional sources of funding; requiring the district to request the corps, in the corps' review of the regulation schedule, to consider any repairs to the Herbert Hoover Dike and implementation of certain projects to optimally utilize the added storage capacity; creating s. 373.475, F.S.; providing legislative findings and intent; defining terms; requiring the state, through the Department of Environmental Protection, to provide certain funding assistance to local governments and water supply entities for the development and construction of water storage facilities; requiring the department to adopt rules; specifying required documentation for local government or water supply entities; authorizing technical assistance from the department and water management districts to local governments or water supply entities for a certain purpose; specifying certain loan funding minimums and term requirements; requiring a report; authorizing certain audits and servicing fees; providing that the Water Protection and Sustainability Program Trust Fund must be used to carry out the purposes of the water storage facility revolving loan fund; specifying certain default and compliance provisions; amending s. 375.041, F.S.; requiring certain distributions to be made from the Land Acquisition Trust Fund; amending s. 403.890, F.S.; revising the purposes for which distributions may be made from and to the Water Protection and Sustainability Program Trust Fund; creating s. 446.71, F.S.; requiring the Department of Economic Opportunity, in cooperation with CareerSource Florida, Inc., to establish the Everglades Restoration Agricultural Community Employment Training Program within the department; providing requirements for the program; providing a legislative finding; specifying award restrictions; requiring the department to adopt rules; amending s. 946.511, F.S.; prohibiting the use of inmates for correctional work programs in the agricultural industry in certain areas; providing a directive to the Division of Law Revision and Information; providing appropriations; providing an effective date.

On motion by Senator Bradley, the Senate concurred in **House Amendment 1 (061749)**.

CS for SB 10 passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—33

Mr. President	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Gibson	Rouson
Bracy	Grimsley	Simmons
Bradley	Hutson	Simpson
Brandes	Latvala	Stargel
Braynon	Mayfield	Steube
Broxson	Montford	Stewart
Campbell	Passidomo	Torres
Clemens	Perry	Young

Nays—None

Vote after roll call:

Yea—Baxley, Farmer, Thurston

Vote preference:

May 3, 2017: Yea—Lee

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 396, with 1 amendment, and requests the concurrence of the Senate.

Portia Palmer, Clerk

CS for SB 396—A bill to be entitled An act relating to student loan debt; creating s. 1009.45, F.S.; defining the term "student loans"; requiring postsecondary institutions to annually provide certain students with specified information regarding their student loans; providing that an institution does not incur any liability for providing such information; providing an effective date.

House Amendment 1 (718703)—Remove lines 20-21 and insert: *shall annually, or once during each academic year, provide each student receiving student loans with the following up-to-date information in print or electronic format:*

On motion by Senator Bean, the Senate concurred in **House Amendment 1 (718703)**.

CS for SB 396 passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—35

Mr. President	Farmer	Powell
Baxley	Flores	Rader
Bean	Gainer	Rodriguez
Benacquisto	Galvano	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Steube
Braynon	Mayfield	Stewart
Broxson	Montford	Torres
Campbell	Passidomo	Young
Clemens	Perry	

Nays—None

Vote after roll call:

Yea—Thurston

On motion by Senator Passidomo, the rules were waived and the Senate reverted to—

REPORTS OF COMMITTEE RELATING TO EXECUTIVE BUSINESS

The Honorable Joe Negron
President, The Florida Senate
Suite 409, The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

May 2, 2017

Dear President Negron:

The following executive appointments were referred to the Senate Committee on Education and the Senate Committee on Ethics and Elections for action pursuant to Rule 12.7 of the Rules of the Florida Senate:

Office and Appointment		*For Term Ending*
Board of Trustees, Florida A & M University		
Appointees:	Dortch, Thomas W., Jr.	01/06/2021
	Mills, Harold F.	01/06/2021
	Perry, Belvin, Jr.	01/06/2021
	Reed, Craig	01/06/2021
Board of Trustees, Florida Atlantic University		
Appointees:	Davis, Shaun M.	01/06/2021
	Dorman, Malcolm J.	01/06/2021
	Moabery, Abdol	01/06/2021
	Stilley, Robert J.	01/06/2021
Board of Trustees, University of Central Florida		
Appointees:	Bradley, Kenneth W.	01/06/2021
	Marchena, Marcos R.	01/06/2021
	Martins, Alexander	01/06/2021
	Sprouls, John R., Esquire	01/06/2021
	Walsh, David M.	01/06/2021
Board of Trustees, Florida State University		
Appointees:	Alvarez, Maximo	01/06/2021
	Burr, Edward E.	01/06/2021
	Duda, Emily F.	01/06/2021
	Mateer, Craig C.	01/06/2021
Board of Trustees, Florida Gulf Coast University		
Appointees:	Cors, Darleen	01/06/2021
	Fogg, Joseph G., III	01/06/2021
	Montgomery, Johnny Leo	01/06/2021
	Priddy, Russell A.	01/06/2021
Board of Trustees, Florida International University		
Appointees:	Armas, Jose	01/06/2021
	Grant, Gerald C., Jr.	01/06/2021
	Puig, Claudia	01/06/2021
	Sarnoff, Marc D.	01/06/2021
Board of Trustees, New College of Florida		
Appointees:	Coleman, Audrey R.	01/06/2021
	Lilly, John N.	01/06/2021
	Miranda, Fermin C.	01/06/2018
	Worthington, Norman A., III	01/06/2021
Board of Trustees, Florida Polytechnic University		
Appointees:	Bostick, R. Mark	06/30/2020
	Dur, Philip A.	06/30/2020
	Featherman, Sandra	07/15/2020
	Martin, Frank T.	07/15/2020
	McCance, Henry F.	06/30/2020
	Otto, Clifford K.	06/30/2019
Board of Trustees, University of Florida		
Appointees:	Heavener, James W.	01/06/2021
	Hosseini, Morteza "Mori"	01/06/2021
	Johnson, Leonard H.	01/06/2021
	Rosenberg, Jason J.	01/06/2021
Board of Trustees, University of North Florida		
Appointees:	Gonzalez, Wilfredo J.	01/06/2020
	Hollingsworth, Adam	01/06/2021
	Hyde, Kevin E.	01/06/2021
	Joost, Stephen C.	01/06/2021
	McElroy, Paul E.	01/06/2021
	Wamble-King, Sharon	01/06/2021
Board of Trustees, University of South Florida		
Appointees:	Carrere, Michael L.	01/06/2021
	Goforth, Stephanie E.	01/06/2021
	Ramil, John B.	01/06/2021
	Stikeleather, James A.	01/06/2021
	Watkins, Nancy Hemmingway	01/06/2021
Board of Trustees, University of West Florida		
Appointees:	Britton, Greg S.	01/06/2021
	Cleveland, David E.	01/06/2021
	Patel, Jayprakash S.	01/06/2021
	Sires, Robert D.	01/06/2021

As required by Rule 12.7, the committees caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the office indicated. In aid of such inquiry, the committees held public hearings at which members of the public were invited to attend and offer evidence concerning the qualifications, experience, and general suitability of the appointees. After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee on Ethics and Elections and other referenced committees respectfully advise and recommend that in accordance with s. 114.05(1)(c), Florida Statutes:

(1) the executive appointments of the above-named appointees, to the office and for the term indicated, be confirmed by the Senate;

(2) Senate action on said appointments be taken prior to the adjournment of the 2017 Regular Session; and

(3) there is no necessity known to the committees for the deliberations on said appointments to be held in executive session.

Respectfully submitted,
Kathleen Passidomo, Chair

On motion by Senator Passidomo, the report was adopted and the Senate confirmed the appointments identified in the foregoing report of the committee to the offices and for the terms indicated in accordance with the recommendation of the committee.

The vote was:

Yeas—36

Mr. President	Farmer	Perry
Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Gibson	Rouson
Bracy	Grimsley	Simmons
Bradley	Hutson	Simpson
Brandes	Latvala	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Torres
Clemens	Passidomo	Young

Nays—None

Vote after roll call:

Yea—Thurston

DISSOLUTION OF CONFERENCE COMMITTEE

Joint Statement Concerning the Conference Committee

Notwithstanding the significant progress made this session and in the Conference Committee on Gaming, we have reached a point where we do not believe that a gaming bill with a new compact with the Seminole Tribe of Florida can be achieved before the Legislature's scheduled adjournment sine die.

Therefore, we regretfully request that President Negron and Speaker Corcoran dissolve the Conference Committee on Gaming.

Bill Galvano, Chair *Jose Felix Diaz*, Vice Chair

MOTION

Pursuant to Rule 2.19(9), on motion by Senator Galvano, the Conference Committee on Gaming was dissolved.

RECESS

On motion by Senator Benacquisto, the Senate recessed at 3:14 p.m. to reconvene at 4:30 p.m., or upon call of the President.

EVENING SESSION

The Senate was called to order by the President at 5:00 p.m. A quorum present—31:

Mr. President	Gainer	Rodriguez
Baxley	Galvano	Rouson
Bean	Gibson	Simmons
Benacquisto	Grimsley	Simpson
Book	Hutson	Stargel
Bracy	Mayfield	Steube
Brandes	Montford	Stewart
Braynon	Passidomo	Torres
Broxson	Perry	Young
Campbell	Powell	
Clemens	Rader	

By direction of the President, the rules were waived and the Senate proceeded to—

SPECIAL ORDER CALENDAR, continued

SB 464—A bill to be entitled An act relating to natural hazards; creating s. 252.3655, F.S.; creating an interagency workgroup to share information, coordinate ongoing efforts, and collaborate on initiatives relating to natural hazards; defining the term "natural hazards"; requiring certain agencies to designate liaisons to the workgroup; designating the director of the Division of Emergency Management or his or her designee as the liaison to and coordinator of the workgroup; specifying duties and responsibilities of each liaison and the workgroup; requiring the division to prepare an annual report; specifying report requirements; requiring each agency liaison to ensure that the report is posted on his or her agency's website; requiring the workgroup to submit the report to the Governor and the Legislature; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 464**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 181** was withdrawn from the Committees on Military and Veterans Affairs, Space, and Domestic Security; Community Affairs; Governmental Oversight and Accountability; and Rules.

On motion by Senator Clemens—

CS for HB 181—A bill to be entitled An act relating to natural hazards; creating s. 252.3655, F.S.; creating an interagency workgroup to share information, coordinate ongoing efforts, and collaborate on initiatives relating to natural hazards; defining the term "natural hazards"; requiring certain agencies to designate liaisons to the workgroup; designating the director of the Division of Emergency Management or his or her designee as the liaison to and coordinator of the workgroup; specifying duties and responsibilities of each liaison and the workgroup; requiring the division to prepare an annual report; specifying report requirements; requiring each agency liaison to ensure that the report is posted on his or her agency's website; requiring the workgroup to submit the report to the Governor and the Legislature; providing an appropriation and authorizing a position; providing an effective date.

—a companion measure, was substituted for **SB 464** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 181** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 420—A bill to be entitled An act relating to flood insurance; amending s. 627.0628, F.S.; revising the intervals at which specified standards and guidelines for projecting certain rate filings must be revised by the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.715, F.S.; authorizing certain insurers to issue insurance policies, contracts, or endorsements providing certain excess coverage for the peril of flood; revising applicability; authorizing an insurer to issue flood insurance policies on a flexible basis; extending the last date of filing with the Office of Insurance Regulation of certain flood coverage rates that may be established and used by an insurer; specifying a condition for an eligible surplus lines insurer before a surplus lines agent may be excepted from a diligent-effort requirement when exporting flood insurance contracts or endorsements to the insurer; extending the expiration date of the exception; revising applicability of certain notification and filing requirements; revising a provision relating to a specified notice required before the procurement of a private flood insurance policy for property currently insured under the National Flood Insurance Program; providing an expiration date for the provision; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 420**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 813** was withdrawn from the Committees on Banking and Insurance; Community Affairs; and Rules.

On motion by Senator Brandes—

CS for CS for HB 813—A bill to be entitled An act relating to flood insurance; amending s. 627.0628, F.S.; revising the intervals at which specified standards and guidelines for projecting certain rate filings must be revised by the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.715, F.S.; authorizing certain insurers to issue insurance policies, contracts, or endorsements providing certain excess coverage for the peril of flood on a flexible basis; revising applicability; exempting certain surplus lines insurers from a diligent-effort requirement under certain circumstances; extending the expiration date of the exemption under certain conditions; revising applicability of certain notification and filing requirements; requiring agents to provide certain written notice to be signed by applicants when procuring private flood insurance policies for properties currently insured under the National Flood Insurance Program; requiring the agent to obtain the signed written notice from the applicant within a specified period; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 420** and read the second time by title.

SENATOR BRADLEY PRESIDING

Senator Brandes moved the following amendment:

Amendment 1 (703910) (with title amendment)—Delete lines 126-207 and insert:
October 1, *2025* ~~2019~~, the insurer may also establish and use such rates in accordance with the rates, rating schedules, or rating manuals filed by the insurer with the office which allow the insurer a reasonable rate of return on flood coverage written in this state. Flood coverage rates

established pursuant to this paragraph are not subject to s. 627.062(2)(a) and (f). An insurer shall notify the office of any change to such rates within 30 days after the effective date of the change. The notice must include the name of the insurer and the average statewide percentage change in rates. Actuarial data with regard to such rates for flood coverage must be maintained by the insurer for 2 years after the effective date of such rate change and is subject to examination by the office. The office may require the insurer to incur the costs associated with an examination. Upon examination, the office, in accordance with generally accepted and reasonable actuarial techniques, shall consider the rate factors in s. 627.062(2)(b), (c), and (d), and the standards in s. 627.062(2)(e), to determine if the rate is excessive, inadequate, or unfairly discriminatory. If the office determines that a rate is excessive or unfairly discriminatory, the office shall require the insurer to provide appropriate credit to affected insureds or an appropriate refund to affected insureds who no longer receive coverage from the insurer.

(4) A surplus lines agent may export a contract or endorsement providing flood coverage to an eligible surplus lines insurer without making a diligent effort to seek such coverage from three or more authorized insurers under *s. 626.916(1) if the surplus lines insurer maintains a financial strength rating of superior, excellent, or exceptional, or an equivalent financial strength rating, by a rating agency acceptable to the office* ~~s. 626.916(1)(a)~~. This subsection expires July 1, *2019, or on the date on which the Commissioner of Insurance Regulation determines in writing that there is an adequate admitted market to provide coverage for the peril of flood consistent with this section, whichever date occurs first. If there are fewer than three authorized insurers on the date this subsection expires, the number of declinations necessary to meet the diligent-effort requirement shall be no fewer than the number of authorized insurers providing flood coverage* ~~2017~~.

(5) In addition to any other applicable requirements, an insurer providing flood coverage *that is not excess coverage* in this state must:

(a) Notify the office at least 30 days before writing flood insurance in this state; and

(b) File a plan of operation and financial projections or revisions to such plan, as applicable, with the office.

(6) Citizens Property Insurance Corporation may not provide insurance for the peril of flood.

(7) The Florida Hurricane Catastrophe Fund may not provide reimbursement for losses proximately caused by the peril of flood, including losses that occur during a covered event as defined in s. 215.555(2)(b).

(8) An agent must, upon receiving an application for flood coverage from an authorized or surplus lines insurer for a property receiving flood insurance under the National Flood Insurance Program, obtain an acknowledgment signed by the applicant before placing the coverage with the authorized or surplus lines insurer. The acknowledgment must notify the applicant that, if the applicant discontinues coverage under the National Flood Insurance Program which is provided at a subsidized rate, the full risk rate for flood insurance may apply to the property if the applicant later seeks to reinstate coverage under the program.

And the title is amended as follows:

Delete lines 11-22 and insert: applicability; extending the last date of filing with the Office of Insurance Regulation of certain flood coverage rates that may be established and used by an insurer; exempting certain surplus lines insurers from a diligent-effort requirement under certain circumstances; extending the expiration date of the exemption under certain conditions; revising applicability of certain notification and filing requirements; providing

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Brandes moved the following substitute amendment which was adopted:

Amendment 2 (198022) (with title amendment)—Delete lines 126-207 and insert:
October 1, *2025* ~~2019~~, the insurer may also establish and use such rates in accordance with the rates, rating schedules, or rating manuals filed by the insurer with the office which allow the insurer a reasonable rate of return on flood coverage written in this state. Flood coverage rates established pursuant to this paragraph are not subject to s. 627.062(2)(a) and (f). An insurer shall notify the office of any change to such rates within 30 days after the effective date of the change. The notice must include the name of the insurer and the average statewide percentage change in rates. Actuarial data with regard to such rates for flood coverage must be maintained by the insurer for 2 years after the effective date of such rate change and is subject to examination by the office. The office may require the insurer to incur the costs associated with an examination. Upon examination, the office, in accordance with generally accepted and reasonable actuarial techniques, shall consider the rate factors in s. 627.062(2)(b), (c), and (d), and the standards in s. 627.062(2)(e), to determine if the rate is excessive, inadequate, or unfairly discriminatory. If the office determines that a rate is excessive or unfairly discriminatory, the office shall require the insurer to provide appropriate credit to affected insureds or an appropriate refund to affected insureds who no longer receive coverage from the insurer.

(4) A surplus lines agent may export a contract or endorsement providing flood coverage to an eligible surplus lines insurer without making a diligent effort to seek such coverage from three or more authorized insurers under s. 626.916(1)(a). This subsection expires July 1, *2019, or on the date on which the Commissioner of Insurance Regulation determines in writing that there is an adequate admitted market to provide coverage for the peril of flood consistent with this section, whichever date occurs first. If there are fewer than three admitted insurers on the date this subsection expires, the number of declinations necessary to meet the diligent-effort requirement shall be no fewer than the number of authorized insurers providing flood coverage* ~~2017~~.

(5) In addition to any other applicable requirements, an insurer providing flood coverage *that is not excess coverage* in this state must:

(a) Notify the office at least 30 days before writing flood insurance in this state; and

(b) File a plan of operation and financial projections or revisions to such plan, as applicable, with the office.

(6) Citizens Property Insurance Corporation may not provide insurance for the peril of flood.

(7) The Florida Hurricane Catastrophe Fund may not provide reimbursement for losses proximately caused by the peril of flood, including losses that occur during a covered event as defined in s. 215.555(2)(b).

(8) An agent must *provide a written notice to be signed by the applicant before the agent places* ~~, upon receiving an application for~~ flood *insurance* coverage *with* ~~from~~ an *admitted* ~~authorized~~ or surplus lines insurer for a property receiving flood insurance under the National Flood Insurance Program~~, obtain an acknowledgment signed by the applicant before placing the coverage with the authorized or surplus lines insurer~~. The *notice* ~~acknowledgment~~ must notify the applicant that, if the applicant discontinues coverage under the National Flood Insurance Program which is provided at a subsidized rate, the full risk rate for flood insurance may apply to the property if the applicant later seeks to reinstate coverage under the program.

And the title is amended as follows:

Delete lines 11-22 and insert: applicability; extending the last date of filing with the Office of Insurance Regulation of certain flood coverage rates that may be established and used by an insurer; specifying a condition for the expiration of a certain diligent-effort requirement exemption for surplus lines agents, relating to the export of certain contracts or endorsements to eligible surplus lines insurers; revising applicability of certain notification and filing requirements; revising a notice requirement for agents before they place flood insurance coverage with an admitted or surplus lines insurer for properties receiving flood insurance under the National Flood Insurance Program; providing

Pursuant to Rule 4.19, **CS for CS for HB 813**, as amended, was placed on the calendar of Bills on Third Reading.

CS for SB 294—A bill to be entitled An act relating to condominium, cooperative, and homeowners' associations; amending ss. 718.111, 719.104, and 720.303, F.S.; deleting exemptions for certain associations from specified reporting requirements; deleting provisions prohibiting certain associations from waiving certain financial reporting requirements for more than 3 years; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 294**, pursuant to Rule 3.11(3), there being no objection, **HB 6027** was withdrawn from the Committees on Regulated Industries; Judiciary; and Rules.

On motion by Senator Bracy—

HB 6027—A bill to be entitled An act relating to financial reporting; amending ss. 718.111, 719.104, and 720.303, F.S.; deleting a provision authorizing certain associations to prepare a report of cash receipts and expenditures in lieu of specified financial statements; deleting provisions prohibiting condominium and cooperative associations from waiving certain financial reporting requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 294** and read the second time by title.

Pursuant to Rule 4.19, **HB 6027** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 736—A bill to be entitled An act relating to international financial institutions; amending s. 655.005, F.S.; redefining the term "financial institution" to include international trust entities and qualified limited service affiliates; amending s. 655.059, F.S.; specifying conditions under which confidential books and records of international trust entities may be disclosed to their home-country supervisors; revising conditions for such disclosure for international banking corporations; redefining the term "home-country supervisor"; requiring books and records pertaining to trust accounts to be kept confidential by financial institutions and their directors, officers, and employees; providing an exception; providing construction; creating s. 663.001, F.S.; providing legislative intent; amending s. 663.01, F.S.; redefining terms; deleting the definition of the term "international trust company representative office"; amending s. 663.02, F.S.; revising applicability of the financial institutions codes as to international banking corporations; amending s. 663.021, F.S.; conforming a provision to changes made by the act; amending s. 663.04, F.S.; deleting international trust companies from requirements for carrying on financial institution business; conforming a provision to changes made by the act; authorizing the Office of Financial Regulation to permit certain entities that would otherwise be prohibited from carrying on financial institution business to remain open and in operation under certain circumstances; amending s. 663.05, F.S.; providing for an abbreviated application procedure for certain entities established by an international banking corporation; specifying that the Financial Services Commission, rather than the office, prescribes a certain application form; requiring the commission to adopt rules for a time limitation for an application decision after a specified date; revising conditions for the office to issue an international banking corporation license; conforming a provision to changes made by the act; amending s. 663.055, F.S.; revising capital requirements for international banking corporations; amending s. 663.06, F.S.; making technical changes; conforming a provision to changes made by the act; creating s. 663.0601, F.S.; providing an after-the-fact licensure process in the event of the acquisition, merger, or consolidation of international banking corporations; specifying conditions for such license; amending s. 663.061, F.S.; providing permissible activities for international bank agencies; amending s. 663.062, F.S.; providing permissible activities for certain international representative offices; amending s. 663.063, F.S.; providing permissible activities for international administrative offices; amending s. 663.064, F.S.; requiring the commission to adopt rules relating to permissible deposits of international branches; providing permissible activities for international branches; amending s. 663.09, F.S.; revising requirements for the maintenance of books and records of international banking corporations; authorizing the office to require international banking corporations to translate certain documents into English at the expense of the international banking corporations; amending s. 663.11, F.S.; authorizing the office to permit certain entities that would otherwise be prohibited from continuing business to remain open and in operation under certain circumstances; authorizing the commission to adopt certain rules; requiring an entity to surrender its license under certain circumstances; making technical and conforming changes; amending s. 663.12, F.S.; conforming a provision to changes made by the act; amending s. 663.17, F.S.; making technical changes; providing a directive to the Division of Law Revision and Information to create part III of ch. 663, F.S., entitled "International Trust Company Representative Offices"; creating s. 663.4001, F.S.; providing legislative intent; creating s. 663.401, F.S.; defining terms; creating s. 663.402, F.S.; providing applicability of the financial institutions codes as to international trust entities; creating s. 663.403, F.S.; providing applicability of the Florida Business Corporation Act as to international trust entities; creating s. 663.404, F.S.; specifying requirements for an international trust entity or certain related entities to conduct financial institution business; authorizing the office to permit an international trust company representative office that would otherwise be prohibited from continuing business to remain open and in operation under certain circumstances; creating s. 663.405, F.S.; providing that an international trust company representative office is not required to produce certain books and records under certain circumstances; providing applicability; creating s. 663.406, F.S.; providing requirements for applications for an international trust entity license; requiring the office to disallow certain financial resources from capitalization requirements; requiring the international trust entity to submit to the office a certain certificate; providing an abbreviated application process for certain international trust entities to establish international trust company representative offices; specifying parameters and requirements for the office in determining whether to approve or disapprove an application; requiring the commission to adopt by rule general principles regarding the adequacy of supervision of an international trust entity's foreign establishments rules; creating s. 663.407, F.S.; providing capital requirements for an international trust entity; requiring the commission to adopt rules; creating s. 663.408, F.S.; providing permissible activities under and requirements and limitations for international trust entity licenses; providing procedures, conditions, and requirements for the suspension, revocation, or surrender of an international trust entity license; creating s. 663.4081, F.S.; providing for an after-the-fact licensure process in the event of the acquisition, merger, or consolidation of international trust entities; specifying conditions for such licensure; transferring, renumbering, and amending s. 663.0625, F.S.; adding prohibited activities of representatives and employees of an international trust company representative office; providing permissible activities of such offices; conforming provisions to changes made by the act; creating s. 663.410, F.S.; requiring international trust entities to certify to the office the amount of their capital accounts at specified intervals; providing construction; creating s. 663.411, F.S.; specifying reporting and recordkeeping requirements for international trust entities; providing penalties; authorizing the office to require an international trust entity to translate certain documents into English at the international trust entity's expense; creating s. 663.412, F.S.; prohibiting an international trust entity from continuing to conduct business in this state under certain circumstances; authorizing the office to permit an international trust company representative office to remain open and in operation under certain circumstances; authorizing the commission to adopt certain rules; requiring an entity to surrender its license under certain circumstances; requiring an international trust entity or its surviving officers and directors to deliver specified documents to the office; providing construction; creating s. 663.413, F.S.; specifying application and examination fees for international trust company representative offices; creating s. 663.414, F.S.; authorizing the commission to adopt certain rules; providing an exemption from statement of estimated regulatory costs requirements; creating s. 663.415, F.S.; requiring international trust company representative offices that are under examination to reimburse domestic or foreign travel expenses of the office; providing a directive to the Division of Law Revision and Information to create part IV of ch. 663, F.S., entitled "Qualified Limited Service Affiliates of International Trust Entities"; creating s. 663.530, F.S.; defining terms; creating s. 663.531, F.S.; specifying permissible and prohibited activities of a qualified limited service affiliate; requiring specified notices to be posted on an international trust entity's or qualified limited service affiliate's website; authorizing enforcement actions by the office; providing construction; creating s. 663.532, F.S.; requiring certain persons or entities to qualify as qualified limited service affiliates by a specified date or cease doing business in this state; permitting certain persons or entities to remain open and in operation under certain circumstances; amending s.

663.532, F.S., as created by this act; specifying qualification notice requirements; providing requirements and procedures for additional information requested by the office; providing summary suspension requirements and procedures; requiring the office to make investigation of specified persons upon the filing of a completed qualification notice; requiring the office to approve a qualification only if certain conditions are met; providing factors for the office to consider when evaluating a previous offense or violation committed by, or a previous fine or penalty imposed on, specified persons; providing that qualifications are not transferable or assignable; requiring certain persons or entities to file notices seeking qualification by a specified date or cease doing business in this state; creating s. 663.5325, F.S.; providing that a qualified limited service affiliate is not required to produce certain books and records under certain circumstances; providing applicability; creating s. 663.533, F.S.; providing applicability of the financial institutions codes as to qualified limited service affiliates; providing construction; creating s. 663.534, F.S.; requiring qualified limited service affiliates to report changes of certain information to the office within a specified timeframe; creating s. 663.535, F.S.; requiring a specified notice to customers in marketing documents, advertisements, and displays at the qualified limited service affiliate's location or at certain events; creating s. 663.536, F.S.; specifying recordkeeping requirements relating to certain events that a qualified limited service affiliate participates in; creating s. 663.537, F.S.; authorizing the office to conduct examinations or investigations of qualified limited service affiliates for certain purposes; specifying a minimum interval of examinations to assess compliance; authorizing the office to examine a person or entity submitting a notice of qualification for certain purposes; creating s. 663.538, F.S.; providing requirements and procedures relating to the suspension, revocation, or voluntary surrender of a qualified limited service affiliate's qualification; providing a penalty; authorizing the office to conduct examinations under certain circumstances; prohibiting the office from denying a request to terminate operations except under certain circumstances; providing construction; creating s. 663.539, F.S.; requiring a qualified limited service affiliate to renew its qualification biennially; specifying requirements for the renewal qualification; reenacting s. 663.16, F.S., relating to definitions, to incorporate the amendment made to s. 663.01, F.S., in a reference thereto; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 736**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 435** was withdrawn from the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; Appropriations; and Rules.

On motion by Senator Mayfield—

CS for CS for HB 435—A bill to be entitled An act relating to international financial institutions; amending s. 655.005, F.S.; redefining the term "financial institution" to include international trust entities and qualified limited service affiliates; amending s. 655.059, F.S.; specifying conditions under which confidential books and records of international trust entities may be disclosed to their home-country supervisors; revising conditions for such disclosure for international banking corporations; redefining the term "home-country supervisor"; requiring books and records pertaining to trust accounts to be kept confidential by financial institutions and their directors, officers, and employees; providing an exception; providing construction; creating s. 663.001, F.S.; providing legislative intent; amending s. 663.01, F.S.; redefining terms; deleting the definition of the term "international trust company representative office"; amending s. 663.02, F.S.; revising applicability of the financial institutions codes as to international banking corporations; amending s. 663.021, F.S.; conforming a provision to changes made by the act; amending s. 663.04, F.S.; deleting international trust companies from requirements for carrying on financial institution business; conforming a provision to changes made by the act; authorizing the Office of Financial Regulation to permit certain entities that would otherwise be prohibited from carrying on financial institution business to remain open and in operation under certain circumstances; amending s. 663.05, F.S.; providing for an abbreviated application procedure for certain entities established by an international banking corporation; specifying that the Financial Services Commission, rather than the office, prescribes a certain application form; requiring the commission to adopt rules for a time limitation for an application decision after a specified date; revising conditions for the office to issue an international banking corporation license; conforming a provision to changes made by the act; amending s. 663.055, F.S.; revising capital requirements for international banking corporations; amending s. 663.06, F.S.; making technical changes; conforming a provision to changes made by the act; creating s. 663.0601, F.S.; providing an after-the-fact licensure process in the event of the acquisition, merger, or consolidation of international banking corporations; specifying conditions for such license; amending s. 663.061, F.S.; providing permissible activities for international bank agencies; amending s. 663.062, F.S.; providing permissible activities for certain international representative offices; amending s. 663.063, F.S.; providing permissible activities for international administrative offices; amending s. 663.064, F.S.; requiring the commission to adopt rules relating to permissible deposits of international branches; providing permissible activities for international branches; amending s. 663.09, F.S.; revising requirements for the maintenance of books and records of international banking corporations; authorizing the office to require international banking corporations to translate certain documents into English at the expense of the international banking corporations; amending s. 663.11, F.S.; authorizing the office to permit certain entities that would otherwise be prohibited from continuing business to remain open and in operation under certain circumstances; authorizing the commission to adopt certain rules; requiring an entity to surrender its license under certain circumstances; making technical and conforming changes; amending s. 663.12, F.S.; conforming a provision to changes made by the act; amending s. 663.17, F.S.; making technical changes; providing a directive to the Division of Law Revision and Information to create part III of ch. 663, F.S., entitled "International Trust Company Representative Offices"; creating s. 663.4001, F.S.; providing legislative intent; creating s. 663.401, F.S.; defining terms; creating s. 663.402, F.S.; providing applicability of the financial institutions codes as to international trust entities; creating s. 663.403, F.S.; providing applicability of the Florida Business Corporation Act as to international trust entities; creating s. 663.404, F.S.; specifying requirements for an international trust entity or certain related entities to conduct financial institution business; authorizing the office to permit an international trust company representative office that would otherwise be prohibited from continuing business to remain open and in operation under certain circumstances; creating s. 663.405, F.S.; providing that an international trust company representative office is not required to produce certain books and records under certain circumstances; providing applicability; creating s. 663.406, F.S.; providing requirements for applications for an international trust entity license; requiring the office to disallow certain financial resources from capitalization requirements; requiring the international trust entity to submit to the office a certain certificate; providing an abbreviated application process for certain international trust entities to establish international trust company representative offices; specifying parameters and requirements for the office in determining whether to approve or disapprove an application; requiring the commission to adopt by rule general principles regarding the adequacy of supervision of an international trust entity's foreign establishments rules; creating s. 663.407, F.S.; providing capital requirements for an international trust entity; requiring the commission to adopt rules; creating s. 663.408, F.S.; providing permissible activities under and requirements and limitations for international trust entity licenses; providing procedures, conditions, and requirements for the suspension, revocation, or surrender of an international trust entity license; creating s. 663.4081, F.S.; providing for an after-the-fact licensure process in the event of the acquisition, merger, or consolidation of international trust entities; specifying conditions for such licensure; transferring, renumbering, and amending s. 663.0625, F.S.; adding prohibited activities of representatives and employees of an international trust company representative office; providing permissible activities of such offices; conforming provisions to changes made by the act; creating s. 663.410, F.S.; requiring international trust entities to certify to the office the amount of their capital accounts at specified intervals; providing construction; creating s. 663.411, F.S.; specifying reporting and recordkeeping requirements for international trust entities; providing penalties; authorizing the office to require an international trust entity to translate certain documents into English at the international trust entity's expense; creating s. 663.412, F.S.; prohibiting an international trust entity from continuing to conduct business in this state under certain circumstances; authorizing the office to permit an international trust company representative office to remain open and in operation under certain circumstances; authorizing the commission to adopt certain rules; requiring an entity to surrender its license under certain circumstances; requiring an international trust entity or its surviving officers and directors to deliver specified docu-

ments to the office; providing construction; creating s. 663.413, F.S.; specifying application and examination fees for international trust company representative offices; creating s. 663.414, F.S.; authorizing the commission to adopt certain rules; providing an exemption from statement of estimated regulatory costs requirements; creating s. 663.415, F.S.; requiring international trust company representative offices that are under examination to reimburse domestic or foreign travel expenses of the office; providing a directive to the Division of Law Revision and Information to create part IV of ch. 663, F.S., entitled "Qualified Limited Service Affiliates of International Trust Entities"; creating s. 663.530, F.S.; defining terms; creating s. 663.531, F.S.; specifying permissible and prohibited activities of a qualified limited service affiliate; requiring specified notices to be posted on an international trust entity's or qualified limited service affiliate's website; authorizing enforcement actions by the office; providing construction; creating s. 663.532, F.S.; requiring certain persons or entities to qualify as qualified limited service affiliates by a specified date or cease doing business in this state; permitting certain persons or entities to remain open and in operation under certain circumstances; amending s. 663.532, F.S., as created by this act; specifying qualification notice requirements; providing requirements and procedures for additional information requested by the office; providing summary suspension requirements and procedures; requiring the office to make investigation of specified persons upon the filing of a completed qualification notice; requiring the office to approve a qualification only if certain conditions are met; providing factors for the office to consider when evaluating a previous offense or violation committed by, or a previous fine or penalty imposed on, specified persons; providing that qualifications are not transferable or assignable; creating s. 663.5325, F.S.; providing that a qualified limited service affiliate is not required to produce certain books and records under certain circumstances; providing applicability; creating s. 663.533, F.S.; providing applicability of the financial institutions codes as to qualified limited service affiliates; providing construction; creating s. 663.534, F.S.; requiring qualified limited service affiliates to report changes of certain information to the office within a specified timeframe; creating s. 663.535, F.S.; requiring a specified notice to customers in marketing documents, advertisements, and displays at the qualified limited service affiliate's location or at certain events; creating s. 663.536, F.S.; specifying recordkeeping requirements relating to certain events that a qualified limited service affiliate participates in; creating s. 663.537, F.S.; authorizing the office to conduct examinations or investigations of qualified limited service affiliates for certain purposes; specifying a minimum interval of examinations to assess compliance; authorizing the office to examine a person or entity submitting a notice of qualification for certain purposes; creating s. 663.538, F.S.; providing requirements and procedures relating to the suspension, revocation, or voluntary surrender of a qualified limited service affiliate's qualification; providing a penalty; authorizing the office to conduct examinations under certain circumstances; prohibiting the office from denying a request to terminate operations except under certain circumstances; providing construction; creating s. 663.539, F.S.; requiring a qualified limited service affiliate to renew its qualification biennially; specifying requirements for the renewal qualification; reenacting s. 663.16, F.S., relating to definitions, to incorporate the amendment made to s. 663.01, F.S., in a reference thereto; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 736** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 435** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 738—A bill to be entitled An act relating to public records; creating ss. 663.416 and 663.540, F.S.; defining terms; providing exemptions from public records requirements for certain information held by the Office of Financial Regulation relating to international trust company representative offices or qualified limited service affiliates, respectively, and relating to affiliated international trust entities; authorizing the disclosure of the information by the office to specified persons; providing construction; providing criminal penalties; providing future legislative review and repeal of the exemptions; providing statements of public necessity; amending s. 655.057, F.S.; providing that certain exemptions from public records requirements for information relating to investigations, reports of examinations, operations, or condition, including working papers, and certain materials supplied by governmental agencies are exempt from Section 24(a) of Article I of the State Constitution, as a result of the expansion of such exemptions to include the records of international trust entities and qualified limited service affiliates, as made by CS/CS/SB 736, 2017 Regular Session; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 738**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 437** was withdrawn from the Committees on Banking and Insurance; Governmental Oversight and Accountability; Appropriations; and Rules.

On motion by Senator Mayfield—

CS for CS for HB 437—A bill to be entitled An act relating to public records; creating ss. 663.416 and 663.540, F.S.; defining terms; providing exemptions from public records requirements for certain information held by the Office of Financial Regulation relating to international trust company representative offices or qualified limited service affiliates, respectively, and relating to affiliated international trust entities; authorizing the disclosure of the information by the office to specified persons; providing construction; providing criminal penalties; providing future legislative review and repeal of the exemptions; providing statements of public necessity; amending s. 655.057, F.S.; providing that certain exemptions from public records requirements for information relating to investigations, reports of examinations, operations, or condition, including working papers, and certain materials supplied by governmental agencies are exempt from Section 24(a) of Article I of the State Constitution, as a result of the expansion of such exemptions to include the records of international trust entities and qualified limited service affiliates, as made by CS/CS/HB 435, 2017 Regular Session; providing a statement of public necessity; providing a contingent effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 738** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 437** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 730—A bill to be entitled An act relating to insurer insolvency; amending s. 631.015, F.S.; adding the Insurer Receivership Model Act to a list of acts that extend reciprocity in the treatment of policyholders in receivership if such act is enacted in other states; amending s. 631.021, F.S.; adding the Florida Health Maintenance Organization Consumer Assistance Plan to a list of entities that must be given reasonable written notice by the Department of Financial Services of hearings pertaining to certain insurers; revising the exclusive jurisdiction of the Circuit Court of Leon County, upon issuance of specified orders, of an insurer's assets or property in a delinquency proceeding; providing construction; amending s. 631.031, F.S.; requiring an insurer to file its response and defenses to a certain order within a specified timeframe; requiring that a hearing to determine whether cause exists to appoint the department as receiver must be commenced by a specified time; amending s. 631.041, F.S.; providing an exception for the Office of Insurance Regulation from applicability of a certain application or petition operating as an automatic stay; amending s. 631.141, F.S.; authorizing a receiver to assume or reject an insurer's executory contract or unexpired lease; authorizing the department as domiciliary receiver to pay certain expenses or reject certain contracts; providing that, under certain circumstances, certain persons of an insurer that is under liquidation are permanently discharged and have no further authority over the affairs or assets of the insurer; amending s. 631.152, F.S.; conforming a cross-reference; creating s. 631.1521, F.S.; prohibiting certain defenses in actions by and against a receiver; authorizing certain defenses in actions by and against a receiver; specifying that a principal under a surety bond or surety undertaking, under certain circumstances, is entitled to credit for the value of certain property against a reimbursement obligation to the receiver; limiting admissibility of evidence of fraud in the inducement to evidence contained in insurer records; creating s. 631.1522, F.S.; prohibiting, in a receiver's proceeding or claim, the assertion of defenses or claims by an affiliate or certain persons of an insurer except under certain circumstances; providing construction; amending s. 631.181, F.S.; authorizing

a receivership court to allow alternative procedures and requirements for filing proofs of claim or allowing or proving claims; providing construction; prohibiting a receivership court from waiving certain filing requirements; providing that certain claims against an insurer which do not meet specified filing requirements are deemed late-filed rather than forever barred; authorizing a receiver to petition the receivership court to set certain deadlines; requiring a receiver to provide notice of filing a certain petition to certain claimants; amending s. 631.191, F.S.; defining terms; providing applicability; requiring that specified large deductible claims under certain workers' compensation policies must be turned over to the applicable responsible guaranty association for handling; providing for construction relating to payment of deductible claims; authorizing receivers to collect reimbursements owed for certain deductible claims; providing requirements for such collections; providing for construction relating to such collections; requiring receivers to use collateral, when available, to secure certain obligations; providing that a guaranty association is entitled to collateral for a certain purpose; providing for construction relating to certain distributions; requiring receivers to draw down collateral under certain circumstances; providing a procedure for payment of claims; authorizing the return of excess collateral under certain circumstances; providing that a receiver is entitled to deduct certain expenses from the collateral or deductible reimbursements; providing for construction; amending s. 631.192, F.S.; prohibiting claims for postjugdment interest accrued after the date the court enters the order of liquidation; amending s. 631.271, F.S.; adding and revising claims to a list that establishes the priority of distribution of claims from an insurer's estate; specifying when interest on claims accrue and the interest rate calculation; amending s. 631.391, F.S.; specifying that certain persons in relation to an insurer who must cooperate with the department or office in certain proceedings or investigations include present or former roles; defining the term "person"; amending s. 631.395, F.S.; requiring an order of liquidation to authorize the release of certain claims files, records, documents, or claims, rather than only copies of the claims files, records, documents, or claims; amending s. 631.397, F.S.; authorizing the department as receiver to apply to the court for approval of a specified proposal, rather than requiring the department to make such application within a specified timeframe; deleting a specified notice requirement of the department; deleting a provision authorizing the court to take action on the application under certain circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 730**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 837** was withdrawn from the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; Appropriations; and Rules.

On motion by Senator Passidomo—

CS for CS for HB 837—A bill to be entitled An act relating to insurer insolvency; amending s. 631.015, F.S.; adding the Insurer Receivership Model Act to a list of acts that extend reciprocity in the treatment of policyholders in receivership if such act is enacted in other states; amending s. 631.021, F.S.; adding the Florida Health Maintenance Organization Consumer Assistance Plan to a list of entities that must be given reasonable written notice by the Department of Financial Services of hearings pertaining to certain insurers; revising the exclusive jurisdiction of the Circuit Court of Leon County, upon issuance of specified orders, of an insurer's assets or property in a delinquency proceeding; providing construction; amending s. 631.031, F.S.; requiring an insurer to file its response and defenses to a certain order within a specified timeframe; requiring that a hearing to determine whether cause exists to appoint the department as receiver must be commenced by a specified time; amending s. 631.041, F.S.; providing an exception for the Office of Insurance Regulation from applicability of a certain application or petition operating as an automatic stay; amending s. 631.141, F.S.; authorizing a receiver to assume or reject an insurer's executory contract or unexpired lease; authorizing the department as domiciliary receiver to pay certain expenses or reject certain contracts; providing that, under certain circumstances, certain persons of an insurer that is under liquidation are permanently discharged and have no further authority over the affairs or assets of the insurer; amending s. 631.152, F.S.; conforming a cross-reference; creating s. 631.1521, F.S.; prohibiting certain defenses in actions by and against a receiver; authorizing certain defenses in actions by and against a receiver; specifying that a principal under a surety bond or surety undertaking, under certain circumstances, is entitled to credit for the value of certain property against a reimbursement obligation to the receiver; limiting admissibility of evidence of fraud in the inducement to evidence contained in insurer records; creating s. 631.1522, F.S.; prohibiting, in a receiver's proceeding or claim, the assertion of defenses or claims by an affiliate or certain persons of an insurer except under certain circumstances; providing construction; amending s. 631.181, F.S.; authorizing a receivership court to allow alternative procedures and requirements for filing proofs of claim or allowing or proving claims; providing construction; prohibiting a receivership court from waiving certain filing requirements; providing conditions in which claims will be late-filed; authorizing a receiver to petition the receivership court to set certain deadlines; requiring a receiver to provide notice of filing a certain petition to certain claimants; amending s. 631.191, F.S.; providing definitions; providing applicability; requiring that specified large deductible claims under certain workers' compensation policies must be turned over to the applicable responsible guaranty association for handling; providing for construction relating to payment of deductible claims; authorizing receivers to collect reimbursements owed for certain deductible claims; providing requirements for such collections; providing for construction relating to such collections; requiring receivers to use collateral, when available, to secure certain obligations; providing that a guaranty association is entitled to collateral for a certain purpose; providing for construction relating to certain distributions; requiring receivers to draw down collateral under certain circumstances; providing a procedure for payment of claims; authorizing the return of excess collateral under certain circumstances; providing that a receiver is entitled to deduct certain expenses from the collateral or deductible reimbursements; providing for construction; amending s. 631.192, F.S.; prohibiting specified claims; amending s. 631.271, F.S.; adding and revising claims to a list that establishes the priority of distribution of claims from an insurer's estate; specifying when interest on claims accrue and the interest rate calculation; amending s. 631.391, F.S.; specifying that certain persons in relation to an insurer who must cooperate with the department or office in certain proceedings or investigations include present or former roles; defining the term "person"; amending s. 631.395, F.S.; requiring an order of liquidation to authorize the release of certain claims files, records, documents, or claims, rather than only copies of the claims files, records, documents, or claims; amending s. 631.397, F.S.; authorizing the department as receiver to apply to the court for approval of a specified proposal, rather than requiring the department to make such application within a specified timeframe; deleting a specified notice requirement of the department; deleting a provision authorizing the court to take action on the application under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 730** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 837** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 588—A bill to be entitled An act relating to drug overdoses; providing legislative findings and intent; amending s. 395.1041, F.S.; requiring hospitals that have an emergency department to develop a best practices policy to promote the prevention of unintentional drug overdoses; authorizing the policy to include certain processes, guidelines, uses of professionals or specialists, and protocols; providing construction; creating s. 401.253, F.S.; authorizing certain entities to report controlled substance overdoses to the Department of Health; defining the term "overdose"; providing requirements for such reports; providing immunity for persons who make reports in good faith; providing that a failure to report is not a basis for licensure discipline; requiring the department to produce a quarterly report and share the data with specified entities; providing for use of such data; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 588**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 249** was withdrawn from the Committees on Health Policy; Criminal Justice; and Rules.

On motion by Senator Passidomo—

CS for CS for HB 249—A bill to be entitled An act relating to drug overdoses; providing legislative findings and intent; creating s. 401.253, F.S.; permitting certain entities to report controlled substance overdoses to the Department of Health; defining the term "overdose"; providing requirements for such reports; providing immunity for persons who make reports in good faith; providing that a failure to report is not a basis for licensure discipline; requiring sharing of data with specified entities; providing for use of such data; amending s. 395.1041, F.S.; requiring a hospital with an emergency department to develop a best practices policy to promote the prevention of unintentional drug overdoses; authorizing the policy to include certain processes, guidelines, and protocols; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 588** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 249** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 790—A bill to be entitled An act relating to probation and community control; amending s. 948.001, F.S.; redefining terms and deleting a definition; amending s. 948.01, F.S.; requiring the Department of Corrections to revise and make available to the courts, rather than develop and disseminate to the courts, uniform order of supervision forms; amending s. 948.012, F.S.; adding the addiction-recovery supervision program as an exception to the immediate commencement of the period of probation upon the release of the defendant; amending s. 948.013, F.S.; revising the list of offenses that make an offender ineligible for placement on administrative probation during specified time periods; amending s. 948.03, F.S.; authorizing the court to require a probationer or offender to report to, to permit visits by, to submit to random testing as directed by, probation officers, rather than probation and parole supervisors or correctional probation officers; removing the option of incarceration in specified locations if a court withholds adjudication of guilt or imposes incarceration as a condition of probation; amending s. 948.031, F.S.; replacing the term "public service" with the term "community service"; amending s. 948.035, F.S.; removing a probation program drug punishment treatment community facility from the list of residential treatment or incarceration facilities that an offender must be restricted to under certain circumstances; requiring a qualified practitioner to provide, rather than a court to obtain, an assessment and recommendation on the treatment needs of an offender entering a treatment facility; amending s. 948.037, F.S.; authorizing, rather than requiring, a court to require an offender to make a good faith effort toward completion of certain skills or a specific diploma as a condition of community control, probation, or probation following incarceration; amending s. 948.06, F.S.; replacing the term "parole or probation supervisor" with the term "probation officer"; specifying that the probationary period is tolled after the issuance of a violation of probation or community control warrant, rather than an arrest warrant; authorizing a chief judge to direct the department to use a notice to appear for technical violations; amending s. 948.09, F.S.; expanding the types of supervision under which an offender must pay for the cost of supervision; conforming provisions to changes made by the act; revising the factors under which the department may exempt an offender from payments; requiring the certification of student status to be supplied to the offender's probation officer, rather than to the Secretary of Corrections; deleting duties of the secretary; deleting provisions authorizing the department to provide monthly payments to court-approved entities that provide supervision or rehabilitation for offenders under certain circumstances; deleting provisions relating to contract terms with, and a monthly report from, certain entities; amending s. 948.10, F.S.; requiring a community control program to focus on the provision of home confinement with limitations, rather than sanctions and consequences, commensurate with the crime committed; specifying and revising who the target population is for the community control program; revising departmental requirements for the operation of the program and caseloads; making technical changes; specifying the types of facilities used for the community control program; deleting an annual reporting requirement of the department to the Governor and the Legislature which includes certain information; amending s. 948.101, F.S.; conforming provisions to changes made by the act; amending s. 948.11, F.S.; requiring, rather than authorizing, the department to electronically monitor offenders sentenced to community control under certain circumstances; conforming terminology to changes made by the act; amending s. 948.15, F.S.; revising the required terms of the contract for a private entity providing services for the supervision of misdemeanor probationers; repealing s. 948.50, F.S., relating to a short title; reenacting s. 921.187(1)(n), F.S., relating to disposition and sentencing, alternatives, and restitution, to incorporate the amendment made to s. 948.013, F.S., in a reference thereto; reenacting s. 947.1405(7)(b), F.S., relating to the conditional release program, to incorporate the amendment made to s. 948.09, F.S., in a reference thereto; reenacting ss. 947.1747 and 948.01(3), F.S., relating to community control as a special condition of parole and when a court may place a defendant on probation or into community control, respectively, to incorporate the amendment made to s. 948.10, F.S., in references thereto; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 790**, pursuant to Rule 3.11(3), there being no objection, **HB 7091** was withdrawn from the Committees on Criminal Justice; Appropriations; and Rules.

On motion by Senator Brandes—

HB 7091—A bill to be entitled An act relating to probation and community control; amending s. 948.001, F.S.; redefining terms and deleting a definition; amending s. 948.01, F.S.; requiring the Department of Corrections to revise and make available to the courts, rather than develop and disseminate to the courts, uniform order of supervision forms; amending s. 948.012, F.S.; adding the addiction-recovery supervision program as an exception to the immediate commencement of the period of probation upon the release of the defendant; amending s. 948.013, F.S.; revising the list of offenses that make an offender ineligible for placement on administrative probation during specified time periods; amending s. 948.03, F.S.; authorizing the court to require a probationer or offender to report to, to permit visits by, to submit to random testing as directed by, probation officers, rather than probation and parole supervisors or correctional probation officers; removing the option of incarceration in specified locations if a court withholds adjudication of guilt or imposes incarceration as a condition of probation; amending s. 948.031, F.S.; replacing the term "public service" with the term "community service"; amending s. 948.035, F.S.; removing a probation program drug punishment treatment community facility from the list of residential treatment or incarceration facilities that an offender must be restricted to under certain circumstances; requiring a qualified practitioner to provide, rather than a court to obtain, an assessment and recommendation on the treatment needs of an offender entering a treatment facility; amending s. 948.037, F.S.; authorizing, rather than requiring, a court to require an offender to make a good faith effort toward completion of certain skills or a specific diploma as a condition of community control, probation, or probation following incarceration; amending s. 948.06, F.S.; replacing the term "parole or probation supervisor" with the term "probation officer"; specifying that the probationary period is tolled after the issuance of a violation of probation or community control warrant, rather than an arrest warrant; authorizing a chief judge to direct the department to use a notice to appear for technical violations; amending s. 948.09, F.S.; expanding the types of supervision under which an offender must pay for the cost of supervision; conforming provisions to changes made by the act; revising the factors under which the department may exempt an offender from payments; requiring the certification of student status to be supplied to the offender's probation officer, rather than to the Secretary of Corrections; deleting duties of the secretary; deleting provisions authorizing the department to provide monthly payments to court-approved entities that provide supervision or rehabilitation for offenders under certain circumstances; deleting provisions relating to contract terms with, and a monthly report from, certain entities; amending s. 948.10, F.S.; requiring a community control program to focus on the provision of home confinement with limitations, rather than sanctions and consequences, commensurate with the crime committed; specifying and revising who the target population is for the community control program; revising departmental requirements for the operation of the program and caseloads; making technical changes; specifying the types of facilities used for the community control program; deleting an annual reporting requirement of the department to the Governor and the Legislature which includes certain information; amending s. 948.101, F.S.; conforming provisions to changes made by the act; amending s. 948.11, F.S.; requiring, rather than authorizing, the department to electronically monitor offenders sentenced to community control under

certain circumstances; conforming terminology to changes made by the act; amending s. 948.15, F.S.; revising the required terms of the contract for a private entity providing services for the supervision of misdemeanor probationers; repealing s. 948.50, F.S., relating to a short title; reenacting s. 921.187(1)(n), F.S., relating to disposition and sentencing, alternatives, and restitution, to incorporate the amendment made to s. 948.013, F.S., in a reference thereto; reenacting s. 947.1405(7)(b), F.S., relating to the conditional release program, to incorporate the amendment made to s. 948.09, F.S., in a reference thereto; reenacting ss. 947.1747 and 948.01(3), F.S., relating to community control as a special condition of parole and when a court may place a defendant on probation or into community control, respectively, to incorporate the amendment made to s. 948.10, F.S., in references thereto; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 790** and read the second time by title.

Pursuant to Rule 4.19, **HB 7091** was placed on the calendar of Bills on Third Reading.

On motion by Senator Passidomo—

CS for CS for SB 744—A bill to be entitled An act relating to community associations; creating s. 633.2225, F.S.; requiring certain condominium or cooperative associations to post certain signs or symbols on buildings; requiring the State Fire Marshal to ensure that the dimensions and placement of the signs or symbols do not diminish the aesthetic value of the buildings on which they are placed and to adopt rules governing such signs or symbols; providing for enforcement; providing penalties; amending s. 718.111, F.S.; revising reporting requirements; amending s. 718.112, F.S.; revising provisions relating to required condominium and cooperative association bylaws; authorizing an association to adopt rules for posting certain notices on a website; revising provisions relating to evidence of condominium and cooperative association compliance with the fire and life safety code; revising unit and common elements required to be retrofitted; revising provisions relating to an association vote to forego retrofitting; providing applicability; amending s. 718.113, F.S.; revising voting requirements relating to alterations and additions to certain common elements or association property; amending s. 718.117, F.S.; providing legislative findings; revising voting requirements for the rejection of a plan of termination; increasing the amount of time before a subsequent plan of termination may be considered under certain conditions; revising applicability; revising the requirements to qualify for payment as a homestead owner if the owner has rejected a plan of termination; revising and providing notice requirements; providing applicability; amending s. 719.104, F.S.; revising recordkeeping and reporting requirements; amending s. 719.1055, F.S.; revising provisions relating to required cooperative association bylaws; revising provisions relating to evidence of condominium and cooperative association compliance with the fire and life safety code; revising unit and common elements required to be retrofitted; revising provisions relating to an association vote to forego retrofitting; providing applicability; amending s. 719.106, F.S.; revising requirements to serve as a board member; prohibiting a board member from voting via e-mail; authorizing an association to adopt rules for posting certain notices on a website; requiring that directors who are delinquent in certain payments owed in excess of certain periods of time be deemed to have abandoned their offices; amending s. 719.107, F.S.; specifying certain services which are obtained pursuant to a bulk contract to be deemed a common expense; amending s. 720.303, F.S.; prohibiting a board member from voting via e-mail; revising certain notice requirements relating to board meetings; providing an effective date.

—was read the second time by title.

Senator Passidomo moved the following amendment which was adopted:

Amendment 1 (595004) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 633.2225, Florida Statutes, is created to read:

633.2225 Condominium and cooperative buildings without sprinkler systems; notice requirements; enforcement.—

(1) The board of a condominium or cooperative association that operates a building of three stories or more that has not installed a sprinkler system in the common areas of the building shall mark the building with a sign or symbol approved by the State Fire Marshal in a manner sufficient to warn persons conducting fire control and other emergency operations of the lack of a sprinkler system in the common areas.

(2) The State Fire Marshal shall:

(a) Ensure that the dimensions and placement of the sign or symbol do not diminish the aesthetic value of the building; and

(b) Adopt rules necessary to implement the provisions of this section, including, but not limited to:

1. The dimensions and color of such sign or symbol.

2. The time within which the condominium or cooperative buildings without sprinkler systems shall be marked as required by this section.

3. The location on each condominium or cooperative building without a sprinkler system where such sign or symbol must be posted.

(3) The State Fire Marshal, and local fire officials in accordance with s. 633.118, shall enforce this section. An association that fails to comply with the requirements of this section is subject to penalties as provided in s. 633.228.

Section 2. Paragraphs (a) and (d) of subsection (1), subsections (3), (9), (12), and (13) of section 718.111, Florida Statutes, are amended, and subsection (15) is added to that section, to read:

718.111 The association.—

(1) CORPORATE ENTITY.—

(a) The operation of the condominium shall be by the association, which must be a Florida corporation for profit or a Florida corporation not for profit. However, any association which was in existence on January 1, 1977, need not be incorporated. The owners of units shall be shareholders or members of the association. The officers and directors of the association have a fiduciary relationship to the unit owners. It is the intent of the Legislature that nothing in this paragraph shall be construed as providing for or removing a requirement of a fiduciary relationship between any manager employed by the association and the unit owners. An officer, director, or manager may not solicit, offer to accept, or accept any thing or service of value *or kickback* for which consideration has not been provided for his or her own benefit or that of his or her immediate family, from any person providing or proposing to provide goods or services to the association. Any such officer, director, or manager who knowingly so solicits, offers to accept, or accepts any thing or service of value *or kickback* is subject to a civil penalty pursuant to s. 718.501(1)(d) *and, if applicable, a criminal penalty as provided in paragraph (d)*. However, this paragraph does not prohibit an officer, director, or manager from accepting services or items received in connection with trade fairs or education programs. An association may operate more than one condominium.

(d) As required by s. 617.0830, an officer, director, or agent shall discharge his or her duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner he or she reasonably believes to be in the interests of the association. An officer, director, or agent shall be liable for monetary damages as provided in s. 617.0834 if such officer, director, or agent breached or failed to perform his or her duties and the breach of, or failure to perform, his or her duties constitutes a violation of criminal law as provided in s. 617.0834; constitutes a transaction from which the officer or director derived an improper personal benefit, either directly or indirectly; or constitutes recklessness or an act or omission that was in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. *Forgery of a ballot envelope or voting certificate used in a condominium association election is punishable as provided in s. 831.01, the theft or embezzlement of funds of a condominium association is punishable as provided in s. 812.014, and the destruction of or the refusal to allow inspection or copying of an official record of a condominium association which is accessible to unit owners within the timeframe required by general law in furtherance of any crime is punishable*

as tampering with physical evidence as provided in s. 918.13 or as obstruction of justice as provided in chapter 843. An officer or director charged by information or indictment with a crime referenced in this paragraph must be removed from office, and the vacancy shall be filled as provided in s. 718.112(2)(d)2. until the end of the officer's or director's period of suspension or the end of his or her term of office, whichever occurs first. If a criminal charge is pending against the officer or director, he or she may not be appointed or elected to a position as an officer or a director of any association and may not have access to the official records of any association, except pursuant to a court order. However, if the charges are resolved without a finding of guilt, the officer or director must be reinstated for the remainder of his or her term of office, if any.

(3) POWER TO MANAGE CONDOMINIUM PROPERTY AND TO CONTRACT, SUE, AND BE SUED*; CONFLICT OF INTEREST*.—

(a) The association may contract, sue, or be sued with respect to the exercise or nonexercise of its powers. For these purposes, the powers of the association include, but are not limited to, the maintenance, management, and operation of the condominium property. After control of the association is obtained by unit owners other than the developer, the association may institute, maintain, settle, or appeal actions or hearings in its name on behalf of all unit owners concerning matters of common interest to most or all unit owners, including, but not limited to, the common elements; the roof and structural components of a building or other improvements; mechanical, electrical, and plumbing elements serving an improvement or a building; representations of the developer pertaining to any existing or proposed commonly used facilities; and protesting ad valorem taxes on commonly used facilities and on units; and may defend actions in eminent domain or bring inverse condemnation actions. If the association has the authority to maintain a class action, the association may be joined in an action as representative of that class with reference to litigation and disputes involving the matters for which the association could bring a class action. Nothing herein limits any statutory or common-law right of any individual unit owner or class of unit owners to bring any action without participation by the association which may otherwise be available.

(b) An association may not hire an attorney who represents the management company of the association.

(9) PURCHASE OF UNITS.—The association has the power, unless prohibited by the declaration, articles of incorporation, or bylaws of the association, to purchase units in the condominium and to acquire and hold, lease, mortgage, and convey them. There shall be no limitation on the association's right to purchase a unit at a foreclosure sale resulting from the association's foreclosure of its lien for unpaid assessments, or to take title by deed in lieu of foreclosure. *However, except for a timeshare condominium, a board member, manager, or management company may not purchase a unit at a foreclosure sale resulting from the association's foreclosure of its lien for unpaid assessments or take title by deed in lieu of foreclosure.*

(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, which minutes must be retained for at least 7 years.

7. A current roster of all unit owners and their mailing addresses, unit identifications, *and* voting certifications, and, if known, telephone numbers. The association shall also maintain the electronic mailing addresses and facsimile numbers of unit owners consenting to receive notice by electronic transmission. The electronic mailing 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.* ~~subparagraph (c)5.~~ However, the association is not liable for an inadvertent disclosure of the electronic 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. All accounting records must be maintained for at least 7 years. 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.

12. Ballots, sign-in sheets, voting proxies, and all other papers *and electronic records* relating to voting by unit owners, which must be maintained for 1 year from the date of the election, vote, or meeting to which the document relates, notwithstanding paragraph (b).

13. All rental records if the association is acting as agent for the rental of condominium units.

14. A copy of the current question and answer sheet as described in s. 718.504.

15. All other written records of the association not specifically included in the foregoing which are related to the operation of the association.

16. A copy of the inspection report as described in s. 718.301(4)(p).

17. Bids for materials, equipment, or services.

(b) The official records of the association must be maintained within the state for at least 7 years. 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* ~~5~~ 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 pursuant to

the compliance requirements of this chapter unless the association has an affirmative duty not to disclose such information 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. 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 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.~~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 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.~~2.~~ Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a unit.

c.~~3.~~ 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* ~~sub-paragraph~~, 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.~~4.~~ Medical records of unit owners.

e.~~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 *sub-subparagraph* ~~subparagraph~~, an association may print and distribute to parcel owners a directory containing the name, parcel address, and all telephone numbers of each parcel owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this *sub-subparagraph* ~~subparagraph~~. The association is not liable for the inadvertent disclosure of information that is protected under this *sub-subparagraph* ~~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.~~6.~~ Electronic security measures that are used by the association to safeguard data, including passwords.

g.~~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.

(d) The association shall prepare a question and answer sheet as described in s. 718.504, and shall update it annually.

(e)1. The association or its authorized agent is not required to provide a prospective purchaser or lienholder with information about the condominium or the association other than information or documents required by this chapter to be made available or disclosed. The association or its authorized agent may charge a reasonable fee to the prospective purchaser, lienholder, or the current unit owner for providing good faith responses to requests for information by or on behalf of a prospective purchaser or lienholder, other than that required by law, if the fee does not exceed $150 plus the reasonable cost of photocopying and any attorney's fees incurred by the association in connection with the response.

2. An association and its authorized agent are not liable for providing such information in good faith pursuant to a written request if the person providing the information includes a written statement in substantially the following form: "The responses herein are made in good faith and to the best of my ability as to their accuracy."

(f) An outgoing board or committee member must relinquish all official records and property of the association in his or her possession or under his or her control to the incoming board within 5 days after the election. The division shall impose a civil penalty as set forth in s. 718.501(1)(d)6. against an outgoing board or committee member who willfully and knowingly fails to relinquish such records and property.

(g)1. By July 1, 2018, an association with 150 or more units which does not manage timeshare units shall post digital copies of the documents specified in subparagraph 2. on its website.

a. The association's website must be:

(I) An independent website or web portal wholly owned and operated by the association; or

(II) A website 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 dedicated to the association's activities and on which required notices, records, and documents may be posted by the association.

b. The association's website 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 which contain any notices, records, or documents that must be electronically provided.

2. A current copy of the following documents must be posted in digital format on the association's website:

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 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. 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. Summaries of bids for materials, equipment, or services must be maintained on the website for 1 year.

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 proposed financial report 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 is financially interested.

j. Any contract or document regarding a conflict of interest or possible conflict of interest as provided in ss. 468.436(2) and 718.3026(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 on a separate subpage of the website labeled "Notices" which is conspicuously visible and linked from the front page. The association must also post on its website any document to be considered and voted on by the owners during the meeting or any document listed on the agenda at least 7 days before the meeting at which the document or the information within the document will be considered.

l. Notice of any board meeting, the agenda, and any other document required for the meeting as required by s. 718.112(2)(c), which must be posted no later than the date required for notice pursuant to s. 718.112(2)(c).

3. The association shall ensure that the information and records described in paragraph (c) which are not permitted to be accessible to unit owners are not posted on the association's website. 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, the association shall ensure the information is redacted before posting the documents online.

(13) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on a date provided in the bylaws, the association shall prepare and complete, or contract for the preparation and completion of, a financial report for the preceding fiscal year. Within 21 days after the final financial report is completed by the association or received from the third party, but not later than 120 days after the end of the fiscal year or other date as provided in the bylaws, the association shall mail to each unit owner at the address last furnished to the association by the unit owner, or hand deliver to each unit owner, a copy of the *most recent* financial report or a notice that a copy of the *most recent* financial report will be mailed or hand delivered to the unit owner, without charge, *within 5 business days after* ~~upon~~ receipt of a written request from the unit owner. The division shall adopt rules setting forth uniform accounting principles and standards to be used by all associations and addressing the financial reporting requirements for multicondominium associations. The rules must include, but not be limited to, standards for presenting a summary of association reserves, including a good faith estimate disclosing the annual amount of reserve funds that would be necessary for the association to fully fund reserves for each reserve item based on the straight-line accounting method. This disclosure is not applicable to reserves funded via the pooling method. In adopting such rules, the division shall consider the number of members and annual revenues of an association. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare a complete set of financial statements in accordance with generally accepted accounting principles. The financial statements must be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of $150,000 or more, but less than $300,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least $300,000, but less than $500,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of $500,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than $150,000 shall prepare a report of cash receipts and expenditures.

~~2. An association that operates fewer than 50 units, regardless of the association's annual revenues, shall prepare a report of cash receipts and expenditures in lieu of financial statements required by paragraph (a).~~

2. ~~3.~~ A report of cash receipts and disbursements must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional and management fees and expenses, taxes, costs for recreation facilities, expenses for refuse collection and utility services, expenses for lawn care, costs for building maintenance and repair, insurance costs, administration and salary expenses, and reserves accumulated and expended for capital expenditures, deferred maintenance, and any other category for which the association maintains reserves.

(c) An association may prepare, without a meeting of or approval by the unit owners:

1. Compiled, reviewed, or audited financial statements, if the association is required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is required to prepare compiled financial statements; or

3. Audited financial statements if the association is required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Such meeting and approval must occur before the end of the fiscal year and is effective only for the fiscal year in which the vote is taken, except that the approval may also be effective for the following fiscal year. If the developer has not turned over control of the association, all unit owners, including the developer, may vote on issues related to the preparation of the association's financial reports, from the date of incorporation of the association through the end of the second fiscal year after the fiscal year in which the certificate of a surveyor and mapper is recorded pursuant to s. 718.104(4)(e) or an instrument that transfers title to a unit in the condominium which is not accompanied by a recorded assignment of developer rights in favor of the grantee of such unit is recorded, whichever occurs first. Thereafter, all unit owners except the developer may vote on such issues until control is turned over to the association by the developer. Any audit or review prepared under this section shall be paid for by the developer if done before turnover of control of the association. ~~An association may not waive the financial reporting requirements of this section for more than 3 consecutive years.~~

(e) A unit owner may provide written notice to the division of the association's failure to mail or hand deliver to him or her a copy of the most recent financial report within 5 business days after he or she submitted a written request to the association for a copy of such report. If the division determines that the association failed to mail or hand deliver a copy of the most recent financial report to the unit owner, the division shall provide written notice to the association that the association must mail or hand deliver a copy of the most recent financial report to the unit owner and the division within 5 business days after it receives such notice from the division. An association that fails to comply with the division's request may not waive the financial reporting requirement provided in paragraph (d). A financial report received by the division pursuant to this paragraph shall be maintained, and the division shall provide a copy of such report to an association member upon his or her request.

(15) DEBIT CARDS.—

(a) An association and its officers, directors, employees, and agents may not use a debit card issued in the name of the association, or billed directly to the association, for the payment of any association expense.

(b) Use of a debit card issued in the name of the association, or billed directly to the association, for any expense that is not a lawful obligation of the association may be prosecuted as credit card fraud pursuant to s. 817.61.

Section 3. Paragraphs (c) and (l) 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:

(c) Board of administration meetings.—Meetings of the board of administration at which a quorum of the members is present are open to all unit owners. Members of the board of administration may use e-mail as a means of communication but may not cast a vote on an association matter via e-mail. A unit owner may tape record or videotape the meetings. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt written reasonable rules governing the frequency, duration, and manner of unit owner statements.

1. Adequate notice of all board meetings, which must specifically identify all agenda items, must be posted conspicuously on the condominium property at least 48 continuous hours before the meeting except in an emergency. If 20 percent of the voting interests petition the board to address an item of business, the board, within 60 days after receipt of the petition, shall place the item on the agenda at its next regular board meeting or at a special meeting called for that purpose. An item not included on the notice may be taken up on an emergency basis by a vote of at least a majority plus one of the board members. Such emergency action must be noticed and ratified at the next regular board meeting. *Notice of any meeting in which a regular or special assessment against unit owners is to be considered must specifically state that assessments will be considered and provide the estimated amount and a description of the purposes for such assessments.* ~~However,~~ Written notice of a meeting at which a nonemergency special assessment or an amendment to rules regarding unit use will be considered must be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the condominium property at least 14 days before the meeting. Evidence of compliance with this 14-day notice requirement must be made by an affidavit executed by the person providing the notice and filed with the official records of the association. Upon notice to the unit owners, the board shall, by duly adopted rule, designate a specific location on the condominium or association property where all notices of board meetings must be posted. If there is no condominium property or association property where notices can be posted, notices shall be mailed, delivered, or electronically transmitted to each unit owner at least 14 days before the meeting. In lieu of or in addition to the physical posting of the notice on the condominium property, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the condominium association. However, if broadcast notice is used in lieu of a notice physically posted on condominium property, the notice and agenda must be broadcast at least four times every broadcast hour of each day that a posted notice is otherwise required under this section. If broadcast notice is provided, the notice and agenda must be broadcast in a manner and for a sufficient continuous length of time so as to allow an average reader to observe the notice and read and comprehend the entire content of the notice and the agenda. *In addition to any of the authorized means of providing notice of a meeting of the board, the association may, by rule, adopt a procedure for conspicuously posting the meeting notice and the agenda on a website serving the condominium association for at least the minimum period for which a notice of a meeting is required to be physically posted on the condominium property. Any rule adopted must, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as required for a notice for a meeting of the members, which must include a hypertext link to the website where the notice is posted, to unit owners whose e-mail addresses are included in the association's official records* ~~Notice of any meeting in which regular or special assessments against unit owners are to be considered must specifically state that assessments will be considered and provide the nature, estimated cost, and description of the purposes for such assessments~~.

2. Meetings of a committee to take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this paragraph. Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to this section, unless those meetings are exempted from this section by the bylaws of the association.

3. Notwithstanding any other law, the requirement that board meetings and committee meetings be open to the unit owners does not apply to:

a. Meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, if the meeting is held for the purpose of seeking or rendering legal advice; or

b. Board meetings held for the purpose of discussing personnel matters.

(l) Certificate of compliance.—A provision that a certificate of compliance from a licensed electrical contractor*,* ~~or~~ electrician*, or professional engineer* may be accepted by the association's board as evidence of compliance ~~of the condominium units~~ with the applicable fire and life safety code must be included. Notwithstanding chapter 633 or ~~of~~ any other code, statute, ordinance, administrative rule, or regulation, or any interpretation of the foregoing, an association~~, residential condominium,~~ or unit owner is not obligated to retrofit the common elements, association property, or units of a residential condominium with a fire sprinkler system *or other engineered lifesafety system* in a building that *is 75 feet or less in height. There is no obligation to retrofit for a building greater than 75 feet in height, calculated from the lowest level of fire department vehicle access to the floor of the highest occupiable story,* ~~has been certified for occupancy by the applicable governmental entity~~ if the unit owners have voted to forego such retrofitting by the affirmative vote of *two-thirds* ~~a majority~~ of all voting interests in the affected condominium. *There is no requirement that owners in condominiums of 75 feet or less conduct an opt-out vote, and such condominiums are exempt from fire sprinkler or other engineered lifesafety retrofitting. The preceding sentence is intended to clarify existing law.* The local authority having jurisdiction may not require completion of retrofitting with a fire sprinkler system *or other engineered lifesafety system* before January 1, *2022* ~~2020~~. By December 31, *2018* ~~2016~~, *an* ~~a residential condominium~~ association *that operates a residential condominium* that is not in compliance with the requirements for a fire sprinkler system *or other engineered lifesafety system* and has not voted to forego retrofitting of such a system must initiate an application for a building permit for the required installation with the local government having jurisdiction demonstrating that the association will become compliant by December 31, *2021* ~~2019~~.

1. A vote to forego *required* retrofitting may be obtained by limited proxy or by a ballot personally cast at a duly called membership meeting, ~~or~~ by execution of a written consent by the member, *or by electronic voting,* and is effective upon recording a certificate *executed by*

an officer or agent of the association attesting to such vote in the public records of the county where the condominium is located. *When an opt-out vote is to be conducted at a meeting,* the association shall mail or ~~hand~~ deliver to each unit owner written notice at least 14 days before the membership meeting in which the vote to forego retrofitting of the required fire sprinkler system *or other engineered lifesafety system* is to take place. Within 30 days after the association's opt-out vote, notice of the results of the opt-out vote must be mailed or ~~hand~~ delivered to all unit owners. Evidence of compliance with this notice requirement must be made by affidavit executed by the person providing the notice and filed among the official records of the association. *Failure to provide timely notice to unit owners does not invalidate an otherwise valid opt-out vote if notice of the results is provided to the owners.* After notice is provided to each owner, a copy must be provided by the current owner to a new owner before closing and by a unit owner to a renter before signing a lease.

2. If there has been a previous vote to forego retrofitting, a vote to require retrofitting may be obtained at a special meeting of the unit owners called by a petition of at least 10 percent of the voting interests *or by a majority of the board of directors. The approval of two-thirds of all voting interests in the affected condominium is required to require retrofitting.* ~~Such a vote may only be called once every 3 years.~~ Notice shall be provided as required for any regularly called meeting of the unit owners, and must state the purpose of the meeting. ~~Electronic transmission may not be used to provide notice of a meeting called in whole or in part for this purpose.~~

3. As part of the information collected annually from condominiums, the division shall require condominium associations to report the membership vote and recording of a certificate under this subsection and, if retrofitting has been undertaken, the per-unit cost of such work. The division shall annually report to the Division of State Fire Marshal of the Department of Financial Services the number of condominiums that have elected to forego retrofitting. *Compliance with this administrative reporting requirement does not affect the validity of an opt-out vote.*

4. Notwithstanding s. 553.509, a residential association may not be obligated to, and may forego the retrofitting of, any improvements required by s. 553.509(2) upon an affirmative vote of a majority of the voting interests in the affected condominium.

5. This paragraph does not apply to timeshare condominium associations, which shall be governed by s. 721.24.

Section 4. Subsection (2) of section 718.113, Florida Statutes, is amended to read:

718.113 Maintenance; limitation upon improvement; display of flag; hurricane shutters and protection; display of religious decorations.—

(2)(a) Except as otherwise provided in this section, there shall be no material alteration or substantial additions to the common elements or to real property which is association property, except in a manner provided in the declaration as originally recorded or as amended under the procedures provided therein. If the declaration as originally recorded or as amended under the procedures provided therein does not specify the procedure for approval of material alterations or substantial additions, 75 percent of the total voting interests of the association must approve the alterations or additions *before the material alterations or substantial additions are commenced*. This paragraph is intended to clarify existing law and applies to associations existing on *the effective date of this act* ~~October 1, 2008~~.

(b) There shall not be any material alteration of, or substantial addition to, the common elements of any condominium operated by a multicondominium association unless approved in the manner provided in the declaration of the affected condominium or condominiums as originally recorded or as amended under the procedures provided therein. If a declaration as originally recorded or as amended under the procedures provided therein does not specify a procedure for approving such an alteration or addition, the approval of 75 percent of the total voting interests of each affected condominium is required *before the material alterations or substantial additions are commenced*. This subsection does not prohibit a provision in any declaration, articles of incorporation, or bylaws as originally recorded or as amended under the procedures provided therein requiring the approval of unit owners in any condominium operated by the same association or requiring board approval before a material alteration or substantial addition to the common elements is permitted. This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.

(c) There shall not be any material alteration or substantial addition made to association real property operated by a multicondominium association, except as provided in the declaration, articles of incorporation, or bylaws as originally recorded or as amended under the procedures provided therein. If the declaration, articles of incorporation, or bylaws as originally recorded or as amended under the procedures provided therein do not specify the procedure for approving an alteration or addition to association real property, the approval of 75 percent of the total voting interests of the association is required *before the material alterations or substantial additions are commenced*. This paragraph is intended to clarify existing law and applies to associations existing on the effective date of this act.

Section 5. Subsections (1) and (3) of section 718.117, Florida Statutes, are amended, and subsection (21) is added to that section, to read:

718.117 Termination of condominium.—

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

(a) Condominiums are created as authorized by statute *and are subject to covenants that encumber the land and restrict the use of real property*.

(b) In *some* circumstances*, the continued enforcement of those covenants* ~~that~~ may create economic waste *or*~~,~~ areas of disrepair *which threaten the safety and welfare of the public*~~,~~ or *cause* obsolescence of *the* ~~a condominium~~ property for its intended use and thereby lower property tax values, *and* ~~the Legislature further finds that~~ it is the public policy of this state to provide by statute a method to preserve the value of the property interests and the rights of alienation thereof that owners have in the condominium property before and after termination.

(c) ~~The Legislature further finds that~~ It is contrary to the public policy of this state to require the continued operation of a condominium when to do so constitutes economic waste or when the ability to do so is made impossible by law or regulation.

(d) It is in the best interest of the state to provide for termination of the covenants of a declaration of condominium in certain circumstances, in order to:

1. Ensure the continued maintenance, management, and repair of stormwater management systems, conservation areas, and conservation easements.

2. Avoid transferring the expense of maintaining infrastructure serving the condominium property, including, but not limited to, stormwater systems and conservation areas, to the general tax bases of the state and local governments.

3. Prevent covenants from impairing the continued productive use of the property.

4. Protect state residents from health and safety hazards created by derelict, damaged, obsolete, or abandoned condominium properties.

5. Provide for fair treatment and just compensation for individuals, preserve property values, and preserve the local property tax base.

6. Preserve the state's long history of protecting homestead property and homestead property rights by ensuring that such protection is extended to homestead property owners in the context of a termination of the covenants of a declaration of condominium ~~This section applies to all condominiums in this state in existence on or after July 1, 2007~~.

(3) OPTIONAL TERMINATION.~~ Except as provided in subsection (2) or unless the declaration provides for a lower percentage,~~ The condominium form of ownership may be terminated for all or a portion of the condominium property pursuant to a plan of termination *meeting the requirements of this section and approved by the division. Before a residential association submits a plan to the division, the plan must be* approved by at least 80 percent of the total voting interests of the

condominium. *However,* if *5* ~~10~~ percent or more of the total voting interests of the condominium have rejected the plan of termination by negative vote or by providing written objections, the plan of termination may not proceed.

(a) The termination of the condominium form of ownership is subject to the following conditions:

1. The total voting interests of the condominium must include all voting interests for the purpose of considering a plan of termination. A voting interest of the condominium may not be suspended for any reason when voting on termination pursuant to this subsection.

2. If *5* ~~10~~ percent or more of the total voting interests of the condominium reject a plan of termination, a subsequent plan of termination pursuant to this subsection may not be considered for *24* ~~18~~ months after the date of the rejection.

(b) This subsection does not apply to any condominium created pursuant to part VI of this chapter until *10* ~~5~~ years after the recording of the declaration of condominium, unless there is no objection to the plan of termination.

(c) For purposes of this subsection, the term "bulk owner" means the single holder of such voting interests or an owner together with a related entity or entities that would be considered an insider, as defined in s. 726.102, holding such voting interests. If the condominium association is a residential association proposed for termination pursuant to this section and, at the time of recording the plan of termination, at least 80 percent of the total voting interests are owned by a bulk owner, the plan of termination is subject to the following conditions and limitations:

1. If the former condominium units are offered for lease to the public after the termination, each unit owner in occupancy immediately before the date of recording of the plan of termination may lease his or her former unit and remain in possession of the unit for 12 months after the effective date of the termination on the same terms as similar unit types within the property are being offered to the public. In order to obtain a lease and exercise the right to retain exclusive possession of the unit owner's former unit, the unit owner must make a written request to the termination trustee to rent the former unit within 90 days after the date the plan of termination is recorded. Any unit owner who fails to timely make such written request and sign a lease within 15 days after being presented with a lease is deemed to have waived his or her right to retain possession of his or her former unit and shall be required to vacate the former unit upon the effective date of the termination, unless otherwise provided in the plan of termination.

2. Any former unit owner whose unit was granted homestead exemption status by the applicable county property appraiser as of the date of the recording of the plan of termination shall be paid a relocation payment in an amount equal to 1 percent of the termination proceeds allocated to the owner's former unit. Any relocation payment payable under this subparagraph shall be paid by the single entity or related entities owning at least 80 percent of the total voting interests. Such relocation payment shall be in addition to the termination proceeds for such owner's former unit and shall be paid no later than 10 days after the former unit owner vacates his or her former unit.

3. For their respective units, all unit owners other than the bulk owner must be compensated at least 100 percent of the fair market value of their units. The fair market value shall be determined as of a date that is no earlier than 90 days before the date that the plan of termination is recorded and shall be determined by an independent appraiser selected by the termination trustee. For *a person* ~~an original purchaser from the developer who rejects the plan of termination and~~ whose unit was granted homestead exemption status by the applicable county property appraiser, or was an owner-occupied operating business, as of the date that the plan of termination is recorded and who is current in payment of both assessments and other monetary obligations to the association ~~and any mortgage encumbering the unit~~ as of the date the plan of termination is recorded, the fair market value for the unit owner rejecting the plan shall be at least the original purchase price paid for the unit. For purposes of this subparagraph, the term "fair market value" means the price of a unit that a seller is willing to accept and a buyer is willing to pay on the open market in an arms-length transaction based on similar units sold in other condominiums, including units sold in bulk purchases but excluding units sold at wholesale or distressed prices. The purchase price of units acquired in bulk following a bankruptcy or foreclosure shall not be considered for purposes of determining fair market value.

4. The plan of termination must provide for payment of a first mortgage encumbering a unit to the extent necessary to satisfy the lien, but the payment may not exceed the unit's share of the proceeds of termination under the plan. If the unit owner is current in payment of both assessments and other monetary obligations to the association and any mortgage encumbering the unit as of the date the plan of termination is recorded, the receipt by the holder of the unit's share of the proceeds of termination under the plan or the outstanding balance of the mortgage, whichever is less, shall be deemed to have satisfied the first mortgage in full.

5. Before a plan of termination is presented to the unit owners for consideration pursuant to this paragraph, the plan must include the following written disclosures in a sworn statement:

a. The identity of any person or entity that owns or controls *25* ~~50~~ percent or more of the units in the condominium and, if the units are owned by an artificial entity or entities, a disclosure of the natural person or persons who, directly or indirectly, manage or control the entity or entities and the natural person or persons who, directly or indirectly, own or control *10* ~~20~~ percent or more of the artificial entity or entities that constitute the bulk owner.

b. The units acquired by any bulk owner, the date each unit was acquired, and the total amount of compensation paid to each prior unit owner by the bulk owner, regardless of whether attributed to the purchase price of the unit.

c. The relationship of any board member to the bulk owner or any person or entity affiliated with the bulk owner subject to disclosure pursuant to this subparagraph.

d. The factual circumstances that show that the plan complies with the requirements of this section and that the plan supports the expressed public policies of this section.

(d) If the members of the board of administration are elected by the bulk owner, unit owners other than the bulk owner may elect at least one-third of the members of the board of administration before the approval of any plan of termination.

(e) Subsection (2) does not apply to optional termination pursuant to this subsection.

(21) APPLICABILITY.—This section applies to all condominiums in this state in existence on or after July 1, 2007.

Section 6. *The amendments made by this act to s. 718.117, Florida Statutes, are intended to clarify existing law, are remedial in nature and intended to address the rights and liabilities of the affected parties, and apply to all condominiums created under the Condominium Act.*

Section 7. Section 718.707, Florida Statutes, is amended to read:

718.707 Time limitation for classification as bulk assignee or bulk buyer.—A person acquiring condominium parcels may not be classified as a bulk assignee or bulk buyer unless the condominium parcels were acquired on or after July 1, 2010~~, but before July 1, 2018~~. The date of such acquisition shall be determined by the date of recording a deed or other instrument of conveyance for such parcels in the public records of the county in which the condominium is located, or by the date of issuing a certificate of title in a foreclosure proceeding with respect to such condominium parcels.

Section 8. Paragraphs (a) and (b) of subsection (2) and paragraphs (b) and (c) of subsection (4) of section 719.104, Florida Statutes, are amended to read:

719.104 Cooperatives; access to units; records; financial reports; assessments; purchase of leases.—

(2) OFFICIAL RECORDS.—

(a) From the inception of the association, the association shall maintain a copy of each of the following, where applicable, which shall constitute the official records of the association:

1. The plans, permits, warranties, and other items provided by the developer pursuant to s. 719.301(4).

2. A photocopy of the cooperative documents.

3. A copy of the current rules of the association.

4. A book or books containing the minutes of all meetings of the association, of the board of directors, and of the unit owners, which minutes shall be retained for a period of not less than 7 years.

5. 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 electronic mailing addresses and the numbers designated by unit owners for receiving notice sent by electronic transmission of those unit owners consenting to receive notice by electronic transmission. The electronic mailing addresses and numbers provided by unit owners to receive notice by electronic transmission shall be removed from association records when consent to receive notice by electronic transmission is revoked. However, the association is not liable for an erroneous disclosure of the electronic mail address or the number for receiving electronic transmission of notices.

6. All current insurance policies of the association.

7. 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.

8. Bills of sale or transfer for all property owned by the association.

9. Accounting records for the association and separate accounting records for each unit it operates, according to good accounting practices. All accounting records shall be maintained for a period of not less than 7 years. The accounting records shall include, but not be 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 upon the account, and the balance due.

c. All audits, reviews, accounting statements, and financial reports of the association.

d. All contracts for work to be performed. Bids for work to be performed shall also be considered official records and shall be maintained for a period of 1 year.

10. Ballots, sign-in sheets, voting proxies, and all other papers *and electronic records* relating to voting by unit owners, which shall be maintained for a period of 1 year after the date of the election, vote, or meeting to which the document relates.

11. All rental records where the association is acting as agent for the rental of units.

12. A copy of the current question and answer sheet as described in s. 719.504.

13. All other written records of the association not specifically included in the foregoing which are related to the operation of the association.

(b) The official records of the association must be maintained within the state for at least 7 years. The records of the association shall be made available to a unit owner within 45 miles of the cooperative property or within the county in which the cooperative property is located within *10* ~~5~~ working days after receipt of written request by the board or its designee. This paragraph may be complied with by having a copy of the official records of the association available for inspection or copying on the cooperative 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 an 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 pursuant to the compliance requirements of this chapter unless the association has an affirmative duty not to disclose such information pursuant to this chapter.

(4) FINANCIAL REPORT.—

(b) Except as provided in paragraph (c), an association whose total annual revenues meet the criteria of this paragraph shall prepare or cause to be prepared a complete set of financial statements according to the generally accepted accounting principles adopted by the Board of Accountancy. The financial statements shall be as follows:

1. An association with total annual revenues between $150,000 and $299,999 shall prepare a compiled financial statement.

2. An association with total annual revenues between $300,000 and $499,999 shall prepare a reviewed financial statement.

3. An association with total annual revenues of $500,000 or more shall prepare an audited financial statement.

4. The requirement to have the financial statement compiled, reviewed, or audited does not apply to an association if a majority of the voting interests of the association present at a duly called meeting of the association have voted to waive this requirement for the fiscal year. In an association in which turnover of control by the developer has not occurred, the developer may vote to waive the audit requirement for the first 2 years of operation of the association, after which time waiver of an applicable audit requirement shall be by a majority of voting interests other than the developer. The meeting shall be held prior to the end of the fiscal year, and the waiver shall be effective for only one fiscal year. ~~An association may not waive the financial reporting requirements of this section for more than 3 consecutive years.~~

(c)1. An association with total annual revenues of less than $150,000 shall prepare a report of cash receipts and expenditures.

~~2. An association in a community of fewer than 50 units, regardless of the association's annual revenues, shall prepare a report of cash receipts and expenditures in lieu of the financial statements required by paragraph (b), unless the declaration or other recorded governing documents provide otherwise.~~

2.~~3.~~ A report of cash receipts and expenditures must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including the following, as applicable: costs for security, professional, and management fees and expenses; taxes; costs for recreation facilities; expenses for refuse collection and utility services; expenses for lawn care; costs for building maintenance and repair; insurance costs; administration and salary expenses; and reserves, if maintained by the association.

Section 9. Subsection (5) of section 719.1055, Florida Statutes, is amended to read:

719.1055 Amendment of cooperative documents; alteration and acquisition of property.—

(5) The bylaws must include a provision whereby a certificate of compliance from a licensed electrical contractor*,* ~~or~~ electrician*, or professional engineer* may be accepted by the association's board as evidence of compliance ~~of the cooperative units~~ with the applicable fire and life safety code.

(a)1. Notwithstanding chapter 633 or any other code, statute, ordinance, administrative rule, or regulation, or any interpretation of the foregoing, *an association* ~~a cooperative~~ or unit owner is not obligated to retrofit the common elements or units of a residential cooperative with a fire sprinkler system *or other engineered lifesafety system* in a building that *is 75 feet or less in height. There is no obligation to retrofit for a building greater than 75 feet in height, calculated from the lowest level of fire department vehicle access to the floor of the highest occupiable story,* ~~has been certified for occupancy by the applicable governmental entity~~ if

the unit owners have voted to forego such retrofitting by the affirmative vote of *two-thirds* ~~a majority~~ of all voting interests in the affected cooperative. *There is no requirement that owners in cooperatives of 75 feet or less conduct an opt-out vote, and such cooperatives are exempt from fire sprinkler or other engineered life safety retrofitting. The preceding sentence is intended to clarify existing law.* The local authority having jurisdiction may not require completion of retrofitting with a fire sprinkler system *or other engineered life safety system* before *January 1, 2022* ~~the end of 2019~~. By December 31, *2018* ~~2016~~, a cooperative that is not in compliance with the requirements for a fire sprinkler system *or other engineered lifesafety system* and has not voted to forego retrofitting of such a system must initiate an application for a building permit for the required installation with the local government having jurisdiction demonstrating that the cooperative will become compliant by December 31, *2021* ~~2019~~.

2. A vote to forego *required* retrofitting may be obtained by limited proxy or by a ballot personally cast at a duly called membership meeting, ~~or~~ by execution of a written consent by the member, *or by electronic voting,* and is effective upon recording a certificate *executed by an officer or agent of the association* attesting to such vote in the public records of the county where the cooperative is located. *When the opt-out vote is to be conducted at a meeting,* the cooperative shall mail or ~~hand~~ deliver to each unit owner written notice at least 14 days before the membership meeting in which the vote to forego retrofitting of the required fire sprinkler system *or other engineered lifesafety system* is to take place. Within 30 days after the cooperative's opt-out vote, notice of the results of the opt-out vote must be mailed or ~~hand~~ delivered to all unit owners. Evidence of compliance with this notice requirement must be made by affidavit executed by the person providing the notice and filed among the official records of the cooperative. *Failure to provide timely notice to unit owners does not invalidate an otherwise valid opt-out vote if notice of the results is provided to the owners.* After notice is provided to each owner, a copy must be provided by the current owner to a new owner before closing and by a unit owner to a renter before signing a lease.

(b) If there has been a previous vote to forego retrofitting, a vote to require retrofitting may be obtained at a special meeting of the unit owners called by a petition of least 10 percent of the voting interests *or by a majority of the board of directors. The approval of two-thirds of all voting interests in the affected condominium is required to require retrofitting.* ~~Such vote may only be called once every 3 years.~~ Notice must be provided as required for any regularly called meeting of the unit owners, and the notice must state the purpose of the meeting. ~~Electronic transmission may not be used to provide notice of a meeting called in whole or in part for this purpose.~~

(c) As part of the information collected annually from cooperatives, the division shall require associations to report the membership vote and recording of a certificate under this subsection and, if retrofitting has been undertaken, the per-unit cost of such work. The division shall annually report to the Division of State Fire Marshal of the Department of Financial Services the number of cooperatives that have elected to forego retrofitting. *Compliance with this administrative reporting requirement does not affect the validity of an opt-out vote.*

Section 10. Paragraphs (a) and (c) of subsection (1) of section 719.106, Florida Statutes, are amended, and paragraph (m) is added to that subsection, 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:

(a) Administration.—

1. The form of administration of the association shall be described, indicating the titles of the officers and board of administration and specifying the powers, duties, manner of selection and removal, and compensation, if any, of officers and board members. In the absence of such a provision, the board of administration shall be composed of five members, except in the case of cooperatives having five or fewer units, in which case in not-for-profit corporations, the board shall consist of not fewer than three members. *In a residential cooperative association of more than 10 units, coowners of a unit may not serve as members of the board of directors at the same time unless the coowners 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.* In the absence of provisions to the contrary, the board of administration shall have a president, a secretary, and a treasurer, who shall perform the duties of those offices customarily performed by officers of corporations. Unless prohibited in the bylaws, the board of administration may appoint other officers and grant them those duties it deems appropriate. Unless otherwise provided in the bylaws, the officers shall serve without compensation and at the pleasure of the board. Unless otherwise provided in the bylaws, the members of the board shall serve without compensation.

2. 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 director or officer charged by information or indictment with a felony theft or embezzlement offense involving the association's funds or property is suspended from office. The board shall fill the vacancy according to general law until the end of the period of the suspension or the end of the director's term of office, whichever occurs first. However, if the charges are resolved without a finding of guilt or without acceptance of a plea of guilty or nolo contendere, the director or officer shall be reinstated for any remainder of his or her term of office. A member who has such criminal charges pending may not be appointed or elected to a position as a director or officer. A person who has been convicted of any felony in this state or in any United States District 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.

3. When a unit owner files a written inquiry by certified mail with the board of administration, the board shall respond in writing to the unit owner within 30 days of receipt of the inquiry. The board's response shall either give a substantive response to the inquirer, notify the inquirer that a legal opinion has been requested, or notify the inquirer that advice has been requested from the division. If the board requests advice from the division, the board shall, within 10 days of its receipt of the advice, provide in writing a substantive response to the inquirer. If a legal opinion is requested, the board shall, within 60 days after the receipt of the inquiry, provide in writing a substantive response to the inquirer. The failure to provide a substantive response to the inquirer as provided herein precludes the board from recovering attorney's fees and costs in any subsequent litigation, administrative proceeding, or arbitration arising out of the inquiry. The association may, through its board of administration, adopt reasonable rules and regulations regarding the frequency and manner of responding to the unit owners' inquiries, one of which may be that the association is obligated to respond to only one written inquiry per unit in any given 30-day period. In such case, any additional inquiry or inquiries must be responded to in the subsequent 30-day period, or periods, as applicable.

(c) Board of administration meetings.—*Members of the board of administration may use e-mail as a means of communication but may not cast a vote on an association matter via e-mail.* Meetings of the board of administration at which a quorum of the members is present shall be open to all unit owners. Any unit owner may tape record or videotape meetings of the board of administration. The right to attend such meetings includes the right to speak at such meetings with reference to all designated agenda items. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting. The association may adopt reasonable written rules governing the frequency, duration, and manner of unit owner statements. Adequate notice of all meetings shall be posted in a conspicuous place upon the cooperative property at least 48 continuous hours preceding the meeting, except in an emergency. Any item not included on the notice may be taken up on an emergency basis by at least a majority plus one of the members of the board. Such emergency action shall be noticed and ratified at the next regular meeting of the board. *Notice of any meeting in which regular or special assessments against unit owners are to be considered must specifically state that assessments will be considered and provide the estimated amount and description of the purposes for such assessments.* ~~However,~~ Written notice of any meeting at which nonemergency special

assessments, or at which amendment to rules regarding unit use, will be considered shall be mailed, delivered, or electronically transmitted to the unit owners and posted conspicuously on the cooperative property not less than 14 days before the meeting. Evidence of compliance with this 14-day notice shall be made by an affidavit executed by the person providing the notice and filed among the official records of the association. Upon notice to the unit owners, the board shall by duly adopted rule designate a specific location on the cooperative property upon which all notices of board meetings shall be posted. In lieu of or in addition to the physical posting of notice of any meeting of the board of administration on the cooperative property, the association may, by reasonable rule, adopt a procedure for conspicuously posting and repeatedly broadcasting the notice and the agenda on a closed-circuit cable television system serving the cooperative association. However, if broadcast notice is used in lieu of a notice posted physically on the cooperative 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. 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 cooperative association for at least the minimum period for which a notice of a meeting is required to be physically posted on the cooperative property. Any rule adopted must, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as required for a notice for a meeting of the members, which must include a hypertext link to the website where the notice is posted, to unit owners whose e-mail addresses are included in the association's official records.* ~~Notice of any meeting in which regular assessments against unit owners are to be considered for any reason shall specifically contain a statement that assessments will be considered and the nature of any such assessments.~~ Meetings of a committee to take final action on behalf of the board or to make recommendations to the board regarding the association budget are subject to the provisions of this paragraph. Meetings of a committee that does not take final action on behalf of the board or make recommendations to the board regarding the association budget are subject to the provisions of this section, unless those meetings are exempted from this section by the bylaws of the association. Notwithstanding any other law to the contrary, the requirement that board meetings and committee meetings be open to the unit owners does not apply to board or committee meetings held for the purpose of discussing personnel matters or meetings between the board or a committee and the association's attorney, with respect to proposed or pending litigation, if the meeting is held for the purpose of seeking or rendering legal advice.

(m) Director or officer delinquencies.—A director or officer who is more than 90 days delinquent in the payment of any monetary obligation due the association shall be deemed to have abandoned the office, creating a vacancy in the office to be filled according to law.

Section 11. Paragraph (b) of subsection (1) of section 719.107, Florida Statutes, is amended to read:

719.107 Common expenses; assessment.—

(1)

(b) If so provided in the bylaws, the cost of *communications services as defined in chapter 202, information services, or Internet services* ~~a master antenna television system or duly franchised cable television service~~ obtained pursuant to a bulk contract shall be deemed a common expense, and if not obtained pursuant to a bulk contract, such cost shall be considered common expense if it is designated as such in a written contract between the board of administration and the company providing the *communications services as defined in chapter 202, information services, or Internet services* ~~master television antenna system or the cable television service~~. The contract shall be for a term of not less than 2 years.

1. Any contract made by the board after April 2, 1992, for a community antenna system or duly franchised cable television service*, communications services as defined in chapter 202, information services, or Internet services* may be canceled by a majority of the voting interests present at the next regular or special meeting of the association. Any member may make a motion to cancel the contract, but if no motion is made or if such motion fails to obtain the required majority at the next regular or special meeting, whichever is sooner, following the making of the contract, then such contract shall be deemed ratified for the term therein expressed.

2. Any such contract shall provide, and shall be deemed to provide if not expressly set forth, that any hearing impaired or legally blind unit owner who does not occupy the unit with a nonhearing impaired or sighted person may discontinue the service without incurring disconnect fees, penalties, or subsequent service charges, and as to such units, the owners shall not be required to pay any common expenses charge related to such service. If less than all members of an association share the expenses of cable television, the expense shall be shared equally by all participating unit owners. The association may use the provisions of s. 719.108 to enforce payment of the shares of such costs by the unit owners receiving cable television.

Section 12. Paragraphs (a) and (c) of subsection (2) and subsection (7) of section 720.303, Florida Statutes, are amended to read:

720.303 Association powers and duties; meetings of board; official records; budgets; financial reporting; association funds; recalls.—

(2) BOARD MEETINGS.—

(a) *Members of the board of administration may use e-mail as a means of communication, but may not cast a vote on an association matter via e-mail.* A meeting of the board of directors of an association occurs whenever a quorum of the board gathers to conduct association business. Meetings of the board must be open to all members, except for meetings between the board and its attorney with respect to proposed or pending litigation where the contents of the discussion would otherwise be governed by the attorney-client privilege. A meeting of the board must be held at a location that is accessible to a physically handicapped person if requested by a physically handicapped person who has a right to attend the meeting. The provisions of this subsection shall also apply 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 meetings of 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.

(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* ~~provide~~ 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 for which a notice of a meeting is required to be physically posted on the association property. Any rule adopted must, in addition to other matters, include a requirement that the association send an electronic notice in the same manner as required for a notice for a meeting of the members, which must include a hypertext link to the website where the notice is posted, to members who have provided an e-mail address to the association for the purpose of receiving notice by electronic transmission.* 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; 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.

(7) FINANCIAL REPORTING.—Within 90 days after the end of the fiscal year, or annually on the date provided in the bylaws, the association shall prepare and complete, or contract with a third party for the preparation and completion of, a financial report for the preceding fiscal year. Within 21 days after the final financial report is completed by the association or received from the third party, but not later than 120 days after the end of the fiscal year or other date as provided in the bylaws, the association shall, within the time limits set forth in subsection (5), provide each member with a copy of the annual financial report or a written notice that a copy of the financial report is available upon request at no charge to the member. Financial reports shall be prepared as follows:

(a) An association that meets the criteria of this paragraph shall prepare or cause to be prepared a complete set of financial statements in accordance with generally accepted accounting principles as adopted by the Board of Accountancy. The financial statements shall be based upon the association's total annual revenues, as follows:

1. An association with total annual revenues of $150,000 or more, but less than $300,000, shall prepare compiled financial statements.

2. An association with total annual revenues of at least $300,000, but less than $500,000, shall prepare reviewed financial statements.

3. An association with total annual revenues of $500,000 or more shall prepare audited financial statements.

(b)1. An association with total annual revenues of less than $150,000 shall prepare a report of cash receipts and expenditures.

~~2. An association in a community of fewer than 50 parcels, regardless of the association's annual revenues, may prepare a report of cash receipts and expenditures in lieu of financial statements required by paragraph (a) unless the governing documents provide otherwise.~~

2.~~3.~~ A report of cash receipts and disbursement must disclose the amount of receipts by accounts and receipt classifications and the amount of expenses by accounts and expense classifications, including, but not limited to, the following, as applicable: costs for security, professional, and management fees and expenses; taxes; costs for recreation facilities; expenses for refuse collection and utility services; expenses for lawn care; costs for building maintenance and repair; insurance costs; administration and salary expenses; and reserves if maintained by the association.

(c) If 20 percent of the parcel owners petition the board for a level of financial reporting higher than that required by this section, the association shall duly notice and hold a meeting of members within 30 days of receipt of the petition for the purpose of voting on raising the level of reporting for that fiscal year. Upon approval of a majority of the total voting interests of the parcel owners, the association shall prepare or cause to be prepared, shall amend the budget or adopt a special assessment to pay for the financial report regardless of any provision to the contrary in the governing documents, and shall provide within 90 days of the meeting or the end of the fiscal year, whichever occurs later:

1. Compiled, reviewed, or audited financial statements, if the association is otherwise required to prepare a report of cash receipts and expenditures;

2. Reviewed or audited financial statements, if the association is otherwise required to prepare compiled financial statements; or

3. Audited financial statements if the association is otherwise required to prepare reviewed financial statements.

(d) If approved by a majority of the voting interests present at a properly called meeting of the association, an association may prepare or cause to be prepared:

1. A report of cash receipts and expenditures in lieu of a compiled, reviewed, or audited financial statement;

2. A report of cash receipts and expenditures or a compiled financial statement in lieu of a reviewed or audited financial statement; or

3. A report of cash receipts and expenditures, a compiled financial statement, or a reviewed financial statement in lieu of an audited financial statement.

Section 13. Paragraph (a) of subsection (9) of section 720.306, Florida Statutes, is amended to read:

720.306 Meetings of members; voting and election procedures; amendments.—

(9) ELECTIONS AND BOARD VACANCIES.—

(a) Elections of directors must be conducted in accordance with the procedures set forth in the governing documents of the association. Except as provided in paragraph (b), all members of the association are eligible to serve on the board of directors, and a member may nominate himself or herself as a candidate for the board at a meeting where the election is to be held; provided, however, that if the election process allows candidates to be nominated in advance of the meeting, the association is not required to allow nominations at the meeting. An election is not required unless more candidates are nominated than vacancies exist. *If an election is not required because there are either an equal number or fewer qualified candidates than vacancies exist, and if nominations from the floor are not required pursuant to this section or the bylaws, write-in nominations are not permitted, and such candidates shall commence service on the board of directors, regardless of whether a quorum is attained at the annual meeting.* Except as otherwise provided in the governing documents, boards of directors must be elected by a plurality of the votes cast by eligible voters. Any challenge to the election process must be commenced within 60 days after the election results are announced.

Section 14. Paragraph (b) of subsection (3) of section 720.3085, Florida Statutes, is amended to read:

720.3085 Payment for assessments; lien claims.—

(3) Assessments and installments on assessments that are not paid when due bear interest from the due date until paid at the rate provided in the declaration of covenants or the bylaws of the association, which rate may not exceed the rate allowed by law. If no rate is provided in the declaration or bylaws, interest accrues at the rate of 18 percent per year.

(b) Any payment received by an association and accepted shall be applied first to any interest accrued, then to any administrative late fee, then to any costs and reasonable attorney fees incurred in collection, and then to the delinquent assessment. This paragraph applies notwithstanding any restrictive endorsement, designation, or instruction placed on or accompanying a payment. A late fee is not subject to the provisions of chapter 687 and is not a fine. *The foregoing is applicable notwithstanding s. 673.3111, any purported accord and satisfaction, or any restrictive endorsement, designation, or instruction placed on or accompanying a payment. The preceding sentence is intended to clarify existing law.*

Section 15. This act shall take effect July 1, 2017.

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; creating s. 633.2225, F.S.; requiring certain condominium or cooperative associations to post certain signs or symbols on buildings; requiring the State Fire Marshal to adopt rules governing such signs or symbols; providing enforcement; providing penalties; amending s. 718.111, F.S.; prohibiting an officer, director, or manager from soliciting, offering to accept, or accepting a kickback for which consideration has not been provided; providing criminal penalties; requiring that an officer or director charged with certain crimes be removed from office; providing requirements for filling the vacancy left by such removal; prohibiting such officer or director from being appointed or elected or having access to official condominium association records for a specified time; providing an exception; requiring an officer or director to be reinstated if the charges are resolved without a finding of guilt; prohibiting an association from hiring an attorney who represents the management company of the association; prohibiting a board member, manager, or management company from purchasing a unit at a foreclosure sale under certain circumstances; revising recordkeeping requirements; providing that the official records of an association are open to inspection by an association member's authorized representative; providing that a renter of a unit has a right to inspect and copy the association's bylaws and rules; providing requirements relating to the posting of specified documents on an association's website; providing a remedy for an association's failure to provide a unit owner with a copy of the most recent financial report; revising reporting requirements; requiring the Division of Florida Condominiums, Timeshares, and Mobile Homes to maintain and provide copies of financial reports; prohibiting a condominium association and its officers, directors, employees, and agents from using a debit card issued in the name of the association, or billed directly to the association, for the payment of any association expense; providing that the use of such debit card for any expense that is not a lawful obligation of the association may be prosecuted as credit card fraud; amending s. 718.112, F.S.; authorizing an association to adopt rules for posting certain notices on a website; revising provisions relating to required condominium and cooperative association bylaws; revising provisions relating to evidence of condominium and cooperative association compliance with the fire and life safety code; revising unit and common elements required to be retrofitted; revising provisions relating to an association vote to forego retrofitting; providing applicability; amending s. 718.113, F.S.; revising voting requirements relating to alterations and additions to certain common elements or association property; amending s. 718.117, F.S.; revising legislative findings; revising voting requirements for the rejection of a plan of termination; increasing the length of time to consider a plan of termination under certain conditions; revising the requirements to qualify for payment as a homestead owner if the owner has rejected a plan of termination; revising and providing notice requirements; providing applicability; amending s. 718.707, F.S.; revising the time period for classification as bulk assignee or bulk buyer; amending s. 719.104, F.S.; revising recordkeeping and reporting requirements; amending s. 719.1055, F.S.; revising provisions relating to required condominium and cooperative association bylaws; revising provisions relating to evidence of condominium and cooperative association compliance with the fire and life safety code; revising unit and common elements required to be retrofitted; revising provisions relating to an association vote to forego retrofitting; providing applicability; amending s. 719.106, F.S.; revising requirements to serve as a board member; prohibiting a board member from voting via e-mail; requiring that directors who are delinquent in certain payments owed in excess of certain periods of time be deemed to have abandoned their offices; authorizing an association to adopt rules for posting certain notices on a website; amending s. 719.107, F.S.; specifying certain services that are obtained pursuant to a bulk contract to be deemed a common expense; amending s. 720.303, F.S.; prohibiting a board member from voting via e-mail; revising certain notice requirements relating to board meetings; revising financial reporting requirements; authorizing an association to adopt rules for posting certain notices on a website; amending s. 720.306, F.S.; revising elections requirements; amending s. 720.3085, F.S.; providing applicability; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for SB 744**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for SB 1526—A bill to be entitled An act relating to public records; amending s. 945.10, F.S.; providing that certain protected health information held by the Department of Corrections is confidential and exempt from public records requirements; authorizing the release of protected health information and other records of an inmate to certain entities, subject to specified conditions and under certain circumstances; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1526**, pursuant to Rule 3.11(3), there being no objection, **HB 1203** was withdrawn from the Committees on Criminal Justice; Governmental Oversight and Accountability; and Rules.

On motion by Senator Bracy—

HB 1203—A bill to be entitled An act relating to public records; amending s. 945.10, F.S.; providing that certain protected health information held by the Department of Corrections is confidential and exempt from public records requirements; authorizing the release of protected health information and other records of an inmate to certain entities, subject to specified conditions and under certain circumstances; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 1526** and read the second time by title.

Pursuant to Rule 4.19, **HB 1203** was placed on the calendar of Bills on Third Reading.

CS for SB's 1318 and 1454—A bill to be entitled An act relating to child protection; amending s. 39.303, F.S.; revising the entities responsible for screening, employing, and terminating child protection team medical directors to include the Statewide Medical Director for Child Protection; revising the term "district medical director" to "child protection team medical director"; revising references to subdivisions of the state from "districts" to "circuits"; revising the required board certifications for child protection team medical directors and reviewing physicians; revising the timeframe in which child protection team medical directors must obtain certification; requiring Children's Medical Services to convene a task force to develop a protocol for forensic interviewing of children suspected of having been abused; specifying membership of the task force; requiring Children's Medical Services to develop, maintain, and coordinate one or more sexual abuse treatment programs; amending s. 39.3031, F.S.; requiring the Department of Health, in consultation with the Department of Children and Families, to adopt rules regarding sexual abuse treatment programs; amending ss. 458.3175, 459.0066, and 827.03, F.S.; revising provisions regarding expert testimony provided by certain entities to include criminal cases involving child abuse and neglect, dependency cases, and cases involving sexual abuse of a child; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB's 1318 and 1454**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1269** was withdrawn from the Committees on Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Broxson—

CS for HB 1269—A bill to be entitled An act relating to child protection; amending s. 39.303, F.S.; revising the entities responsible for screening, employing, and terminating child protection team medical directors to include the Statewide Medical Director for Child Protection; revising the term "district medical director" to "child protection team medical director"; revising references to subdivisions of the state from "districts" to "circuits"; revising the required board certifications for

child protection team medical directors and reviewing physicians; revising the timeframe in which child protection team medical directors must obtain certification; requiring Children's Medical Services to convene a task force to develop a protocol for forensic interviewing of children suspected of having been abused; specifying membership of the task force; requiring Children's Medical Services to develop, maintain, and coordinate one or more sexual abuse treatment programs; amending s. 39.3031, F.S.; requiring the Department of Health in consultation with the Department of Children and Families to adopt rules regarding sexual abuse treatment programs; amending ss. 458.3175, 459.0066, and 827.03, F.S.; revising provisions regarding expert testimony provided by certain entities to include criminal cases involving child abuse and neglect, dependency cases, and cases involving sexual abuse of a child; providing an effective date.

—a companion measure, was substituted for **CS for SB's 1318 and 1454** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1269** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1210** was deferred.

SB 1408—A bill to be entitled An act relating to public records; creating s. 744.20042, F.S.; creating an exemption from public records requirements for certain personal identifying information, personal health and financial records, and photographs and video recordings held by the Department of Elderly Affairs in connection with a complaint filed or an investigation conducted pursuant to part II of ch. 744, F.S.; specifying that information retains its confidential and exempt status for the duration of an investigation; authorizing disclosure to specified entities and officers; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1408**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 981** was withdrawn from the Committees on Children, Families, and Elder Affairs; Governmental Oversight and Accountability; and Rules.

On motion by Senator Broxson—

CS for CS for HB 981—A bill to be entitled An act relating to public records; creating s. 744.2111, F.S.; providing an exemption from public records requirements for certain identifying information of complainants and wards held by the Department of Elderly Affairs; providing applicability; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **SB 1408** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 981** was placed on the calendar of Bills on Third Reading.

CS for SB 7018—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides exemptions from public record requirements for certain personal identifying and location information of specified agency personnel, and the spouses and children thereof; revising the exemptions; removing redundant exemptions for social security numbers; providing an exemption from public record requirements for the names of the spouses and children of certain agency personnel; providing an exemption from public record requirements for the dates of birth for certain agency personnel and their spouses and children; removing the scheduled repeal of certain exemptions; providing for retroactive application; providing for future legislative review and repeal of certain exemptions; providing statements of public necessity; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 7018**, pursuant to Rule 3.11(3), there being no objection, **HB 7093** was withdrawn from the Committee on Rules.

On motion by Senator Baxley—

HB 7093—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides exemptions from public record requirements for certain personal identifying and location information of specified agency personnel, and the spouses and children thereof; revising the exemptions; removing redundant exemptions for social security numbers; providing an exemption from public record requirements for the names of the spouses and children of certain agency personnel; providing an exemption from public record requirements for the dates of birth for certain agency personnel and their spouses and children; removing the scheduled repeal of certain exemptions; providing for retroactive application; providing for future legislative review and repeal of certain exemptions; providing statements of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for SB 7018** and read the second time by title.

Pursuant to Rule 4.19, **HB 7093** was placed on the calendar of Bills on Third Reading.

SB 898—A bill to be entitled An act relating to civil remedies for terrorism; creating s. 772.13, F.S.; creating a cause of action relating to terrorism; specifying a measure of damages; prohibiting claims by specified individuals; providing for attorney fees and court costs; providing construction; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 898**, pursuant to Rule 3.11(3), there being no objection, **HB 65** was withdrawn from the Committees on Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; and Rules.

On motion by Senator Simmons—

HB 65—A bill to be entitled An act relating to civil remedies for terrorism; creating s. 772.13, F.S.; creating a cause of action relating to terrorism; specifying a measure of damages; prohibiting claims by specified individuals; providing for attorney fees and court costs; providing construction; providing an effective date.

—a companion measure, was substituted for **SB 898** and read the second time by title.

Pursuant to Rule 4.19, **HB 65** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 830—A bill to be entitled An act relating to mortgage brokering; amending s. 494.00115, F.S.; providing an exemption from regulation under parts I and II of ch. 494, F.S., for certain securities dealers, investment advisers, and associated persons; providing requirements for certain solicitations and referrals; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 830**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 747** was withdrawn from the Committees on Regulated Industries; Banking and Insurance; and Rules.

On motion by Senator Baxley—

CS for CS for HB 747—A bill to be entitled An act relating to mortgage brokering; amending s. 494.00115, F.S.; providing an exemption from regulation under parts I and II of ch. 494, F.S., for certain securities dealers, investment advisors, and associated persons; providing requirements for certain solicitations and referrals; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 830** and read the second time by title.

Senator Garcia moved the following amendment which was adopted:

Amendment 1 (916400) (with title amendment)—Delete lines 12-35 and insert:

Section 1. Subsection (24) of section 494.001, Florida Statutes, is amended to read:

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

(24) "Mortgage loan" means any:

(a) Residential loan *that* ~~primarily for personal, family, or household use which~~ is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling, as defined in *s. 103(w)* ~~s. 103(v)~~ of the federal Truth in Lending Act, or for the purchase of residential real estate upon which a dwelling is to be constructed;

(b) Loan on commercial real property if the borrower is an individual or the lender is a noninstitutional investor; or

(c) Loan on improved real property consisting of five or more dwelling units if the borrower is an individual or the lender is a noninstitutional investor.

Section 2. Present subsections (2) and (3) of section 494.00115, Florida Statutes, are redesignated as subsections (3) and (4), respectively, and new subsections (2) and (5) are added to that section, to read:

494.00115 Exemptions.—

(2)(a) A securities dealer, an investment adviser, or an associated person registered under s. 517.12 is exempt from regulation under this part and part II of this chapter if such person, in the normal course of conducting securities business with a corporate or an individual client:

1. Solicits or offers to solicit a mortgage loan from a securities client or refers a securities client to an entity exempt under paragraph (1)(b), a licensed mortgage broker, a licensed mortgage lender, or a registered loan originator; and

2. Does not accept or offer to accept an application for a mortgage loan, negotiate or offer to negotiate the terms or conditions of a new or existing mortgage loan on behalf of a borrower or lender, or negotiate or offer to negotiate the sale of an existing mortgage loan to a noninstitutional investor for compensation or gain.

(b) Any solicitation or referral made pursuant to this subsection must comply with chapter 517; the federal Real Estate Settlement Procedures Act, 12 U.S.C. ss. 2601 et seq.; and any applicable federal law or general law of this state.

(5) As used in this section, the term "hold himself or herself out to the public as being in the mortgage lending business" includes any of the following:

(a) Representing to the public, through advertising or other means of communicating or providing information (including the use of business cards, stationery, brochures, signs, rate lists, or promotional items), by any medium whatsoever, that such individual can or will perform the activities described in s. 494.001(23).

(b) Soliciting in a manner that would lead the intended audience to reasonably believe that such individual is in the business of performing the activities described in s. 494.001(23).

(c) Maintaining a commercial business establishment at which, or premises from which, such individual regularly performs the activities described in s. 494.001(23) or regularly meets with current or prospective borrowers.

(d) Advertising, soliciting, or conducting business through use of a name, trademark, service mark, trade name, Internet address, or logo which indicates or reasonably implies that the business being advertised, solicited, or conducted is the kind or character of business transacted or conducted by a licensed mortgage lender or which is likely to lead any person to believe that such business is that of a licensed mortgage lender.

(e) Using any form promulgated by the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the United States Department of Housing and Urban Development, or the Consumer Financial Protection Bureau in performing the activities described in s. 494.001(23).

And the title is amended as follows:

Delete lines 2-7 and insert: An act relating to mortgage regulation; amending s. 494.001, F.S.; revising the definition of the term "mortgage loan"; amending s. 494.00115, F.S.; providing an exemption from regulation under parts I and II of ch. 494, F.S., for certain securities dealers, investment advisers, and associated persons; providing requirements for certain solicitations and referrals; providing a definition for the term "hold himself or herself out to the public as being in the mortgage lending business"; providing an effective

Pursuant to Rule 4.19, **CS for CS for HB 747**, as amended, was placed on the calendar of Bills on Third Reading.

CS for CS for SB 876—A bill to be entitled An act relating to health care practitioners; amending s. 456.076, F.S.; revising provisions related to impaired practitioner programs; providing definitions; deleting a requirement that the Department of Health designate approved programs by rule; deleting a requirement authorizing the department to adopt by rule the manner in which consultants work with the department in intervention, in evaluating and treating professionals, in providing and monitoring continued care of impaired professionals, and in expelling professionals from the program; authorizing, instead of requiring, the department to retain one or more consultants to operate its impaired practitioner program; requiring the department to establish the terms and conditions of the program by contract; providing contract terms; requiring consultants to establish the terms of monitoring impaired practitioners; authorizing consultants to consider the recommendations of certain persons in establishing the terms of monitoring; authorizing consultants to modify monitoring terms to protect the health, safety, and welfare of the public; requiring consultants to assist the department and licensure boards on matters relating to impaired practitioners; making technical changes; requiring the department to refer practitioners to consultants under certain circumstances; authorizing consultants to withhold certain information about self-reporting participants from the department under certain circumstances to encourage self-reporting; requiring consultants to disclose all information relating to practitioners who are terminated from the program for material noncompliance; providing that all information obtained by a consultant retains its confidential or exempt status; providing that consultants, and certain agents of consultants, may not be held liable financially or have a cause of action for damages brought against them for disclosing certain information or for any other act or omission relating to the program; authorizing consultants to contract with a school or program to provide services to certain students; amending s. 401.411, F.S.; providing that an impaired practitioner may be reported to a consultant rather than the department under certain circumstances; amending s. 455.227, F.S.; conforming provisions to changes made by the act; amending s. 456.0635, F.S.; providing that, under certain circumstances, a board or, if there is no board, the department, is not required to refuse to admit certain candidates to an examination, to issue a license, certificate, or registration to certain applicants, or to renew a license, certificate, or registration of certain applicants if they have successfully completed a pretrial diversion program; providing applicability; amending ss. 456.072, 457.109, 458.331, 459.015, 460.413, 461.013, 462.14, 463.016, and 464.018, F.S.; providing that an impaired practitioner may be reported to a consultant rather than the department under certain circumstances; amending s. 464.204, F.S.; conforming provisions to changes made by the act; amending ss. 465.016, 466.028, 467.203, 468.217, and 468.3101, F.S.; providing that an impaired practitioner may be reported to a consultant rather than the department under certain circumstances; amending s. 474.221, F.S.; conforming provisions to changes made by the act; amending s. 483.825, F.S.; providing that certain persons may be reported to a consultant rather than the department under certain circumstances; creating s. 456.0495, F.S.; requiring licensed midwives and health care providers to report adverse incidents to the department within a certain period; requiring the department to adopt rules es-

tablishing guidelines for reporting specified adverse incidents; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 876**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 229** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Young—

CS for CS for HB 229—A bill to be entitled An act relating to health care practitioner licensure; amending s. 456.076, F.S.; revising provisions related to impaired practitioner programs; providing definitions; deleting a requirement that the Department of Health designate approved programs by rule; deleting a requirement authorizing the department to adopt by rule the manner in which consultants work with the department; authorizing, rather than requiring, the department to retain one or more consultants to operate its impaired practitioner program; requiring the department to establish the terms and conditions of the program by contract; providing contract terms; requiring consultants to establish the terms of monitoring impaired practitioners; authorizing consultants to consider the recommendations of certain persons in establishing the terms of monitoring; authorizing consultants to modify monitoring terms under certain circumstances; requiring consultants to assist the department and licensure boards on certain matters; requiring the department to refer practitioners to consultants under certain circumstances; prohibiting the department from referring practitioners to consultants under certain circumstances; authorizing consultants to withhold certain information about self-reporting participants from the department under certain circumstances; requiring consultants to disclose all information relating to practitioners who are terminated from the program for specified reasons; providing that all information obtained by a consultant retains its confidential or exempt status; providing that consultants, and certain agents of consultants, may not be held liable financially or have a cause of action for damages brought against them for disclosing certain information or for any other act or omission relating to the program; authorizing consultants to contract with a school or program to provide services to certain students; amending s. 456.0635, F.S.; revising grounds for refusing to issue or renew a license, certificate, or registration in a health care profession; providing applicability; amending ss. 401.411, 456.072, 457.109, 458.331, 459.015, 460.413, 461.013, 462.14, 463.016, 464.018, 465.016, 466.028, 467.203, 468.217, 468.3101, and 483.825, F.S.; providing that an impaired practitioner may be reported to a consultant rather than the department under certain circumstances; amending ss. 455.227, 464.204, and 474.221, F.S.; conforming provisions to changes made by the act; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 876** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 229** was placed on the calendar of Bills on Third Reading.

SB 7028—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending ss. 741.30 and 784.046, F.S.; extending the repeal dates for exemptions from public records requirements for personal identifying and location information of a petitioner who requests notification of service of an injunction for protection against domestic violence, repeat violence, sexual violence, and dating violence and other court actions related to the injunction held by clerks of the court and law enforcement agencies; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 7028**, pursuant to Rule 3.11(3), there being no objection, **HB 7087** was withdrawn from the Committees on Governmental Oversight and Accountability; and Rules.

On motion by Senator Steube—

HB 7087—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending ss. 741.30 and 784.046, F.S., which provide exemptions from public record requirements for personal identifying and location information of a petitioner requesting notification of service of an injunction for protection against domestic violence, repeat violence, sexual violence, and dating violence and other court actions related to the injunction held by the clerks and law enforcement agencies; extending the repeal dates; providing an effective date.

—a companion measure, was substituted for **SB 7028** and read the second time by title.

Pursuant to Rule 4.19, **HB 7087** was placed on the calendar of Bills on Third Reading.

CS for SB 850—A bill to be entitled An act relating to public housing authority insurance; amending s. 624.46226, F.S.; authorizing certain business entities to join, solely for a specified purpose, self-insurance funds participated in by public housing authorities who hold ownership interests in or who participate in governing such entities; authorizing reinsurance companies to issue coverage directly to certain self-insuring entities organized by a public housing authority under certain circumstances; specifying that such entities are considered insurers under certain circumstances; requiring that reinsurance contracts issued to such entities receive the same tax treatment as contracts issued to insurance companies; revising construction; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 850**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 421** was withdrawn from the Committees on Banking and Insurance; Community Affairs; and Rules.

On motion by Senator Rouson—

CS for CS for HB 421—A bill to be entitled An act relating to public housing authority insurance; amending s. 624.46226, F.S.; authorizing certain business entities to join self-insurance funds participated in by certain public housing authorities for a specified purpose; authorizing reinsurance companies to issue coverage directly to certain self-insuring entities organized by a public housing authority under certain circumstances; specifying that such entities are considered insurers under certain circumstances; requiring that reinsurance contracts issued to such entities receive the same tax treatment as contracts issued to insurance companies; revising construction; providing an effective date.

—a companion measure, was substituted for **CS for SB 850** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 421** was placed on the calendar of Bills on Third Reading.

MOTION

On motion by Senator Benacquisto, the rules were waived and time of adjournment was extended until 8:00 p.m.

CS for CS for SB 802—A bill to be entitled An act relating to regulated professions and occupations; amending s. 287.055, F.S.; redefining the term "design-build firm"; amending s. 326.004, F.S.; deleting a requirement that yacht and ship brokers maintain a separate license for each branch office and related fees; amending s. 447.02, F.S.; deleting a definition; repealing s. 447.04, F.S., relating to business agents, licenses, and permits; repealing s. 447.041, F.S., relating to hearings; repealing s. 447.045, F.S., relating to certain confidential information; repealing s. 447.06, F.S., relating to the required registration of labor organizations; amending s. 447.09, F.S.; deleting prohibitions against specified actions; repealing s. 447.12, F.S., relating to registration fees; repealing s. 447.16, F.S., relating to the applicability of ch. 447, F.S.; amending s. 468.603, F.S.; redefining the terms "building code administrator," "building official," and "building code inspector"; amending s. 468.617, F.S.; providing that a county or municipal government, school board, community college board, state university, or state agency is not prohibited from entering into any contract with any person or entity for the provision of building code administrator or building official services; amending s. 469.006, F.S.; requiring an indi-

vidual applicant to apply for licensure in the name of the business organization that he or she proposes to operate under; requiring that a license be in the name of a qualifying agent rather than the name of a business organization; requiring the qualifying agent, rather than the business organization, to report certain changes in information; conforming provisions to changes made by the act; amending s. 469.009, F.S.; deleting the authority of the department to reprimand, censure, or impose probation on certain business organizations; amending s. 476.034, F.S.; defining and redefining terms; amending s. 476.114, F.S.; providing requirements for licensure by examination to practice restricted barbering; conforming a provision to changes made by the act; repealing s. 476.144(6), F.S., relating to requirements to apply for a restricted license to practice barbering; amending s. 477.013, F.S.; revising the definition of the term "specialty"; repealing s. 477.0132, F.S., relating to hair braiding, hair wrapping, and body wrapping registration; amending s. 477.0135, F.S.; exempting from certain licensure and registration requirements persons whose occupations or practices are confined solely to hair braiding, hair wrapping, or body wrapping; amending s. 477.019, F.S.; deleting an exemption from certain continuing education requirements for persons whose occupations or practices are confined solely to hair braiding, hair wrapping, or body wrapping; amending s. 477.026, F.S.; conforming a provision to changes made by the act; amending s. 481.203, F.S.; defining the term "business organization"; deleting the definition of the term "certificate of authorization"; amending s. 481.219, F.S.; revising the process by which a business organization obtains the requisite license to perform architectural services; requiring that a licensee or an applicant apply to qualify a business organization under certain circumstances; specifying application requirements; authorizing the Board of Architecture and Interior Design to deny an application under certain circumstances; requiring that a qualifying agent be a registered architect or a registered interior designer under certain circumstances; requiring that a qualifying agent notify the department when she or he ceases to be affiliated with a business organization; prohibiting a business organization from engaging in certain practices until it is qualified by a qualifying agent; authorizing the executive director or the chair of the board to authorize a certain registered architect or interior designer to temporarily serve as the business organization's qualifying agent for a specified timeframe under certain circumstances; requiring the qualifying agent to give written notice to the department before engaging in practice under her or his own name or in affiliation with another business organization; requiring the board to certify an applicant to qualify one or more business organizations or to operate using a fictitious name under certain circumstances; conforming provisions to changes made by the act; amending s. 481.221, F.S.; requiring a business organization to include the license number of a certain registered architect or interior designer in any advertising; providing an exception; conforming provisions to changes made by the act; amending s. 481.229, F.S.; conforming provisions to changes made by the act; reordering and amending s. 481.303, F.S.; defining and redefining terms; amending s. 481.321, F.S.; revising provisions that require persons to display certificate numbers under certain circumstances; conforming provisions to changes made by the act; amending ss. 481.311, 481.317, and 481.319, F.S.; conforming provisions to changes made by the act; amending s. 481.329, F.S.; conforming a cross-reference; amending s. 548.017, F.S.; revising the persons required to be licensed by the State Boxing Commission; amending s. 548.003, F.S.; conforming a provision to changes made by the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 802**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7047** was withdrawn from the Committees on Regulated Industries; and Rules.

On motion by Senator Passidomo, the rules were waived and—

CS for HB 7047—A bill to be entitled An act relating to the deregulation of professions and occupations; amending s. 326.004, F.S.; deleting the requirement for a yacht broker to maintain a separate license for each branch office; deleting the requirement for the division to establish a fee; amending s. 447.02, F.S.; conforming provisions; repealing s. 447.04, F.S., relating to licensure and permit requirements for business agents; repealing s. 447.041, F.S., relating to hearings for persons or labor organizations denied licensure as a business agent; repealing s. 447.045, F.S., relating to confidential information obtained during the application process; repealing s. 447.06, F.S., relating to required registration of labor organizations; amending s. 447.09, F.S.; deleting certain prohibited actions relating to the right of franchise of a member of a labor organization; repealing s. 447.12, F.S., relating to registration fees; repealing s. 447.16, F.S., relating to applicability; amending s. 447.305, F.S.; deleting a provision that requires notification of registrations and renewals to the department; amending s. 469.006, F.S.; revising licensure requirements for asbestos abatement consulting or contracting as a partnership, corporation, business trust, or other legal entity; amending s. 469.009, F.S.; conforming provisions; amending s. 476.034, F.S.; defining the terms "restricted barber" and "restricted barbering"; amending s. 476.114, F.S.; revising training requirements for licensure as a barber; providing requirements for licensure by examination as a restricted barber; amending s. 476.144, F.S.; requiring the department to license an applicant who the board certifies is qualified to practice restricted barbering; amending s. 477.013, F.S.; revising and providing definitions; repealing s. 477.0132, F.S., relating to registration for hair braiding, hair wrapping, and body wrapping; amending s. 477.0135, F.S.; providing that licensure or registration is not required for persons whose occupation or practice is confined solely to hair braiding, hair wrapping, body wrapping, nail polishing, and makeup application; amending s. 477.019, F.S.; conforming provisions; amending s. 477.0201, F.S.; providing requirements for registration as a nail specialist, facial specialist, or full specialist; amending ss. 477.026, 477.0265, and 477.029, F.S.; conforming provisions; amending s. 481.203, F.S.; defining the term "business organization"; deleting the definition of the term "certificate of authorization"; amending s. 481.219, F.S.; revising the process by which a business organization obtains the requisite license to perform architectural services or interior design; requiring that a licensee or an applicant apply to qualify a business organization to practice architecture or interior design; providing application requirements; authorizing the Board of Architecture and Interior Design to deny an application under certain circumstances; providing notice requirements; prohibiting a business organization from engaging in certain practices until it is qualified by a qualifying agent; authorizing the executive director or the chair of the board to authorize a temporary qualifying agent for a specified timeframe under certain circumstances; requiring the board to allow an applicant to qualify one or more business organizations or to operate using a fictitious name under certain circumstances; deleting a requirement for the administration of disciplinary action against a corporation, limited liability company, or partnership conforming provisions to changes made by the act; amending s. 481.221, F.S.; requiring a business organization to include the license number of a certain registered architect or interior designer in any advertising; providing an exception; conforming provisions to changes made by the act; amending s. 481.229, F.S.; conforming provisions to changes made by the act; amending s. 481.303, F.S.; deleting the definition of the term "certificate of authorization"; defining the terms "business organization" and "qualifying agent"; amending ss. 481.311 and 481.317, F.S.; conforming provisions; amending s. 481.319, F.S.; deleting the requirement for a certificate of authorization; authorizing landscape architects to practice through a corporation or partnership; amending s. 481.321, F.S.; revising requirements related to the display of a certificate number; amending s. 481.329, F.S.; conforming a cross-reference; amending s. 287.055, F.S.; conforming a provision; amending s. 492.104, F.S.; making conforming and technical changes; amending s. 492.111, F.S.; deleting the requirements for a certificate of authorization for a professional geologist; amending ss. 492.113 and 492.115, F.S.; conforming provisions; amending s. 548.003, F.S.; deleting the requirement that the Florida State Boxing Commission adopt rules relating to a knockdown timekeeper; amending s. 548.017, F.S.; deleting the licensure requirement for a timekeeper or announcer; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 802** and read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Passidomo moved the following amendment:

Amendment 1 (226306) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (h) of subsection (2) of section 287.055, Florida Statutes, is amended to read:

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

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

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

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

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

Section 2. Subsection (13) of section 326.004, Florida Statutes, is amended to read:

326.004 Licensing.—

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

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

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

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

Section 4. *Section 447.04, Florida Statutes, is repealed.*

Section 5. *Section 447.041, Florida Statutes, is repealed.*

Section 6. *Section 447.045, Florida Statutes, is repealed.*

Section 7. *Section 447.06, Florida Statutes, is repealed.*

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

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

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

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

Section 9. *Section 447.12, Florida Statutes, is repealed.*

Section 10. *Section 447.16, Florida Statutes, is repealed.*

Section 11. Subsections (1) and (2) of section 468.603, Florida Statutes, are amended to read:

468.603 Definitions.—As used in this part:

(1) "Building code administrator" or "building official" means any of those employees of municipal or county governments*, or any person contracted by a municipal or county government, who have* ~~with~~ building construction regulation responsibilities *and* who are charged with the responsibility for direct regulatory administration or supervision of plan review, enforcement, or inspection of building construction, erection, repair, addition, remodeling, demolition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipal or county ordinance. This term is synonymous with "building official" as used in the ~~administrative chapter of the Standard Building Code and the South~~ Florida Building Code. One person employed *or contracted* by each municipal or county government as a building code administrator or building official and who is so certified under this part may be authorized to perform any plan review or inspection for which certification is required by this part.

(2) "Building code inspector" means any of those employees of local governments or state agencies*, or any person contracted by a local government or state agency, who have* ~~with~~ building construction regulation responsibilities *and* who themselves conduct inspections of building construction, erection, repair, addition, or alteration projects that require permitting indicating compliance with building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes as required by state law or municipal or county ordinance.

Section 12. Subsection (3) of section 468.617, Florida Statutes, is amended to read:

468.617 Joint building code inspection department; other arrangements.—

(3) Nothing in this part shall prohibit any county or municipal government, school board, community college board, state university, or state agency from entering into any contract with any person or entity for the provision of *building code administrator, building official, or* building code inspection services regulated under this part, and notwithstanding any other statutory provision, such county or municipal governments may enter into contracts.

Section 13. Paragraphs (a) and (e) of subsection (2), subsection (3), paragraph (b) of subsection (4), and subsection (6) of section 469.006, Florida Statutes, are amended to read:

469.006 Licensure of business organizations; qualifying agents.—

(2)(a) If the applicant proposes to engage in consulting or contracting as a partnership, corporation, business trust, or other legal entity, or in any name other than the applicant's legal name, the ~~legal entity must apply for licensure through a qualifying agent or the~~ individual applicant must apply for licensure under the *name of the business organization* ~~fictitious name~~.

(e) *A* ~~The~~ license~~, when issued upon application of a business organization,~~ must be in the name of the *qualifying agent* ~~business organization~~, and the name of the *business organization* ~~qualifying agent~~ must be noted *on the license* ~~thereon~~. If there is a change in any information that is required to be stated on the application, the *qualifying agent* ~~business organization~~ shall, within 45 days after such change occurs, mail the correct information to the department.

(3) The qualifying agent *must* ~~shall~~ be licensed under this chapter in order for the business organization to be *qualified* ~~licensed~~ in the category of the business conducted for which the qualifying agent is licensed. If any qualifying agent ceases to be affiliated with such business organization, the agent shall so inform the department. In addition, if such qualifying agent is the only licensed individual affiliated with the business organization, the business organization shall notify the department of the termination of the qualifying agent and *has* ~~shall have~~ 60 days *after* ~~from~~ the *date of* termination of the qualifying agent's affiliation with the business organization ~~in which~~ to employ another qualifying agent. The business organization may not engage in consulting or contracting until a qualifying agent is employed, unless the department has granted a temporary nonrenewable license to the financially responsible officer, the president, the sole proprietor, a partner, or, in the case of a limited partnership, the general partner, who assumes all responsibilities of a primary qualifying agent for the entity. This temporary license *only allows* ~~shall only allow~~ the entity to proceed with incomplete contracts.

(4)

(b) Upon a favorable determination by the department, after investigation of the financial responsibility, credit, and business reputation of the qualifying agent and the new business organization, the department shall issue, without any examination, a new license in the *qualifying agent's* ~~business organization's~~ name, and the name of the *business organization* ~~qualifying agent~~ shall be noted thereon.

(6) Each qualifying agent shall pay the department an amount equal to the original fee for licensure ~~of a new business organization.~~ if the qualifying agent for a business organization desires to qualify ad-

ditional business organizations.~~,~~ The department shall require the agent to present evidence of supervisory ability and financial responsibility of each such organization. Allowing a licensee to qualify more than one business organization *must* ~~shall~~ be conditioned upon the licensee showing that the licensee has both the capacity and intent to adequately supervise each business organization. The department *may* ~~shall~~ not limit the number of business organizations *that* ~~which~~ the licensee may qualify except upon the licensee's failure to provide such information as is required under this subsection or upon a finding that *the* ~~such~~ information or evidence ~~as is~~ supplied is incomplete or unpersuasive in showing the licensee's capacity and intent to comply with the requirements of this subsection. A qualification for an additional business organization may be revoked or suspended upon a finding by the department that the licensee has failed in the licensee's responsibility to adequately supervise the operations of the business organization. Failure to adequately supervise the operations of a business organization *is* ~~shall be~~ grounds for denial to qualify additional business organizations.

Section 14. Subsection (1) of section 469.009, Florida Statutes, is amended to read:

469.009 License revocation, suspension, and denial of issuance or renewal.—

(1) The department may revoke, suspend, or deny the issuance or renewal of a license; reprimand, censure, or place on probation any contractor, consultant, *or* financially responsible officer~~, or business organization~~; require financial restitution to a consumer; impose an administrative fine not to exceed $5,000 per violation; require continuing education; or assess costs associated with any investigation and prosecution if the contractor or consultant, or business organization or officer or agent thereof, is found guilty of any of the following acts:

(a) Willfully or deliberately disregarding or violating the health and safety standards of the Occupational Safety and Health Act of 1970, the Construction Safety Act, the National Emission Standards for Asbestos, the Environmental Protection Agency Asbestos Abatement Projects Worker Protection Rule, the Florida Statutes or rules promulgated thereunder, or any ordinance enacted by a political subdivision of this state.

(b) Violating any provision of chapter 455.

(c) Failing in any material respect to comply with the provisions of this chapter or any rule promulgated hereunder.

(d) Acting in the capacity of an asbestos contractor or asbestos consultant under any license issued under this chapter except in the name of the licensee as set forth on the issued license.

(e) Proceeding on any job without obtaining all applicable approvals, authorizations, permits, and inspections.

(f) Obtaining a license by fraud or misrepresentation.

(g) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of asbestos consulting or contracting or the ability to practice asbestos consulting or contracting.

(h) Knowingly violating any building code, lifesafety code, or county or municipal ordinance relating to the practice of asbestos consulting or contracting.

(i) Performing any act which assists a person or entity in engaging in the prohibited unlicensed practice of asbestos consulting or contracting, if the licensee knows or has reasonable grounds to know that the person or entity was unlicensed.

(j) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when:

1. Valid liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job; the contractor has received funds from the customer to pay for the supplies or services; and the contractor has not had the liens removed from the property, by payment or by bond, within 75 days after the date of such liens;

2. The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned; or

3. The contractor's job has been completed, and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer.

(k) Being disciplined by any municipality or county for an act or violation of this chapter.

(l) Failing in any material respect to comply with the provisions of this chapter, or violating a rule or lawful order of the department.

(m) Abandoning an asbestos abatement project in which the asbestos contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 20 days if the contractor terminates the project without just cause and without proper notification to the owner, including the reason for termination; if the contractor fails to reasonably secure the project to safeguard the public while work is stopped; or if the contractor fails to perform work without just cause for 20 days.

(n) Signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely indicating that payment has been made for all subcontracted work, labor, and materials which results in a financial loss to the owner, purchaser, or contractor; or falsely indicating that workers' compensation and public liability insurance are provided.

(o) Committing fraud or deceit in the practice of asbestos consulting or contracting.

(p) Committing incompetency or misconduct in the practice of asbestos consulting or contracting.

(q) Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property in the practice of asbestos consulting or contracting.

(r) Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner under part I of chapter 713 or a notice to contractor under chapter 255 or part I of chapter 713.

(s) Failing to satisfy, within a reasonable time, the terms of a civil judgment obtained against the licensee, or the business organization qualified by the licensee, relating to the practice of the licensee's profession.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender.

Section 15. Subsection (2) of section 476.034, Florida Statutes, is amended, and subsections (6) and (7) are added to that section, to read:

476.034 Definitions.—As used in this act:

(2) "Barbering" means any of the following practices when done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances*, and includes restricted barbering services*.

(6) "Restricted barber" means a person who is licensed to engage in the practice of restricted barbering in this state under the authority of

this chapter and is subject to the same requirements and restrictions as a barber, except as specified in s. 476.114.

(7) "Restricted barbering" means any of the following practices when done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments: shaving, cutting, trimming, shampooing, arranging, dressing, or curling the hair or beard, including the application of shampoo, hair conditioners, shaving creams, hair tonic, and hair spray to the face, scalp, or neck, either by hand or by mechanical appliances. The term does not include the application of oils, creams, lotions, or other preparations to the face, scalp, or neck.

Section 16. Present subsection (3) of section 476.114, Florida Statutes, is redesignated as subsection (4) and amended, and a new subsection (3) is added to that section, to read:

476.114 Examination; prerequisites.—

(3) An applicant is eligible for licensure by examination to practice restricted barbering if the applicant:

(a) Is at least 16 years of age;

(b) Pays the required application fee;

(c) Passes a written examination on the laws and rules governing the practice of barbering in Florida, as established by the board; and

(d)1. Holds, or has within the previous 5 years held, an active valid license to practice barbering in another state or country, or has held a Florida barbering license which has been declared null and void for failure to renew the license; or

2. Has received a minimum of 1,000 hours of training as established by the board, which must include, but is not limited to, the equivalent of completion of services directly related to the practice of restricted barbering at one of the following:

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

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

c. A government-operated barbering program in this state.

(4)~~(3)~~ An applicant who meets the requirements set forth in subparagraphs (2)(c)1. and 2.*, or subparagraphs (3)(d)1. and 2., and* who fails to pass the examination may take subsequent examinations as many times as necessary to pass, except that the board may specify by rule reasonable timeframes for rescheduling the examination and additional training requirements for applicants who, after the third attempt, fail to pass the examination. Prior to reexamination, the applicant must file the appropriate form and pay the reexamination fee as required by rule.

Section 17. *Subsection (6) of section 476.144, Florida Statutes, is repealed.*

Section 18. Subsection (6) of section 477.013, Florida Statutes, is amended to read:

477.013 Definitions.—As used in this chapter:

(6) "Specialty" means the practice of one or more of the following:

(a) *Nail specialty, which includes:*

1. Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive*; and*~~.~~

2.~~(b)~~ Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet.

(b)~~(c)~~ *Facial specialty, which includes* facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services.

(c) Full specialty, which includes manicuring, pedicuring, and facial services, including all services as described in paragraphs (a) and (b).

Section 19. *Section 477.0132, Florida Statutes, is repealed.*

Section 20. Subsections (7), (8), and (9) are added to section 477.0135, Florida Statutes, to read:

477.0135 Exemptions.—

(7) A license or registration is not required for a person whose occupation or practice is confined solely to hair braiding as defined in s. 477.013(9).

(8) A license or registration is not required for a person whose occupation or practice is confined solely to hair wrapping as defined in s. 477.013(10).

(9) A license or registration is not required for a person whose occupation or practice is confined solely to body wrapping as defined in s. 477.013(12).

Section 21. Paragraph (b) of subsection (7) of section 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing education.—

(7)

~~(b) Any person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping is exempt from the continuing education requirements of this subsection.~~

Section 22. Paragraph (f) of subsection (1) of section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

~~(f) For hair braiders, hair wrappers, and body wrappers, fees for registration shall not exceed $25.~~

Section 23. Subsection (5) of section 481.203, Florida Statutes, is amended to read:

481.203 Definitions.—As used in this part:

(5) *"Business organization" means a partnership, a limited liability company, a corporation, or an individual operating under a fictitious name* ~~"Certificate of authorization" means a certificate issued by the department to a corporation or partnership to practice architecture or interior design~~.

Section 24. Section 481.219, Florida Statutes, is amended to read:

481.219 *Business organization; qualifying agents* ~~Certification of partnerships, limited liability companies, and corporations~~.—

(1) *A licensee may* ~~The practice of or the offer to~~ practice architecture or interior design ~~by licensees~~ through a *business organization that offers* ~~corporation, limited liability company, or partnership offering~~ architectural or interior design services to the public, or *through* ~~by~~ a *business organization that offers* ~~corporation, limited liability company, or partnership offering~~ architectural or interior design services to the public through *such* licensees ~~under this part~~ as agents, employees, officers, or partners~~, is permitted, subject to the provisions of this section~~.

(2) *If a licensee or an applicant proposes to engage in the practice of architecture or interior design as a business organization, the licensee or applicant must apply to qualify the business organization* ~~For the purposes of this section, a certificate of authorization shall be required for a corporation, limited liability company, partnership, or person practicing under a fictitious name, offering architectural services to the public jointly or separately. However, when an individual is practicing architecture in her or his own name, she or he shall not be required to be certified under this section. Certification under this subsection to offer~~

~~architectural services shall include all the rights and privileges of certification under subsection (3) to offer interior design services~~.

(a) An application to qualify a business organization must:

1. If the business is a partnership, state the names of the partnership and its partners.

2. If the business is a corporation, state the names of the corporation and its officers and directors and the name of each of its stockholders who is also an officer or a director.

3. If the business is operating under a fictitious name, state the fictitious name under which it is doing business.

4. If the business is not a partnership, a corporation, or operating under a fictitious name, state the name of such other legal entity and its members.

(b) The board may deny an application to qualify a business organization if the applicant or any person required to be named pursuant to paragraph (a) has been involved in past disciplinary actions or on any grounds for which an individual registration or certification may be denied.

(3)*(a) A business organization may not engage in the practice of architecture unless its qualifying agent is a registered architect under this part. A business organization may not engage in the practice of interior design unless its qualifying agent is a registered architect or a registered interior designer under this part. A qualifying agent who terminates her or his affiliation with a business organization shall immediately notify the department of such termination. If the qualifying agent who terminates her or his affiliation is the only qualifying agent for a business organization, the business organization must be qualified by another qualifying agent within 60 days after the termination. Except as provided in paragraph (b), the business organization may not engage in the practice of architecture or interior design until it is qualified by a qualifying agent.*

(b) In the event a qualifying architect or interior designer ceases employment with the business organization, the executive director or the chair of the board may authorize another registered architect or interior designer employed by the business organization to temporarily serve as its qualifying agent for a period of no more than 60 days. The business organization is not authorized to operate beyond such period under this chapter absent replacement of the qualifying architect or interior designer who has ceased employment.

(c) A qualifying agent shall notify the department in writing before engaging in the practice of architecture or interior design in her or his own name or in affiliation with a different business organization, and she or he or such business organization shall supply the same information to the department as required of applicants under this part ~~For the purposes of this section, a certificate of authorization shall be required for a corporation, limited liability company, partnership, or person operating under a fictitious name, offering interior design services to the public jointly or separately. However, when an individual is practicing interior design in her or his own name, she or he shall not be required to be certified under this section~~.

(4) All final construction documents and instruments of service which include drawings, specifications, plans, reports, or other papers or documents *that involve* ~~involving~~ the practice of architecture which are prepared or approved for the use of the *business organization* ~~corporation, limited liability company, or partnership~~ and filed for public record within the state *must* ~~shall~~ bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.

(5) All drawings, specifications, plans, reports, or other papers or documents prepared or approved for the use of the *business organization* ~~corporation, limited liability company, or partnership~~ by an interior designer in her or his professional capacity and filed for public record within the state *must* ~~shall~~ bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.

~~(6) The department shall issue a certificate of authorization to any applicant who the board certifies as qualified for a certificate of authorization and who has paid the fee set in s. 481.207.~~

(6)~~(7)~~ The board shall *allow* ~~certify~~ an applicant *to qualify one or more business organizations* ~~as qualified for a certificate of authorization~~ to offer architectural or interior design services, *or to use a fictitious name to offer such services, if one of the following criteria is met* ~~provided that~~:

(a) One or more of the principal officers of the corporation or limited liability company, or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as architects, are registered as provided by this part.~~; or~~

(b) One or more of the principal officers of the corporation or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as interior designers, are registered as provided by this part.

~~(8) The department shall adopt rules establishing a procedure for the biennial renewal of certificates of authorization.~~

~~(9) The department shall renew a certificate of authorization upon receipt of the renewal application and biennial renewal fee.~~

(7)~~(10)~~ Each *qualifying agent approved to qualify a business organization* ~~partnership, limited liability company, and corporation certified~~ under this section shall notify the department within 30 days *after* ~~of~~ any change in the information contained in the application upon which the *qualification* ~~certification~~ is based. Any registered architect or interior designer who qualifies the *business organization shall ensure* ~~corporation, limited liability company, or partnership as provided in subsection (7) shall be responsible for ensuring~~ responsible supervising control of projects of the *business organization* ~~entity~~ and *shall notify the department of the* ~~upon~~ termination of her or his employment with a *business organization qualified* ~~partnership, limited liability company, or corporation certified~~ under this section ~~shall notify the department of the termination~~ within 30 days *after such termination*.

(8)~~(11)~~ *A business organization is not* ~~No corporation, limited liability company, or partnership shall be~~ relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section. However, except as provided in s. 558.0035, the architect who signs and seals the construction documents and instruments of service *is* ~~shall be~~ liable for the professional services performed, and the interior designer who signs and seals the interior design drawings, plans, or specifications *is* ~~shall be~~ liable for the professional services performed.

~~(12) Disciplinary action against a corporation, limited liability company, or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered architect or interior designer, respectively.~~

(9)~~(13)~~ ~~Nothing in~~ This section *may not* ~~shall~~ be construed to mean that a certificate of registration to practice architecture or interior design *must* ~~shall~~ be held by a *business organization* ~~corporation, limited liability company, or partnership~~. ~~Nothing in~~ This section *does not prohibit a business organization from offering* ~~prohibits corporations, limited liability companies, and partnerships from joining together to offer~~ architectural, engineering, interior design, surveying and mapping, and landscape architectural services, or any combination of such services, to the public *if the business organization*~~, provided that each corporation, limited liability company, or partnership~~ otherwise meets the requirements of law.

(10)~~(14)~~ *A business organization that is qualified by a registered architect may* ~~Corporations, limited liability companies, or partnerships holding a valid certificate of authorization to practice architecture shall be permitted to~~ use ~~in their title~~ the term "interior designer" or "registered interior *designer" in its title.* ~~designer."~~

Section 25. Subsection (10) of section 481.221, Florida Statutes, is amended to read:

481.221 Seals; display of certificate number.—

(10) Each registered architect or interior designer *must*~~, and each corporation, limited liability company, or partnership holding a certificate of authorization, shall~~ include *her or his license* ~~its certificate~~ number in any newspaper, telephone directory, or other advertising

medium used by the registered *licensee* ~~architect, interior designer, corporation, limited liability company, or partnership~~. *Each business organization must include the license number of the registered architect or interior designer who serves as the qualifying agent for that business organization in any newspaper, telephone directory, or other advertising medium used by the business organization, but is not required to display the license numbers of other registered architects or interior designers employed by the business organization* ~~A corporation, limited liability company, or partnership is not required to display the certificate number of individual registered architects or interior designers employed by or working within the corporation, limited liability company, or partnership~~.

Section 26. Paragraphs (a) and (c) of subsection (5) of section 481.229, Florida Statutes, are amended to read:

481.229 Exceptions; exemptions from licensure.—

(5)(a) ~~Nothing contained in~~ This part *does not prohibit* ~~shall prevent~~ a registered architect or a *qualified business organization* ~~partnership, limited liability company, or corporation holding a valid certificate of authorization to provide architectural services~~ from performing any interior design service or from using the title "interior designer" or "registered interior designer."

(c) Notwithstanding any other provision of this part, *a registered architect or qualified business organization certified* ~~any corporation, partnership, or person operating under a fictitious name which holds a certificate of authorization~~ to provide architectural services *must* ~~shall~~ be qualified, without fee, ~~for a certificate of authorization~~ to provide interior design services upon submission of a completed application *for qualification* ~~therefor~~. ~~For corporations, partnerships, and persons operating under a fictitious name which hold a certificate of authorization to provide interior design services, satisfaction of the requirements for renewal of the certificate of authorization to provide architectural services under s. 481.219 shall be deemed to satisfy the requirements for renewal of the certificate of authorization to provide interior design services under that section.~~

Section 27. Section 481.303, Florida Statutes, is reordered and amended to read:

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

(1) "Board" means the Board of Landscape Architecture.

(2) "Business organization" means any partnership, limited liability company, corporation, or individual operating under a fictitious name.

(4)~~(2)~~ "Department" means the Department of Business and Professional Regulation.

(8)~~(3)~~ "Registered landscape architect" means a person who holds a license to practice landscape architecture in this state under the authority of this act.

(3)~~(4)~~ "Certificate of registration" means a license issued by the department to a natural person to engage in the practice of landscape architecture.

~~(5) "Certificate of authorization" means a license issued by the department to a corporation or partnership to engage in the practice of landscape architecture.~~

(5)~~(6)~~ "Landscape architecture" means professional services, including, but not limited to, the following:

(a) Consultation, investigation, research, planning, design, preparation of drawings, specifications, contract documents and reports, responsible construction supervision, or landscape management in connection with the planning and development of land and incidental water areas, including the use of Florida-friendly landscaping as defined in s. 373.185, where, and to the extent that, the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values;

(b) The determination of settings, grounds, and approaches for and the siting of buildings and structures, outdoor areas, or other improvements;

(c) The setting of grades, shaping and contouring of land and water forms, determination of drainage, and provision for storm drainage and irrigation systems where such systems are necessary to the purposes outlined herein; and

(d) The design of such tangible objects and features as are necessary to the purpose outlined herein.

(6)~~(7)~~ "Landscape design" means consultation for and preparation of planting plans drawn for compensation, including specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials. Such plans may include only recommendations for the conceptual placement of tangible objects for landscape design projects. Construction documents, details, and specifications for tangible objects and irrigation systems shall be designed or approved by licensed professionals as required by law.

(7) "Qualifying agent" means an owner, officer, or director of the corporation, or partner of the partnership, who is responsible for the supervision, direction, and management of projects of the business organization with which she or he is affiliated and for ensuring that responsible supervising control is being exercised.

Section 28. Subsection (5) of section 481.321, Florida Statutes, is amended to read:

481.321 Seals; display of certificate number.—

(5) Each registered landscape architect *must* ~~and each corporation or partnership holding a certificate of authorization shall~~ include *her or his* ~~its~~ certificate number in any newspaper, telephone directory, or other advertising medium used by the registered landscape architect, corporation, or partnership. A corporation or partnership *must* ~~is not required to~~ display the certificate *number* ~~numbers~~ of *at least one officer, director, owner, or partner who is a* ~~individual~~ registered landscape *architect* ~~architects~~ employed by or practicing with the corporation or partnership.

Section 29. Subsection (4) of section 481.311, Florida Statutes, is amended to read:

481.311 Licensure.—

~~(4) The board shall certify as qualified for a certificate of authorization any applicant corporation or partnership who satisfies the requirements of s. 481.319.~~

Section 30. Subsection (2) of section 481.317, Florida Statutes, is amended to read:

481.317 Temporary certificates.—

~~(2) Upon approval by the board and payment of the fee set in s. 481.307, the department shall grant a temporary certificate of authorization for work on one specified project in this state for a period not to exceed 1 year to an out of state corporation, partnership, or firm, provided one of the principal officers of the corporation, one of the partners of the partnership, or one of the principals in the fictitiously named firm has obtained a temporary certificate of registration in accordance with subsection (1).~~

Section 31. Section 481.319, Florida Statutes, is amended to read:

481.319 Corporate and partnership practice of landscape architecture~~; certificate of authorization~~.—

(1) The practice of or offer to practice landscape architecture by registered landscape architects registered under this part through a corporation or partnership offering landscape architectural services to the public, or through a corporation or partnership offering landscape architectural services to the public through individual registered landscape architects as agents, employees, officers, or partners, is permitted, subject to the provisions of this section, if:

(a) One or more of the principal officers of the corporation, or partners of the partnership, and all personnel of the corporation or partnership who act in its behalf as landscape architects in this state are registered landscape architects; *and*

(b) One or more of the officers, one or more of the directors, one or more of the owners of the corporation, or one or more of the partners of the partnership is a registered landscape architect *and has applied to be the qualifying agent for the business organization*~~; and~~

~~(c) The corporation or partnership has been issued a certificate of authorization by the board as provided herein~~.

(2) All documents involving the practice of landscape architecture which are prepared for the use of the corporation or partnership *must* ~~shall~~ bear the signature and seal of a registered landscape architect.

(3) *A landscape architect applying to practice in the name of a* ~~An applicant~~ corporation *must* ~~shall~~ file with the department the names and addresses of all officers and board members of the corporation, including the principal officer or officers, duly registered to practice landscape architecture in this state and, also, of all individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by the corporation in this state. *A landscape architect applying to practice in the name of a* ~~An applicant~~ partnership *must* ~~shall~~ file with the department the names and addresses of all partners of the partnership, including the partner or partners duly registered to practice landscape architecture in this state and, also, of an individual or individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by said partnership in this state.

(4) Each *landscape architect qualifying a* partnership *or* ~~and~~ corporation ~~licensed~~ under this part *must* ~~shall~~ notify the department within 1 month of any change in the information contained in the application upon which the license is based. Any landscape architect who terminates *her or* his ~~or her~~ employment with a partnership or corporation licensed under this part shall notify the department of the termination within 1 month.

~~(5) Disciplinary action against a corporation or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered landscape architect.~~

(5)~~(6)~~ Except as provided in s. 558.0035, the fact that a registered landscape architect practices landscape architecture through a corporation or partnership as provided in this section does not relieve the landscape architect from personal liability for *her or* his ~~or her~~ professional acts.

Section 32. Subsection (5) of section 481.329, Florida Statutes, is amended to read:

481.329 Exceptions; exemptions from licensure.—

(5) This part does not prohibit any person from engaging in the practice of landscape design, as defined in *s. 481.303(6)* ~~s. 481.303(7)~~, or from submitting for approval to a governmental agency planting plans that are independent of, or a component of, construction documents that are prepared by a Florida-registered professional. Persons providing landscape design services shall not use the title, term, or designation "landscape architect," "landscape architectural," "landscape architecture," "L.A.," "landscape engineering," or any description tending to convey the impression that she or he is a landscape architect unless she or he is registered as provided in this part.

Section 33. Subsection (1) of section 548.017, Florida Statutes, is amended to read:

548.017 Participants, managers, and other persons required to have licenses.—

(1) A participant, manager, trainer, second, ~~timekeeper,~~ referee, judge, ~~announcer,~~ physician, matchmaker, or promoter must be licensed before directly or indirectly acting in such capacity in connection with any match involving a participant. A physician approved by the commission must be licensed pursuant to chapter 458 or chapter 459, must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing, or a combination of both, to the executive director before working as the ringside physician.

Section 34. Paragraph (i) of subsection (2) of section 548.003, Florida Statutes, is amended to read:

548.003 Florida State Boxing Commission.—

(2) The Florida State Boxing Commission, as created by subsection (1), shall administer the provisions of this chapter. The commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and to implement each of the duties and responsibilities conferred upon the commission, including, but not limited to:

~~(i) Designation and duties of a knockdown timekeeper.~~

Section 35. This act shall take effect October 1, 2017.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to regulated professions and occupations; amending s. 287.055, F.S.; redefining the term "design-build firm"; amending s. 326.004, F.S.; deleting a requirement that yacht and ship brokers maintain a separate license for each branch office and related fees; amending s. 447.02, F.S.; deleting a definition; repealing s. 447.04, F.S., relating to business agents, licenses, and permits; repealing s. 447.041, F.S., relating to hearings; repealing s. 447.045, F.S., relating to certain confidential information; repealing s. 447.06, F.S., relating to the required registration of labor organizations; amending s. 447.09, F.S.; deleting prohibitions against specified actions; repealing s. 447.12, F.S., relating to registration fees; repealing s. 447.16, F.S., relating to the applicability of ch. 447, F.S.; amending s. 468.603, F.S.; redefining the terms "building code administrator," "building official," and "building code inspector"; amending s. 468.617, F.S.; providing that a county or municipal government, school board, community college board, state university, or state agency is not prohibited from entering into any contract with any person or entity for the provision of building code administrator or building official services; amending s. 469.006, F.S.; requiring an individual applicant to apply for licensure in the name of the business organization that he or she proposes to operate under; requiring that a license be in the name of a qualifying agent rather than the name of a business organization; requiring the qualifying agent, rather than the business organization, to report certain changes in information; conforming provisions to changes made by the act; amending s. 469.009, F.S.; deleting the authority of the department to reprimand, censure, or impose probation on certain business organizations; amending s. 476.034, F.S.; defining and redefining terms; amending s. 476.114, F.S.; providing requirements for licensure by examination to practice restricted barbering; conforming a provision to changes made by the act; repealing s. 476.144(6), F.S., relating to requirements to apply for a restricted license to practice barbering; amending s. 477.013, F.S.; revising the definition of the term "specialty"; repealing s. 477.0132, F.S., relating to hair braiding, hair wrapping, and body wrapping registration; amending s. 477.0135, F.S.; exempting from certain licensure and registration requirements persons whose occupations or practices are confined solely to hair braiding, hair wrapping, or body wrapping; amending s. 477.019, F.S.; deleting an exemption from certain continuing education requirements for persons whose occupations or practices are confined solely to hair braiding, hair wrapping, or body wrapping; amending s. 477.026, F.S.; conforming a provision to changes made by the act; amending s. 481.203, F.S.; defining the term "business organization"; deleting the definition of the term "certificate of authorization"; amending s. 481.219, F.S.; revising the process by which a business organization obtains the requisite license to perform architectural services; requiring that a licensee or an applicant apply to qualify a business organization under certain circumstances; specifying application requirements; authorizing the Board of Architecture and Interior Design to deny an application under certain circumstances; requiring that a qualifying agent be a registered architect or a registered interior designer under certain circumstances; requiring that a qualifying agent notify the department when she or he ceases to be affiliated with a business organization; prohibiting a business organization from engaging in certain practices until it is qualified by a qualifying agent; authorizing the executive director or the chair of the board to authorize a certain registered architect or interior

designer to temporarily serve as the business organization's qualifying agent for a specified timeframe under certain circumstances; requiring the qualifying agent to give written notice to the department before engaging in practice under her or his own name or in affiliation with another business organization; requiring the board to certify an applicant to qualify one or more business organizations or to operate using a fictitious name under certain circumstances; conforming provisions to changes made by the act; amending s. 481.221, F.S.; requiring a business organization to include the license number of a certain registered architect or interior designer in any advertising; providing an exception; conforming provisions to changes made by the act; amending s. 481.229, F.S.; conforming provisions to changes made by the act; reordering and amending s. 481.303, F.S.; defining and redefining terms; amending s. 481.321, F.S.; revising provisions that require persons to display certificate numbers under certain circumstances; conforming provisions to changes made by the act; amending ss. 481.311, 481.317, and 481.319, F.S.; conforming provisions to changes made by the act; amending s. 481.329, F.S.; conforming a cross-reference; amending s. 548.017, F.S.; revising the persons required to be licensed by the State Boxing Commission; amending s. 548.003, F.S.; conforming a provision to changes made by the act; providing an effective date.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Latvala moved the following amendment to **Amendment 1 (226306)** which was adopted:

Amendment 1A (257028) (with title amendment)—Between lines 275 and 276 insert:

Section 15. Section 474.2195, Florida Statutes, is created to read:

474.2195 Veterinary telemedicine.—

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

(a) "Patient relationship" means a relationship where the veterinarian has assumed the responsibility of making medical judgments regarding the health of an animal and its need for medical treatment.

(b) "Physical examination" means the evaluation of a patient by a veterinarian through personal inspection, palpation, and auscultation of the patient. This definition does not apply to s. 474.2185.

(c) "Veterinary telemedicine" means the practice of veterinary medicine by a Florida-licensed veterinarian which includes a complete physical examination and the establishment of a patient relationship in which patient care, treatment, or service is provided through the use of medical information exchanged from one site to another via electronic communications.

(2) The standard of care for a veterinarian providing veterinary telemedicine services to a patient is the same as the standard of care generally accepted for a veterinarian providing in-person health care services.

(3) Veterinary telemedicine must be practiced within the context of a patient relationship except for care, treatment, or service provided to a patient in an emergency until the patient can be seen by or transported to a veterinarian.

(4) In the case of herd animals, the establishment of a patient relationship does not require the physical examination of each animal.

(5) A veterinarian may consult on patient care with another veterinarian who has an ongoing patient relationship with the patient, including the use of any prescription medication, and may consult on on-call or cross-coverage cases in which the veterinarian has access to patient records, via electronic communications.

And the title is amended as follows:

Between lines 844 and 845 insert: creating s. 474.2195, F.S.; defining terms; specifying the standard of care required for veterinary telemedicine services; requiring veterinary telemedicine to be practiced within the context of a patient relationship; providing an exception; specifying that physical examination of each animal is not required for herd animals; authorizing a veterinarian to consult with another veterinarian under certain circumstances;

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Brandes moved the following amendment to **Amendment 1 (226306)** which was adopted:

Amendment 1B (894060) (with directory and title amendments)—Between lines 356 and 357 insert:

(9) "Hair braiding" means the weaving or interweaving of natural human hair *or commercial hair, including the use of hair extensions or wefts,* for compensation without cutting, coloring, permanent waving, relaxing, removing, or chemical treatment ~~and does not include the use of hair extensions or wefts~~.

And the directory clause is amended as follows:

Delete lines 337-338 and insert:

Section 18. Subsections (6) and (9) of section 477.013, Florida Statutes, are amended to read:

And the title is amended as follows:

Delete lines 852-853 and insert: 477.013, F.S.; revising the definitions of the terms "specialty" and "hair braiding"; repealing s. 477.0132, F.S., relating to

Amendment 1 (226306), as amended, was adopted.

Pursuant to Rule 4.19, **CS for HB 7047**, as amended, was placed on the calendar of Bills on Third Reading.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

CS for SB 1670—A bill to be entitled An act relating to juvenile justice; amending s. 382.0255, F.S.; requiring the Department of Health to waive fees for a birth certificate issued to certain juvenile offenders; amending s. 985.25, F.S.; revising terminology; requiring that a child who meets specified criteria be placed in secure detention care until the child's detention hearing; amending s. 985.255, F.S.; revising terminology; providing an additional circumstance under which the court may order continued detention; providing criteria for a child to be a prolific juvenile offender; defining the term "arrest event"; specifying certain information and criteria that may be considered by a court only when determining whether a prolific juvenile offender should be held in secure detention; conforming provisions to changes made by the act; amending s. 985.26, F.S.; revising terminology; requiring the court to place a prolific juvenile offender in certain detention care under a special detention order until disposition; specifying time limitations for secure detention for a prolific juvenile offender; defining the term "disposition"; providing for the tolling of nonsecure detention care for an alleged violation of such detention care; providing for the retention of jurisdiction by the court over a child during the tolling period; revising the calculation of detention care days served if a child violates nonsecure detention care; amending s. 985.265, F.S.; revising terminology; amending s. 985.27, F.S.; requiring secure detention for all children awaiting placement in a residential commitment program until the placement or commitment is accomplished; deleting provisions specifying the maximum number of days a child may be placed in secure detention under certain circumstances; amending s. 985.35, F.S.; requiring the adjudicatory hearing for a child who is a prolific juvenile offender to be held within a specified period unless such child requests a delay; revising the circumstances under which an adjudication of delinquency for a felony disqualifies a person from possessing a firearm; providing a declaration of important state interest; amending s. 985.514, F.S.; revising terminology; reenacting s. 790.22(8), F.S., relating to secure detention for minors charged with an offense involving BB guns, air or gas-operated guns, or electric weapons or devices, to incorporate the amendments made by the act to ss. 985.25, 985.255, and 985.26, F.S., in references thereto; reenacting s. 985.115(2), F.S., re-

lating to release or delivery from custody, to incorporate the amendments made by the act to ss. 985.255 and 985.26, F.S., in references thereto; reenacting s. 985.13(2), F.S., relating to probable cause affidavits, to incorporate the amendments made by the act to ss. 985.255 and 985.26, F.S., in references thereto; reenacting s. 985.245(2)(b), F.S., relating to risk assessment instruments, to incorporate the amendment made by this act to s. 985.255, F.S., in a reference thereto; reenacting s. 985.255(2), F.S., relating to detention criteria and hearings, to incorporate the amendment made by this act to s. 985.26, F.S., in a reference thereto; reenacting s. 985.275(1), F.S., relating to detention of an escapee or absconder, to incorporate the amendment made by this act to s. 985.255, F.S., in a reference thereto; reenacting s. 985.319(6), F.S., relating to process and service, to incorporate the amendment made by this act to s. 985.255, F.S., in a reference thereto; providing an appropriation; providing an effective date.

—was read the third time by title.

Pending further consideration of **CS for SB 1670**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 7059** was withdrawn from the Committee on Rules.

On motion by Senator Latvala, by two-thirds vote—

CS for CS for HB 7059—A bill to be entitled An act relating to juvenile justice; amending s. 382.0255, F.S.; requiring the Department of Health to waive fees for birth certificates issued to certain juvenile offenders; amending s. 985.25, F.S.; revising terminology; providing that a child meeting specified criteria shall be placed in secure detention care until the child's detention hearing; amending s. 985.255, F.S.; revising terminology; providing an additional circumstance under which the court may order continued detention; providing criteria for a child to be a prolific juvenile offender; defining the term "arrest event"; specifying certain information and criteria that may be considered by a court only when determining whether a prolific juvenile offender should be held in secure detention; conforming provisions to changes made by the act; amending s. 985.26, F.S.; revising terminology; requiring the court to place a prolific juvenile offender in certain detention care under a special detention order until disposition; specifying time limitations for secure detention for a prolific juvenile offender; defining the term "disposition"; providing for the tolling of nonsecure detention care for an alleged violation of such detention care; providing for the retention of jurisdiction by the court over a child during the tolling period; revising the calculation of detention care days served if a child violates nonsecure detention care; amending s. 985.265, F.S.; revising terminology; amending s. 985.27, F.S.; requiring secure detention for all children awaiting placement in a residential commitment program until the placement or commitment is accomplished; deleting provisions specifying the maximum number of days a child may be placed in secure detention under certain circumstances; amending s. 985.35, F.S.; requiring the adjudicatory hearing for a child who is a prolific juvenile offender to be held within a specified period unless such child requests a delay; revising the circumstances under which an adjudication of delinquency for a felony disqualifies a person from possessing a firearm; amending s. 985.514, F.S.; revising terminology; reenacting s. 790.22(8), F.S., relating to secure detention for minors charged with an offense involving BB guns, air or gas-operated guns, or electric weapons or devices, to incorporate the amendments made by the act to ss. 985.25, 985.255, and 985.26, F.S., in references thereto; reenacting s. 985.115(2), F.S., relating to release or delivery from custody, to incorporate the amendments made by the act to ss. 985.255 and 985.26, F.S., in references thereto; reenacting s. 985.13(2), F.S., relating to probable cause affidavits, to incorporate the amendments made by the act to ss. 985.255 and 985.26, F.S., in references thereto; reenacting s. 985.245(2)(b), F.S., relating to risk assessment instruments, to incorporate the amendment made by this act to s. 985.255, F.S., in a reference thereto; reenacting s. 985.255(2), F.S., relating to detention criteria and hearings, to incorporate the amendment made by this act to s. 985.26, F.S., in a reference thereto; reenacting s. 985.275(1), F.S., relating to detention of an escapee or absconder, to incorporate the amendment made by this act to s. 985.255, F.S., in a reference thereto; reenacting s. 985.319(6), F.S., relating to process and service, to incorporate the amendment made by this act to s. 985.255, F.S., in a reference thereto; providing a declaration of important state interest; providing an appropriation; providing an effective date.

—a companion measure, was substituted for **CS for SB 1670** and read the second time by title.

Senator Latvala moved the following amendment which was adopted:

Amendment 1 (678252)—Delete lines 591-595 and insert:

Section 17. *For the 2017-2018 fiscal year, the sums of $2,978,012 in recurring funds and $2,978,012 in nonrecurring funds from the General Revenue Fund are appropriated to the Department of Juvenile Justice for the purpose of implementing this act.*

On motion by Senator Latvala, by two-thirds vote, **CS for CS for HB 7059**, as amended, was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—34

Baxley	Galvano	Rader
Bean	Garcia	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bradley	Hutson	Simpson
Brandes	Latvala	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Torres
Clemens	Passidomo	Young
Farmer	Perry	
Gainer	Powell	

Nays—1

Thurston

Consideration of **CS for SB 1238** was deferred.

SB 892—A bill to be entitled An act relating to youthful offenders; amending s. 958.04, F.S.; revising the criteria allowing a court to sentence as a youthful offender a person who is found guilty of, or who pled nolo contendere or guilty to, committing a felony before the person turned 21 years of age; reenacting ss. 958.03(5), 958.045(8)(a), and 985.565(4)(c), F.S., relating to the definition of "youthful offender," the youthful offender basic training program, and classification as a youth offender, respectively, to incorporate the amendment made to s. 958.04, F.S., in references thereto; providing an effective date.

—was read the third time by title.

On motion by Senator Simmons, **SB 892** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Gainer	Powell
Bean	Galvano	Rader
Benacquisto	Garcia	Rodriguez
Book	Gibson	Rouson
Bracy	Grimsley	Simmons
Bradley	Hutson	Simpson
Brandes	Latvala	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

HB 7035—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 601.10, F.S., which

provides an exemption from public record requirements for nonpublished reports or data related to certain studies or research conducted, caused to be conducted, or funded by the Department of Citrus; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Perry, **HB 7035** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Gainer	Powell
Bean	Galvano	Rader
Benacquisto	Garcia	Rodriguez
Book	Gibson	Rouson
Bracy	Grimsley	Simmons
Bradley	Hutson	Simpson
Brandes	Latvala	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

HB 883—A bill to be entitled An act relating to memory disorder clinics; amending s. 430.502, F.S.; establishing a memory disorder clinic at Florida Hospital in Orange County; providing an effective date.

—was read the third time by title.

On motion by Senator Simmons, **HB 883** was passed and certified to the House. The vote on passage was:

Yeas—35

Baxley	Gainer	Rader
Bean	Garcia	Rodriguez
Benacquisto	Gibson	Rouson
Book	Grimsley	Simmons
Bracy	Hutson	Simpson
Bradley	Latvala	Stargel
Brandes	Lee	Steube
Braynon	Mayfield	Stewart
Broxson	Montford	Thurston
Campbell	Passidomo	Torres
Clemens	Perry	Young
Farmer	Powell	

Nays—None

Vote after roll call:

Yea—Galvano

HB 7099—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; adopting the 2017 version of the Internal Revenue Code; providing retroactive operation; providing an effective date.

—as amended May 1, was read the third time by title.

On motion by Senator Stargel, **HB 7099**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—35

Baxley	Book	Brandes
Bean	Bracy	Braynon
Benacquisto	Bradley	Campbell
Clemens	Lee	Simmons
Farmer	Mayfield	Simpson
Gainer	Montford	Stargel
Galvano	Passidomo	Steube
Garcia	Perry	Stewart
Gibson	Powell	Thurston
Grimsley	Rader	Torres
Hutson	Rodriguez	Young
Latvala	Rouson	

Nays—None

Vote after roll call:

Yea—Broxson

CS for CS for HB 6515—A bill to be entitled An act for the relief of Wendy Smith and Dennis Darling, Sr., parents of Devaughn Darling, deceased; providing an appropriation to compensate the parents for the loss of their son, Devaughn Darling, whose death occurred while he was engaged in football preseason training on the Florida State University campus; providing a limitation on the payment of fees and costs; providing an effective date.

—was read the third time by title.

On motion by Senator Braynon, **CS for CS for HB 6515** was passed and certified to the House. The vote on passage was:

Yeas—34

Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Steube
Brandes	Latvala	Stewart
Braynon	Lee	Thurston
Broxson	Mayfield	Torres
Campbell	Montford	Young
Clemens	Passidomo	
Farmer	Powell	

Nays—2

Perry	Stargel

CS for CS for HB 241—A bill to be entitled An act relating to low-voltage electric fences; amending s. 553.793, F.S.; revising the definition of the term "low-voltage alarm system project"; providing a definition for the term "low-voltage electric fence"; providing requirements for a low-voltage electric fence to be permitted as a low-voltage alarm system project; conforming a cross-reference; providing an effective date.

—as amended May 1, was read the third time by title.

On motion by Senator Perry, **CS for CS for HB 241**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Clemens	Mayfield
Bean	Farmer	Montford
Benacquisto	Flores	Passidomo
Book	Gainer	Perry
Bracy	Galvano	Powell
Bradley	Garcia	Rader
Brandes	Gibson	Rodriguez
Braynon	Grimsley	Rouson
Broxson	Hutson	Simmons
Campbell	Lee	Simpson

Stargel	Stewart	Torres
Steube	Thurston	Young

Nays—None

CS for CS for HB 357—A bill to be entitled An act relating to self-service storage facilities; amending s. 83.806, F.S.; providing that a lien sale may be conducted on certain websites; providing that a facility or unit owner is not required to hold a license to post property for online sale; limiting the maximum value of certain property under certain circumstances; providing options for the disposition of motor vehicles or watercraft claimed to be subject to a lien; amending s. 83.808, F.S.; authorizing a facility or unit owner to charge a tenant certain fees under certain conditions; amending s. 713.78, F.S.; conforming a provision to changes made by the act; providing an effective date.

—was read the third time by title.

On motion by Senator Perry, **CS for CS for HB 357** was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young
Farmer	Perry	
Flores	Powell	

Nays—None

CS for CS for SB 590—A bill to be entitled An act relating to child support and parenting time plans; amending s. 409.2551, F.S.; providing legislative intent to encourage frequent contact between a child and each parent; amending s. 409.2554, F.S.; defining terms; amending s. 409.2557, F.S.; authorizing the Department of Revenue to establish parenting time plans agreed to by both parents in Title IV-D child support actions; amending s. 409.2563, F.S.; requiring the department to mail a Title IV-D Standard Parenting Time Plan with proposed administrative support orders; providing requirements for including parenting time plans in certain administrative orders; creating s. 409.25633, F.S.; providing the purpose and requirements for a Title IV-D Standard Parenting Time Plan; requiring the department to refer parents who do not agree on a parenting time plan to a circuit court; requiring the department to create and provide a form for a petition to establish a parenting time plan under certain circumstances; specifying that the parents are not required to pay a fee to file the petition; requiring the enforcement or modification of an established parenting time plan to be sought through a court of appropriate jurisdiction; authorizing the department to adopt rules; amending s. 409.2564, F.S.; authorizing the department to incorporate either a signed, agreed-upon parenting time plan or a signed Title IV-D Standard Parenting Time Plan in a child support order; amending ss. 409.256 and 409.2572, F.S.; conforming cross-references; requiring the department to submit a report to the Governor and Legislature by a specified date; specifying requirements for the report; providing an appropriation; providing an effective date.

—was read the third time by title.

On motion by Senator Brandes, **CS for CS for SB 590** was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Bean	Benacquisto
Book	Garcia	Rodriguez
Bracy	Gibson	Rouson
Bradley	Grimsley	Simmons
Brandes	Hutson	Simpson
Braynon	Latvala	Stargel
Broxson	Lee	Steube
Campbell	Mayfield	Stewart
Clemens	Montford	Thurston
Farmer	Passidomo	Torres
Flores	Perry	Young
Gainer	Powell	
Galvano	Rader	

Nays—None

CS for CS for HB 1307—A bill to be entitled An act relating to physician assistant workforce surveys; amending ss. 458.347 and 459.022, F.S.; requiring that a physician assistant license renewal include the submission of a completed physician assistant workforce survey; requiring the Department of Health to report the data collected from such surveys to the boards biennially; requiring rulemaking; providing an effective date.

—was read the third time by title.

On motion by Senator Steube, **CS for CS for HB 1307** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Rouson
Bracy	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

CS for CS for HB 859—A bill to be entitled An act relating to postsecondary distance education; creating s. 1000.35, F.S.; authorizing this state to participate in the State Authorization Reciprocity Agreement (SARA) for delivery of postsecondary distance education; providing definitions; establishing the Postsecondary Reciprocal Distance Education Coordinating Council within the Department of Education; requiring the Commission for Independent Education to provide administrative support for the council; providing membership and duties of the council; requiring the council to collect annual fees from Florida SARA institutions based on total full-time equivalent enrollment; requiring the council to submit an annual report to the Governor and Legislature by a specified date; providing for deposit of such fees into a specified trust fund; specifying that such fees are nonrefundable unless paid in error; authorizing the council to revoke a Florida SARA institution's participation for noncompliance; authorizing such institution to withdraw from participation in the SARA after providing notice; exempting council decisions from the Administrative Procedure Act; providing that provisions relating to the jurisdiction of the commission are not superseded; requiring the state board to adopt rules; amending s. 1005.06, F.S.; providing that the commission does not have jurisdiction over certain non-Florida institutions participating in the SARA; amending s. 1005.31, F.S.; authorizing the solicitation of prospective students for enrollment in certain postsecondary educational institutions; amending s. 1010.83, F.S.; requiring that the Institutional Assessment Trust Fund administered by the department consist of certain fees; requiring the department to maintain separate accounts within

such trust fund for specified operations; authorizing the use of funds from such trust fund for certain expenses related to administration of the SARA; providing an appropriation; providing a directive to the Division of Law Revision and Information; providing an effective date.

—as amended May 1, was read the third time by title.

On motion by Senator Bean, **CS for CS for HB 859**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Rouson
Bracy	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

CS for CS for HB 397—A bill to be entitled An act relating to public records; amending s. 119.071, F.S.; providing an exemption from public records requirements for personal identifying information of the alleged victim in an allegation of sexual harassment; authorizing the disclosure of such information for certain purposes; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Young, **CS for CS for HB 397** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—36

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Rouson
Bracy	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

CS for HB 749—A bill to be entitled An act relating to adoption benefits; amending s. 409.1664, F.S.; revising the definition of the term "qualifying adoptive employee" to include employees of charter schools and the Florida Virtual School for the purpose of extending state employee adoption benefits to such employees; providing for retroactive application; requiring such employees to apply to their school directors to obtain certain monetary benefits; requiring the Chief Financial Officer to transfer funds to charter schools and the Florida Virtual School to enable payments to such employees; providing an effective date.

—was read the third time by title.

On motion by Senator Stargel, **CS for HB 749** was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young
Farmer	Perry	
Flores	Powell	

Nays—None

CS for CS for CS for HB 107—A bill to be entitled An act relating to criminal offenses involving tombs and memorials; amending s. 872.02, F.S.; creating and revising definitions; making technical changes; prohibiting the excavation, exposition, movement, removal, or other disturbance of the contents of a tomb or memorial; providing criminal penalties; providing exceptions to the prohibition against disturbance of the contents of a tomb or memorial for cemeteries exempted from certain regulation; providing an effective date.

—as amended May 1, was read the third time by title.

RECONSIDERATION OF AMENDMENT

On motion by Senator Simmons, the Senate reconsidered the vote by which **Amendment 1 (658920)** was adopted May 1.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Simmons moved the following substitute amendment which was adopted by two-thirds vote:

Amendment 2 (777054) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 872.02, Florida Statutes, is amended to read:

872.02 Injuring or removing tomb or monument; disturbing contents of grave or tomb; penalties.—

(1) A person *commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084 if he or she:*

(a) ~~who~~ Willfully and knowingly destroys, mutilates, defaces, injures, or removes any tomb, monument, gravestone, burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts, or other structure or thing placed or designed for a memorial of the dead, or any fence, railing, curb, or other thing intended for the protection or ornamentation of any tomb, monument, gravestone, burial mound, earthen or shell monument containing human skeletal remains or associated burial artifacts, or other structure before mentioned, or for any enclosure for the burial of the dead~~,~~; or

(b) Willfully destroys, mutilates, removes, cuts, breaks, or injures any tree, shrub, or plant placed or being within any such enclosure, *except for a person performing routine maintenance and upkeep* ~~commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084~~.

(2) A person who willfully and knowingly *excavates, exposes, moves, removes, or otherwise* disturbs the contents of a ~~tomb or~~ grave *or tomb* commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) This section *does* ~~shall~~ not apply to any person acting under the direction or authority of the Division of Historical Resources of the Department of State, to cemeteries operating under chapter 497, *any cemeteries removing or relocating the contents of a grave or tomb as a*

response to a natural disaster, or to any person otherwise authorized by law to remove or disturb a tomb, monument, gravestone, burial mound, or similar structure, or its contents, as described in subsection (1).

(4) For purposes of this section, the term "tomb" includes any mausoleum, columbarium, or belowground crypt.

(5) Notwithstanding subsections (1) and (2), an owner, officer, employee, or agent of a cemetery exempt from regulation pursuant to s. 497.260 may relocate the contents of a grave or tomb:

(a) After receiving a written authorization from a legally authorized person as defined in s. 497.005(43); or

(b) After public notice is posted as required in this paragraph, if a legally authorized person cannot be located after conducting a reasonable search or after 75 years or more have elapsed since the date of entombment, interment, or inurnment. The public notice must be published once a week for 4 consecutive weeks in a newspaper of general circulation in the county where the cemetery is located. The public notice must contain the name of the cemetery; the name, address, and telephone number of the cemetery representative with whom objections may be filed; the reason for relocation of the contents of the graves or tombs; the names of the human remains to be relocated; the approximate date of the initial entombment, interment, or inurnment; the proposed site of relocation; and the proposed date of relocation. The proposed date of relocation may not be less than 30 days from last date of publication. If no objection from a legally authorized person is received within 30 days from the last date of publication of the public notice, the cemetery may proceed with relocation.

(6) If a legally authorized person refuses to sign a written authorization, as provided in (5)(a), or if a legally authorized person objects, as provided in (5)(b), a public hearing shall be held before the county commission of the county where the cemetery is located, or the city council, if the cemetery is located in a municipality, and the county commission or the city council shall have the authority to grant a request for relocation of the contents of such graves or tombs.

Section 2. This act shall take effect October 1, 2017.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to criminal offenses involving tombs and memorials; amending s. 872.02, F.S.; providing that a person who willfully and knowingly excavates, exposes, moves, or removes the contents of a grave or tomb commits a felony; revising applicability; authorizing an owner, officer, employee, or agent of specified cemeteries to relocate the contents of a grave or tomb, subject to certain conditions; providing an effective date.

On motion by Senator Simmons, **CS for CS for CS for HB 107**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young
Farmer	Perry	
Flores	Powell	

Nays—None

CS for HB 505—A bill to be entitled An act relating to the Florida Comprehensive Drug Abuse Prevention and Control Act; amending s. 893.03, F.S.; specifying that ioflupane I 123 is not included in Schedule II; creating s. 893.015, F.S.; specifying the chapter's purpose; providing that a reference to ch. 893, F.S., or to any section or portion thereof, includes all subsequent amendments; providing an effective date.

—was read the third time by title.

On motion by Senator Perry, **CS for HB 505** was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young
Farmer	Perry	
Flores	Powell	

Nays—None

CS for HB 1091—A bill to be entitled An act relating to arrest warrants for state prisoners; creating s. 948.33, F.S.; authorizing a prisoner in a state prison who has an unserved violation of probation or an unserved violation of community control warrant to file a notice of unserved warrant in the circuit court where the warrant was issued; requiring the prisoner to serve notice on the state attorney; requiring the circuit court to schedule a status hearing within a certain time after receiving notice; specifying procedures and requirements for the status hearing; providing for prosecution of the violation; requiring the court to send the order to the county sheriff; providing an effective date.

—as amended May 1, was read the third time by title.

On motion by Senator Simmons, **CS for HB 1091**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Rouson
Bracy	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

CS for CS for HB 1107—A bill to be entitled An act relating to public records; creating s. 440.1851, F.S.; providing an exemption from public records requirements for personal identifying information held by the Department of Financial Services, the Agency for Health Care Administration, or the Division of Administrative Hearings pursuant to the Workers' Compensation Law; providing a definition; specifying persons to whom and circumstances in which such confidential information may be disclosed; providing applicability; providing for future legislative

review and repeal of the exemption; providing a finding of public necessity; providing an effective date.

—as amended May 1, was read the third time by title.

On motion by Senator Perry, **CS for CS for HB 1107**, as amended, was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—37

Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young
Farmer	Perry	
Flores	Powell	

Nays—None

SB 1024—A bill to be entitled An act relating to public records; creating s. 420.6231, F.S.; creating a public records exemption for individual identifying information of a person contained in a Point-in-Time Count and Survey or data in a Homeless Management Information System; defining the term "individual identifying information"; providing for retroactive application of the exemption; specifying that the exemption does not preclude the release of aggregate information; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Stewart, **SB 1024** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—36

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Rouson
Bracy	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

CS for HB 987—A bill to be entitled An act relating to public accountancy; amending s. 473.302, F.S.; revising a definition; amending s. 473.3101, F.S.; providing an exemption to the requirement for licensure of certain firms without an office in the state; amending s. 473.316, F.S.; revising a definition; amending s. 473.323, F.S.; providing that suspension or revocation of the right to practice before the Public Company Accounting Oversight Board is grounds for the imposition of penalties as provided by law; providing an effective date.

—was read the third time by title.

On motion by Senator Young, **CS for HB 987** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Rouson
Bracy	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

HB 6037—A bill to be entitled An act relating to the blind services direct-support organization; amending s. 413.0111, F.S.; removing the future repeal of provisions relating to the blind services direct-support organization; providing an effective date.

—was read the third time by title.

On motion by Senator Simmons, **HB 6037** was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Rouson
Bracy	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

HB 7097—A bill to be entitled An act relating to the direct support organization of the prescription drug monitoring program; amending s. 893.055, F.S.; providing for future repeal of provisions relating to the organization; providing an effective date.

—was read the third time by title.

On motion by Senator Young, **HB 7097** was passed and certified to the House. The vote on passage was:

Yeas—37

Baxley	Gainer	Rader
Bean	Galvano	Rodriguez
Benacquisto	Garcia	Rouson
Book	Gibson	Simmons
Bracy	Grimsley	Simpson
Bradley	Hutson	Stargel
Brandes	Latvala	Steube
Braynon	Lee	Stewart
Broxson	Mayfield	Thurston
Campbell	Montford	Torres
Clemens	Passidomo	Young
Farmer	Perry	
Flores	Powell	

Nays—None

CS for HB 327—A bill to be entitled An act relating to household movers; amending s. 507.03, F.S.; requiring the Department of Agriculture and Consumer Services to deny or refuse to renew the registration of a mover under certain circumstances; amending s. 507.07, F.S.; prohibiting a mover from knowingly refusing or failing to disclose in writing specified criminal information under certain circumstances; amending ss. 507.09 and 507.10, F.S., relating to administrative remedies and civil penalties, respectively; requiring the department to impose either a civil penalty or an administrative fine for failure to disclose in writing specified criminal information; providing an effective date.

—as amended May 1, was read the third time by title.

On motion by Senator Hutson, **CS for HB 327**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—36

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Rouson
Bracy	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

CS for CS for SB 680—A bill to be entitled An act relating to bail bonds; amending s. 903.045, F.S.; revising legislative intent concerning the obligations of a bail bond agent; revising the commitments and obligations of a bail bond agent; prohibiting a person or entity that charges a fee for facilitating the release of a defendant through the posting of a cash bond from using the term "bail" in advertisements and printed materials posted in a jail; requiring a certain disclaimer in such materials; deleting a provision relating to circumstances that constitute a breach by the bail bond agent; amending s. 903.26, F.S.; revising the circumstances under which a surety bond deposited as bail must be forfeited; revising the circumstances that require a forfeiture to be discharged; amending s. 903.28, F.S.; revising the amount of forfeiture to be remitted under specified conditions; amending s. 903.31, F.S.; specifying that certain provisions concerning cancellation of a bond do not apply if the bond is forfeited within a specified period after it has been posted; providing that an original appearance bond does not guarantee placement in a court-ordered program; providing an effective date.

—was read the third time by title.

Pending further consideration of **CS for CS for SB 680**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 361** was withdrawn from the Committees on Judiciary; Banking and Insurance; Criminal Justice; and Rules.

On motion by Senator Baxley, by two-thirds vote—

CS for CS for HB 361—A bill to be entitled An act relating to bail bonds; amending s. 903.045, F.S.; revising legislative intent concerning the obligations of a bail bond agent; revising the commitments and obligations of a bail bond agent; revising the circumstances that constitute a breach by the bail bond agent; amending s. 903.26, F.S.; revising the circumstances under which a surety bond deposited as bail must be forfeited; revising the circumstances that require a forfeiture to be discharged; amending s. 903.31, F.S.; specifying that certain provisions concerning cancellation of a bond do not apply if the bond is forfeited within a specified period after it has been posted; providing that an original appearance bond does not guarantee placement in a court-ordered program; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 680** and, by two-thirds vote, read the second time by title.

On motion by Senator Baxley, by two-thirds vote, **CS for CS for HB 361** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—36

Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Galvano	Rodriguez
Book	Garcia	Rouson
Bracy	Gibson	Simmons
Bradley	Grimsley	Simpson
Brandes	Hutson	Stargel
Braynon	Lee	Steube
Broxson	Mayfield	Stewart
Campbell	Montford	Thurston
Clemens	Passidomo	Torres
Farmer	Perry	Young

Nays—None

SPECIAL ORDER CALENDAR, continued

CS for CS for SB 986—A bill to be entitled An act relating to the Department of Financial Services; amending s. 17.575, F.S.; replacing, within the Division of Treasury, the Treasury Investment Committee with the Treasury Investment Council; specifying the composition and term length of members; specifying duties of the council; providing that members shall serve without additional compensation or honorarium but may receive per diem and travel expense reimbursement; amending s. 215.422, F.S.; providing applicability of certain requirements relating to payments, warrants, and invoices to payments made in relation to certain agreements funded with federal or state assistance; reordering and amending s. 554.1021, F.S.; defining and redefining terms; requiring the Department of Financial Services to adopt rules; authorizing the inspection of certain boilers by authorized inspection agencies; amending s. 554.103, F.S.; requiring, rather than authorizing, the department to adopt amendments and interpretations of a specified code into the State Boiler Code; revising requirements that installers, rather than owners, must comply with before installing a boiler that is placed in use after a specified date; authorizing the department to adopt rules; conforming provisions to changes made by the act; amending s. 554.104, F.S.; deleting a provision relating to boilers of special design which is recreated in s. 554.103, F.S.; requiring certification of boiler inspectors; requiring an application for a certification examination; specifying qualifications and requirements for the certification examination; requiring the department to adopt a specified training course; providing authorized methods and requirements for the training course; requiring the chief boiler inspector to issue a certificate of competency to a person meeting certain requirements; providing procedures for renewing a certificate; authorizing the department to adopt rules; amending s. 554.105, F.S.; renaming the chief inspector as the chief boiler inspector; revising requirements for the department through the state boiler inspection program; amending s. 554.106, F.S.; renaming deputy inspectors as deputy boiler inspectors; specifying required and authorized duties of deputy boiler inspectors; amending s. 554.107, F.S.; renaming special inspectors as special boiler inspectors; revising entities that may employ special boiler inspectors; specifying required inspection intervals for special boiler inspectors; amending s. 554.108, F.S.; providing an exemption, under certain conditions, from inspection requirements; specifying duties of an owner or an owner's designee to allow an inspector to conduct inspections; specifying requirements for boiler inspections and inspection reports; revising conditions that require a boiler to be shut down; revising requirements and procedures for a boiler that must be shut down; providing construction; authorizing the department to adopt rules; creating s. 554.1081, F.S.; revising requirements for boiler inspections by insurance companies and local governmental agencies; amending s. 554.109, F.S.; conforming provisions to changes made by the act; revising the boilers that are exempt from regulation under the chapter; revising requirements for certain

exempt boilers and water heaters; amending s. 554.1101, F.S.; conforming provisions to changes made by the act; requiring a boiler insurance company to notify, within a specified timeframe, the chief boiler inspector under certain circumstances; requiring a certificateholder to submit a certain certificate of insurance to the chief boiler inspector under certain circumstances; amending s. 554.111, F.S.; requiring an application for a boiler permit to include a specified fee; requiring the chief boiler inspector to deposit fines into a specified trust fund; conforming provisions to changes made by the act; repealing ss. 554.112 and 554.113, F.S., relating to examinations, and certification of inspectors and renewals, respectively; amending s. 554.114, F.S.; revising prohibited acts; providing penalties for a boiler insurance company or authorized inspection agency that fails to conduct certain inspections; providing an exception; conforming provisions to changes made by the act; amending s. 554.115, F.S.; adding authorized disciplinary actions for the department; adding specified grounds for disciplinary action against an owner of a boiler; revising grounds for disciplinary action against a boiler inspector; deleting a provision requiring a chief inspector to report certain persons to the state attorney; deleting a provision authorizing certain administrative action by the chief inspector; deleting a provision relating to the duration of a suspended certificate of compliance; creating s. 554.1151, F.S.; authorizing the department to impose specified administrative fines in lieu of or in addition to certain disciplinary actions; authorizing procedures for payment of fines by a certificateholder; requiring a certificate to be revoked under certain circumstances; amending s. 624.307, F.S.; authorizing the department to expend funds for professional development of its employees; amending s. 626.015, F.S.; defining terms; conforming a cross-reference; amending s. 626.207, F.S.; defining the term "applicant"; revising a list of felonies subject to a permanent bar from licensure; revising a condition for when certain disqualifying periods begin; conforming cross-references; providing an exception from a permanent bar on or disqualifying periods for cases of executive clemency; providing construction; amending s. 626.221, F.S.; providing an exception from an examination requirement for an all-lines adjuster license applicant with a specified designation; amending s. 626.2815, F.S.; specifying the education hours that may be completed to meet continuing education requirements for such a designation; amending s. 626.8734, F.S.; providing an exception from an examination requirement for nonresident all-lines adjuster license applicants who hold certain certifications; amending s. 626.9954, F.S.; revising a list of felonies subject to a permanent bar from licensure; revising conditions for when certain disqualifying periods begin; conforming cross-references; providing an exception from a permanent bar on or disqualifying periods for cases of executive clemency; providing construction; amending s. 626.2815, F.S.; authorizing the department to approve a certain number of elective continuing education credits for certain insurance licensees; providing an exception from a certain continuing education requirement for such licensees; amending s. 626.611, F.S.; deleting a condition for the involvement of moral turpitude in felonies or certain crimes in relation to compulsory disciplinary actions by the department against certain entities' licenses or appointments; conforming a cross-reference; amending s. 626.621, F.S.; revising grounds for the department's discretionary refusal, suspension, or revocation of the license or appointment of certain persons; amending s. 626.7845, F.S.; revising an exception to the prohibition against the unlicensed transaction of life insurance; conforming a cross-reference; amending s. 626.8305, F.S.; revising an exception to the prohibition against the unlicensed transaction of health insurance; conforming a cross-reference; amending s. 626.861, F.S.; authorizing certain insurer employees to adjust specified claim losses or damage; amending s. 626.9543, F.S.; removing the scheduled expiration of a requirement for insurers to permit claims from a Holocaust victim or certain related persons irrespective of certain conditions; removing the scheduled expiration of an exception from statutes of limitations or laches for certain actions brought by Holocaust victims or certain related persons; amending s. 633.516, F.S.; authorizing the Division of State Fire Marshal within the division to contract for studies of, rather than to make a continuous study of, occupational diseases of firefighters; adding persons in other fire-related fields to such studies; authorizing the division to release confidential information of an individual firefighter or a person in another fire-related field to certain parties under certain circumstances; amending s. 768.28, F.S.; providing exceptions in tort claims against a county from requirements that a claimant present the written claim to the department within a specified timeframe and serve process upon the department; amending ss. 288.706, 626.7315, and 627.351, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 986**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 925** was withdrawn from the Committees on Banking and Insurance; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Stargel—

CS for CS for HB 925—A bill to be entitled An act relating to the Department of Financial Services; amending s. 17.575, F.S.; replacing, within the Division of Treasury, the Treasury Investment Committee with the Treasury Investment Council; specifying the composition and term length of members; specifying duties of the council; providing that members shall serve without additional compensation or honorarium but may receive per diem and travel expense reimbursement; amending s. 215.422, F.S.; providing applicability of certain requirements relating to payments, warrants, and invoices to payments made in relation to certain agreements funded with federal or state assistance; reordering and amending s. 554.1021, F.S.; defining and redefining terms; amending s. 554.103, F.S.; requiring, rather than authorizing, the Department of Financial Services to adopt amendments and interpretations of a specified code into the State Boiler Code; revising requirements that installers, rather than owners, must comply with before installing a boiler; authorizing the department to adopt rules; conforming provisions to changes made by the act; amending s. 554.104, F.S.; deleting a provision relating to boilers of special design which is recreated in s. 554.103, F.S.; requiring certification of boiler inspectors; requiring an application for a certification examination; specifying qualifications and requirements for the certification examination; requiring the department to adopt a specified training course; providing authorized methods and requirements for the training course; requiring the chief boiler inspector to issue a certificate of competency to a person meeting certain requirements; providing procedures for renewing a certificate; authorizing the department to adopt rules; amending s. 554.105, F.S.; renaming the chief inspector as the chief boiler inspector; revising requirements for the department through the state boiler inspection program; amending s. 554.106, F.S.; renaming deputy inspectors as deputy boiler inspectors; specifying required and authorized duties of deputy boiler inspectors; amending s. 554.107, F.S.; renaming special inspectors as special boiler inspectors; revising entities that may employ special boiler inspectors; specifying required inspection intervals for special boiler inspectors; amending s. 554.108, F.S.; providing an exemption, under certain conditions, from inspection requirements; specifying duties of an owner or an owner's designee to allow an inspector to conduct inspections; specifying requirements for boiler inspections and inspection reports; providing a penalty against an insurance carrier if certain followup inspections are not conducted; revising conditions that require a boiler to be shut down; revising requirements and procedures for a boiler that must be shut down; providing construction; authorizing the department to adopt rules; creating s. 554.1081, F.S.; revising requirements for boiler inspections by insurance companies and local governmental agencies; amending s. 554.109, F.S.; conforming provisions to changes made by the act; revising boilers that are exempt from regulation under the chapter; revising requirements for certain exempt boilers and water heaters; amending s. 554.1101, F.S.; conforming provisions to changes made by the act; requiring a boiler insurance company to notify, within a specified timeframe, the chief boiler inspector under certain circumstances; requiring a certificateholder to submit a certain certificate of insurance to the chief boiler inspector under certain circumstances; amending s. 554.111, F.S.; requiring an application for a boiler permit to include a specified fee; requiring the chief boiler inspector to deposit fines into a specified trust fund; conforming provisions to changes made by the act; repealing ss. 554.112 and 554.113, F.S., relating to examinations, and certification of inspectors and renewals, respectively; amending s. 554.114, F.S.; revising prohibited acts; providing penalties for a boiler insurance company or authorized inspection agency that fails to conduct certain inspections; conforming provisions to changes made by the act; amending s. 554.115, F.S.; adding authorized disciplinary actions for the department; adding specified grounds for disciplinary action against an owner of a boiler; revising grounds for disciplinary action against a boiler inspector; deleting a provision requiring a chief inspector to report certain persons to the state attorney; deleting a provision authorizing certain administrative action by the chief inspector; deleting a provision relating to the duration of a suspended certificate of compliance; creating s. 554.1151, F.S.; authorizing the department to impose specified administrative fines in lieu of or in addition to certain

disciplinary actions; authorizing procedures for payment of fines by a certificateholder; requiring a certificate to be revoked under certain circumstances; amending s. 624.307, F.S.; authorizing the department to expend funds for professional development of its employees; amending s. 626.015, F.S.; defining terms; conforming a cross-reference; amending s. 626.207, F.S.; defining the term "applicant"; revising a list of felonies subject to a permanent bar from licensure; revising a condition for when certain disqualifying periods begin; conforming cross-references; providing an exception from a permanent bar on or disqualifying periods for cases of executive clemency; providing construction; amending s. 626.9954, F.S.; revising a list of felonies subject to a permanent bar from licensure; revising conditions for when certain disqualifying periods begin; conforming cross-references; providing an exception from a permanent bar on or disqualifying periods for cases of executive clemency; providing construction; amending s. 626.221, F.S.; revising qualifications for exemption from examinations for applicants for a license as an all-lines adjuster; amending s. 626.2815, F.S.; authorizing the department to approve a certain number of elective continuing education credits for certain insurance licensees; providing exceptions from a certain continuing education requirement for such licensees; amending s. 626.8734, F.S.; providing an exemption from the nonresident examination requirement for certain all-lines adjusters; amending s. 626.611, F.S.; deleting a condition for the involvement of moral turpitude in felonies or certain crimes in relation to compulsory disciplinary actions by the department against certain entities' licenses or appointments; conforming a cross-reference; amending s. 626.621, F.S.; revising grounds for the department's discretionary refusal, suspension, or revocation of the license or appointment of certain persons; amending s. 626.7845, F.S.; revising an exception to the prohibition against the unlicensed transaction of life insurance; conforming a cross-reference; amending s. 626.8305, F.S.; revising an exception to the prohibition against the unlicensed transaction of health insurance; conforming a cross-reference; amending s. 626.861, F.S.; authorizing certain insurer employees to adjust specified claim losses or damage; amending s. 626.9543, F.S.; removing the scheduled expiration of a requirement for insurers to permit claims from a Holocaust victim or certain related persons irrespective of certain conditions; removing the scheduled expiration of an exception from statutes of limitations or laches for certain actions brought by Holocaust victims or certain related persons; amending s. 633.516, F.S.; authorizing the Division of State Fire Marshal within the division to contract for studies of, rather than to make a continuous study of, occupational diseases of firefighters; adding persons in other fire-related fields to such studies; authorizing the division to release confidential information of an individual firefighter or a person in another fire-related field to certain parties under certain circumstances; amending s. 658.21, F.S.; revising requirements relating to the financial institution experience of certain proposed directors and officers of a proposed bank or trust company; amending s. 658.33, F.S.; revising the residency requirement for certain directors of a bank or trust company; revising requirements relating to the financial institution experience of certain officers of a bank or trust company; amending s. 768.28, F.S.; providing exceptions in tort claims against a county from requirements that a claimant present the written claim to the department within a specified timeframe and serve process upon the department; amending ss. 288.706, 626.7315, and 627.351, F.S.; conforming cross-references; repealing s. 43.19, F.S., relating to the disposition of certain money paid into a court which is unclaimed; amending s. 45.031, F.S.; revising the time periods within which certain persons must file claims for certain unclaimed surplus funds; amending s. 45.032, F.S.; deleting provisions defining and specifying the powers of a "surplus trustee"; authorizing specified entities to claim surplus funds that remain after a judicial sale; specifying procedures for those entities to receive such funds; specifying procedures for the clerk to use in handling surpluses that remain unclaimed; specifying the entities eligible for the surplus once the funds have been remitted to the department; conforming provisions to changes made by the act; amending s. 45.033, F.S.; conforming a provision to changes made by the act; repealing s. 45.034, F.S., relating to qualifications and appointment of a surplus trustee in foreclosure actions; amending s. 45.035, F.S.; revising service charges that a clerk may receive and deduct from surplus amounts; amending s. 717.113, F.S.; exempting certain funds remaining after a judicial sale and held in a court registry from becoming payable or distributable and subject to certain reporting requirements; amending ss. 717.124, 717.138, and 717.1401, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 986** and read the second time by title.

Pursuant to Rule 7.1(1), there being no objection, consideration of the following late-filed amendment was allowed:

Senator Stargel moved the following amendment which was adopted:

Amendment 1 (658314) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Section 17.575, Florida Statutes, is amended to read:

17.575 Administration of funds; Treasury Investment *Council* ~~Committee~~.—

(1) There is created a Treasury Investment *Council* ~~Committee~~ within the Division of Treasury consisting of at least five members*, at least three of whom are professionals from the private sector,* who must possess special knowledge, experience, and familiarity in finance, investments, or accounting. The members of the *council must* ~~committee shall~~ be appointed by and serve at the pleasure of the Chief Financial Officer. *Each member shall serve a term of 4 years from the date of appointment.* The *council* ~~committee~~ shall annually elect a chair and vice chair from among its *members* ~~membership~~.

(2) *The council shall review the investments required by s. 17.57; meet with staff of the Division of Treasury at least biannually; and provide recommendations to the Division of Treasury and the Chief Financial Officer regarding investment policy, strategy, and procedures* ~~The committee shall administer the Treasury Investment Program consistent with policies approved by the Chief Financial Officer for deposits and investments of public funds. The committee shall also make recommendations regarding investment policy to the Chief Financial Officer~~.

(3) *Members of the council shall serve without additional compensation or honorarium, but may receive per diem and reimbursement for travel expenses as provided in s. 112.061* ~~The committee shall submit an annual report outlining its activities and recommendations to the Chief Financial Officer and the Joint Legislative Auditing Committee. The report shall be submitted on August 15, 2009, and annually thereafter~~.

Section 2. Present subsections (14) through (16) of section 215.422, Florida Statutes, are redesignated as subsections (15) through (17), respectively, and a new subsection (14) is added to that section, to read:

215.422 Payments, warrants, and invoices; processing time limits; dispute resolution; agency or judicial branch compliance.—

(14) All requirements set forth in this section apply to payments made in accordance with s. 215.971.

Section 3. Section 554.1021, Florida Statutes, is reordered and amended to read:

554.1021 Definitions.—As used in *this chapter, the term* ~~ss. 554.1011-554.115~~:

(3)~~(1)~~ "Boiler" means a closed vessel in which water or other liquid is heated, steam or vapor is generated, steam is superheated, or any combination of these functions is accomplished, under pressure or vacuum, for use external to itself, by the direct application of energy from the combustion of fuels or from electricity or solar energy. The term "boiler" includes fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves. The varieties of boilers are as follows:

(f)~~(a)~~ "Power boiler" means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig.

(b) "High pressure, high temperature water boiler" means a water boiler operating at pressures exceeding 160 psig or temperatures exceeding 250 °F.

(a)~~(c)~~ "Heating boiler" means a steam or vapor boiler operating at pressures not exceeding 15 psig, or a hot water boiler operating at pressures not exceeding 160 psig or temperatures not exceeding 250 °F.

(c)~~(d)~~ "Hot water supply boiler" means a boiler or a lined storage water heater supplying heated water for use external to itself operating at a pressure not exceeding 160 psig or temperature not exceeding 250 ° F.

(g)~~(e)~~ "Secondhand boiler" means a boiler that has changed ownership and location subsequent to its original installation and use.

(d) "Inservice boiler" means a boiler placed in use after test firing and required inspections have been satisfactorily completed.

(e) "Operating boiler" means a boiler connected and ready for use.

(h) "Secured boiler" means a boiler that has been:

1. Physically disconnected from the system, including disconnection from fuel, water, steam, electricity, and stack; or

2. Locked out and tagged out in accordance with the Occupational Safety and Health Administration's standard relating to the control of hazardous energy and lockout or tagout in 29 C.F.R. s. 1910.147, as adopted by rule of the department.

(9)~~(2)~~ "Public assembly locations" *includes* ~~include~~ schools, day care centers, community centers, churches, theaters, hospitals, nursing and convalescent homes, stadiums, amusement parks, and other locations open to the general public.

(5)~~(3)~~ "Certificate inspection" means an inspection *whose* ~~the~~ report ~~of which~~ is used by the chief *boiler* inspector to determine whether or not a certificate *of operation* may be issued.

(7)~~(4)~~ "Certificate of *operation* ~~compliance~~" means a document issued to the owner of a boiler which authorizes the owner to operate the boiler, subject to any restrictions endorsed thereon.

(6)~~(5)~~ "Certificate of competency" means a document issued to a person who has satisfied the minimum competency requirements for boiler inspectors under *this chapter* ~~ss. 554.1011-554.115~~.

(8)~~(6)~~ "Department" means the Department of Financial Services.

(1)~~(7)~~ "A.S.M.E." means the American Society of Mechanical Engineers.

(2) "Authorized inspection agency" means:

(a) Any county, municipality, town, or other governmental subdivision that has adopted into law the Boiler and Pressure Vessel Code of the A.S.M.E. and the National Board Inspection Code for the construction, installation, inspection, maintenance, and repair of boilers to regulate boilers in public assembly locations, and whose boiler inspectors hold valid certificates of competency in accordance with s. 554.104;

(b) An insurer authorized by a subsisting certificate of authority, issued by the Office of Insurance Regulation, to transact boiler and machinery insurance in this state, and whose boiler inspectors hold valid certificates of competency in accordance with s. 554.104; or

(c) An inspecting agency accredited in accordance with the National Board of Boiler and Pressure Vessel Inspector's program entitled "Accreditation of Authorized Inspection Agencies (AIA) Performing Inservice or Repair/Alteration Inspection Activities," document number NB-369, and whose boiler inspectors hold valid certificates of competency in accordance with s. 554.104. The department shall by rule require an inspection agency authorized pursuant to this paragraph to maintain financial security adequate to indemnify the owner of the boiler if such agency's negligence or failure to inspect an uninsured boiler results in a loss. Such inspection agency may inspect uninsured boilers or, at the direction of an insurance company, may inspect a boiler insured by that insurance company.

(4) "Boiler insurance company" means a company authorized by a subsisting certificate of authority, issued by the Office of Insurance Regulation, to transact boiler and machinery insurance in this state.

Section 4. Section 554.103, Florida Statutes, is amended to read:

554.103 Boiler code.—The department shall adopt by rule a State Boiler Code for the safe construction, installation, inspection, maintenance, and repair of boilers in this state. The rules adopted shall be based upon and shall at all times follow generally accepted nationwide engineering standards, formulas, and practices pertaining to boiler construction and safety.

(1) The department shall adopt an existing code for new construction and installation known as the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, including all amendments and interpretations ~~approved thereto by the Council on Codes and Standards of A.S.M.E. The department may adopt amendments and interpretations~~ to the A.S.M.E. Boiler and Pressure Vessel Code approved by the A.S.M.E. Council on Codes and Standards subsequent to the adoption of the State Boiler Code, and when so adopted *by the department*, such amendments and interpretations ~~shall~~ become a part of the State Boiler Code.

(2) The *installer* ~~owner~~ of any boiler placed in use in this state *after January 1, 2018, must, before installing the boiler, apply on a form adopted by rule of the department for a permit to install the boiler from the chief boiler inspector. The application must include the boiler's A.S.M.E. manufacturer's data report and other documents required by the State Boiler Code before the boiler is placed in service. The installer must contact the chief boiler inspector to schedule an inspection for each boiler no later than 7 days before the boiler is placed in service* ~~after October 1, 1987, shall submit the A.S.M.E. manufacturer's data report on such boiler to the chief inspector not more than 90 days following the inservice date of the boiler~~.

(3) The maximum allowable working pressure of a boiler carrying the A.S.M.E. code symbol *must* ~~shall~~ be determined by the applicable sections of the code under which it was constructed and stamped. Subject to the concurrence of the chief *boiler* inspector, such boiler may be rerated in accordance with the standards of the State Boiler Code.

(4) The maximum allowable working pressure of a boiler *that* ~~which~~ does not carry the A.S.M.E. code symbol *must* ~~shall~~ be computed in accordance with the standards of the State Boiler Code.

(5) *This chapter may not* ~~Nothing in ss. 554.1011-554.115 shall~~ be construed to in any way prevent the use, sale, or reinstallation of a boiler if such boiler has been made to conform to the applicable provisions of the State Boiler Code governing existing installations and if, upon inspection, the boiler has been found to be in a safe condition.

(6) The department, at its discretion, may authorize the construction, installation, and operation of boilers of special design or construction which do not meet the specific requirements of the State Boiler Code, but which are consistent with the intent of the safety objectives of the code.

(7) The department may adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this chapter. Such rules may include specifying the procedures and forms to be used to obtain an installation permit, an initial certificate, or a renewal certificate, and the submission of reports and notices required under this chapter.

Section 5. Section 554.104, Florida Statutes, is amended to read:

554.104 *Certification of boiler inspectors required; application; qualifications; renewal* ~~Boilers of special design.—The department, at its discretion, may authorize the construction, installation, and operation of boilers of special design or construction that do not meet the specific requirements of the State Boiler Code but are not inconsistent with the intent of the safety objectives of such code.~~

(1) CERTIFICATE REQUIRED.—A person may not be, act as, or advertise or hold himself or herself out to be an inspector of a boiler that is subject to regulation by this chapter, unless he or she currently holds a certificate of competency issued by the department.

(2) APPLICATION.—A person who desires to be certified to inspect boilers that are subject to regulation by this chapter must apply in writing to the department to take the certification examination.

(3) QUALIFICATIONS.—A person is qualified to take the certification examination if the person:

(a) Has submitted the application for examination together with the fee required under s. 554.111(1)(a);

(b) Is at least 18 years of age;

(c) Has completed the 2-hour training course under subsection (4) on the requirements of this chapter and any related rules adopted by the department. The course must be completed no later than 12 months before issuance of an initial or renewal certificate; and

(d) Has:

1. At least 3 years of experience in the construction, installation, inspection, operation, maintenance, or repair of high pressure, high temperature water boilers; or

2. Met the requirements to qualify as a commissioned inspector by the National Board of Boiler and Pressure Vessel Inspectors as set forth in NB-263, RCI-1, Rules for Commissioned Inspectors, as adopted by rule of the department.

(4) TRAINING COURSE.—The department shall adopt by rule a 2-hour training course on the requirements of this chapter and any related rules adopted by the department. The department shall make the training course available online and may make the course available in a classroom setting. A boiler insurance company may include the department's course as part of its in-house training of a boiler inspector student, in lieu of the student taking the online training course. A boiler insurance company that includes the department's course in its in-house training of a boiler inspector student must indicate that the student completed the training on an application filed with the department for certification of competency.

(5) EXAMINATION.—A person applying for a certificate of competency must have successfully passed the examination administered by the National Board of Boiler and Pressure Vessel Inspectors and be eligible to obtain a National Board commission.

(6) ISSUANCE OF CERTIFICATE.—The chief boiler inspector must issue a certificate of competency to each person who is qualified under this section and who holds a commission from the National Board of Boiler and Pressure Vessel Inspectors.

(7) RENEWAL OF CERTIFICATE.—A certificate of competency expires on December 31 of each year and may be renewed upon the filing of a renewal application with the department. A secured electronic application must be used, if available on the department's website.

(8) RULES.—The department may adopt rules necessary to administer this section.

Section 6. Section 554.105, Florida Statutes, is amended to read:

554.105 Chief *boiler* inspector.—

(1) The Chief Financial Officer shall appoint a chief *boiler* inspector, who *must have at least* ~~shall have not less than~~ 5 years' experience in the construction, installation, inspection, operation, maintenance, or repair of high pressure, high temperature water boilers and who *must* ~~shall~~ hold a commission from the National Board of Boiler and Pressure Vessel Inspectors or a certificate of competency from the department.

(2) The department, through the chief *boiler* inspector, shall administer the state boiler inspection program, and shall:

(a) Take *all* action necessary to enforce the State Boiler Code and the rules adopted pursuant to *this chapter* ~~ss. 554.1011-554.115~~.

(b) Keep a complete record on all boilers at public assembly locations. Such record *must* ~~shall~~ include the name of each boiler owner or user and the location, type, ~~dimensions,~~ maximum allowable working pressure, age, ~~and~~ last recorded inspection of each boiler*, and any other information necessary to expedite the certification process*.

(c) ~~Publish and make available to anyone, upon request, copies of the rules adopted pursuant to ss. 554.1011-554.115.~~

~~(d)~~ Expend funds necessary to meet the expenses authorized by *this chapter* ~~ss. 554.1011-554.115~~, including the necessary travel expenses of the chief *boiler* inspector and deputy *boiler* inspectors, and the expenses incident to the maintenance of *this* ~~his or her~~ office.

Section 7. Section 554.106, Florida Statutes, is amended to read:

554.106 Deputy *boiler* inspectors.—

(1) The department shall employ deputy *boiler* inspectors who shall be responsible to the chief *boiler* inspector ~~and who shall each hold a certificate of competency from the department~~.

(2) A deputy boiler inspector shall perform inspections of uninsured boilers that are subject to regulation under this chapter, in accordance with the inspection frequency set forth in s. 554.108. A deputy boiler inspector may also engage in public outreach activities of the department and conduct other duties as assigned by the chief boiler inspector.

Section 8. Section 554.107, Florida Statutes, is amended to read:

554.107 Special *boiler* inspectors.—

(1) Upon application by any *authorized inspection agency* ~~company licensed to insure boilers in this state~~, the chief *boiler* inspector shall issue a certificate of competency as a special *boiler* inspector to any inspector employed by the *authorized inspection agency* ~~company~~, *if* ~~provided that~~ such *boiler* inspector satisfies the competency requirements for inspectors as provided in *s. 554.104* ~~s. 554.113~~. *Special boiler inspectors shall perform inspections of insured boilers in accordance with the inspection frequency set forth in s. 554.108.*

(2) The certificate of competency of a special *boiler* inspector *remains* ~~shall remain~~ in effect only so long as the special *boiler* inspector is employed by *an authorized inspection agency* ~~a company licensed to insure boilers in this state~~. Upon termination of employment with such company, *such company* ~~a special inspector~~ shall, in writing, notify the chief *boiler* inspector of such *special boiler inspector's* termination. Such notice *must* ~~shall~~ be given within 15 days following the date of termination.

Section 9. Subsections (1), (2), (4), and (5) of section 554.108, Florida Statutes, are amended, and subsection (6) is added to that section, to read:

554.108 Inspection.—

(1) *The inspection requirements of this chapter apply only to boilers located in public assembly locations. A potable hot water supply boiler with a heat input of 200,000 British thermal units (Btu) per hour and above, up to a heat input not exceeding 400,000 Btu per hour, is exempt from inspection, but must be stamped with the A.S.M.E. code symbol "HLW" and the boiler's A.S.M.E data report must be filed as required under s. 554.103(2)* ~~The only boilers required to be inspected under the provisions of ss. 554.1011-554.115 are boilers located in public assembly locations~~.

(2) Each inspection of a boiler conducted pursuant to *this chapter must* ~~ss. 554.1011-554.115 shall~~ be made by the chief *boiler* inspector, a deputy *boiler* inspector, or a special *boiler* inspector. *An owner, or the owner's designee, shall perform all operation, testing, manipulation of boiler controls and safety devices, removal of lagging, and disassembly of boiler components to allow the chief boiler inspector, deputy boiler inspector, or special boiler inspector to conduct inspections as required by this section.*

(4) *Each boiler subject to inspection must be inspected within 30 days after expiration of the boiler's certificate of operation. However, an inspection report must be received by the chief boiler inspector no later than 30 days after the projected expiration date of the certificate of operation. If, upon inspection, the chief boiler inspector, deputy boiler inspector, or special boiler inspector finds that a boiler is in violation of any provision of the State Boiler Code, the inspector must promptly notify the owner or user and state what repairs or other corrective measures are needed.* Deputy *boiler* inspectors and special *boiler* inspectors shall file a written report*, on a form adopted by rule of the department,* on each certificate inspection with the chief *boiler* inspector within 15 days *after the* ~~following such~~ inspection. *A certificate inspection report must list all violations of the State Boiler Code and any conditions that may adversely affect the operation of the boiler.* The filing of reports of inspections*,* other than *statutorily required* ~~certificate~~ inspections*, is* ~~are~~ not re-

quired unless such inspections disclose that a boiler is in an unsafe condition *or unless the boiler has failed and requires major repair or replacement. The inspection report must list the extent of damage to the boiler, as well as the cause of the failure, if known, and any other pertinent information. However, an inspection report must be filed for any inspection performed on a boiler with a previously identified code violation. The report must indicate whether the violation has been corrected. The agency responsible for conducting the inspection must perform followup inspections, not more than every 6 months, of a previously identified code violation until it is corrected.*

(5) Upon *a determination by the chief boiler inspector* ~~determining~~ that a boiler *cannot be safely operated,* ~~is in an unsafe condition and poses an imminent danger to the public health, safety, and welfare, the chief inspector, a deputy inspector, or a special inspector may immediately order~~ the boiler *must immediately* ~~to~~ be shut down. *The chief boiler inspector or a deputy boiler inspector shall attach a tag to the boiler indicating that the boiler has been shut down due to an unsafe condition.* The boiler *must* ~~shall~~ remain shut down until a reinspection by *the chief boiler inspector or a deputy boiler* ~~a certified~~ inspector determines that ~~all violations have been corrected, that~~ the boiler may be operated safely~~, and that a certificate of compliance has been issued~~. *A boiler that may not be safely operated, as determined by the chief boiler inspector, is deemed to constitute an imminent danger to the public health, safety, and welfare.*

(6) The department may adopt rules necessary to administer this section.

Section 10. Section 554.1081, Florida Statutes, is created to read:

554.1081 Boiler inspections by insurance companies and local governmental agencies.—

(1) An insurance company insuring a boiler located in a public assembly location in this state shall inspect, or shall contract with an authorized inspection agency to inspect, the insured boiler. A boiler insurance company shall annually report to the department the name of any authorized inspection agency performing any required boiler inspections on its behalf and shall actively monitor insured boilers to ensure that inspections are conducted as required by this chapter.

(2) A county, municipality, town, or other governmental subdivision that has adopted into law the Boiler and Pressure Vessel Code of the A.S.M.E. and the National Board Inspection Code for the construction, installation, inspection, maintenance, and repair of boilers to regulate boilers in public assembly locations may inspect such boilers. All boiler inspections must be conducted by special boiler inspectors in accordance with this chapter.

Section 11. Section 554.109, Florida Statutes, is amended to read:

554.109 Exemptions.—

~~(1) Any insurance company insuring a boiler located in a public assembly location in this state shall inspect such boiler so insured, and any county, city, town, or other governmental subdivision which has adopted into law the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers and the National Board Inspection Code for the construction, installation, inspection, maintenance, and repair of boilers, regulating such boilers in public assembly locations, shall inspect such boilers so regulated; provided that such inspection shall be conducted by a special inspector licensed pursuant to ss. 554.1011-554.115. Upon filing of a report of satisfactory inspection with the department, such boiler is exempt from inspection by the department.~~

~~(2) The provisions of~~ This chapter *does* ~~shall~~ not apply to *potable* hot water supply boilers or lined storage water heaters *that* ~~which~~ are directly fired with oil, gas, electricity, or solar energy, provided that none of the following limitations *is* ~~are~~ exceeded:

(1)~~(a)~~ Heat input of 400,000 Btu per hour.

(2)~~(b)~~ Water temperature of 210 degrees Fahrenheit.

(3)~~(c)~~ Nominal water-containing capacity of 120 gallons.

~~These exempt hot water supply boilers and lined storage water heaters shall be equipped with safety relief valves conforming to the requirements of the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers and of the National Board Inspection Code.~~

Section 12. Section 554.1101, Florida Statutes, is amended to read:

554.1101 Certificate of *operation* ~~compliance~~.—

(1) If an inspection report filed pursuant to s. 554.108 shows a boiler to be in compliance with all applicable provisions of the State Boiler Code, the chief *boiler* inspector *must* ~~shall~~, upon receipt of the inspection fee, issue a certificate of *operation* ~~compliance~~ to the owner. Such certificate *must* ~~shall~~ bear the date of the inspection and specify the maximum pressure at which the boiler may be operated.

(2) The certificate for a power boiler or a high pressure, high temperature water boiler is valid for a period of 12 months from the date of the certificate inspection. The certificate for a heating boiler or a hot water supply boiler is valid for a period of 24 months from the date of the certificate inspection. The certificate *must* ~~shall~~ be posted under glass, or be similarly protected, in the room containing the boiler.

(3) A boiler insurance company shall notify the chief boiler inspector within 30 days after the issuance of a new or renewal boiler and machinery insurance policy, or the cancellation or nonrenewal of a boiler and machinery insurance policy, covering places of public assembly in this state.

(4) If the chief boiler inspector has knowledge that a boiler regulated under this chapter was covered by a boiler and machinery insurance policy after its most recent certification inspection, the certificateholder must, upon the request of the chief boiler inspector, submit its certificate of boiler and machinery insurance for the boiler if the department has not received the special boiler inspector's annual inspection report within 30 days after its due date.

Section 13. Section 554.111, Florida Statutes, is amended to read:

554.111 Fees.—

(1) The department shall charge the following fees:

(a) For an applicant for a certificate of competency, the initial application fee shall be $50, and the annual renewal fee shall be $30. The fee for examination shall be $50.

(b) For certificate inspections conducted by the department:

1. For power boilers and high pressure, high temperature water boilers of:

4,000 square feet or less heating surface $60

More than 4,000 square feet heating surface and less than 10,000 square feet of heating surface. $70

10,000 square feet or more heating surface. $90

2. For heating boilers:

Without a manhole. $40

With a manhole $70

3. For hot water supply boilers $40

(c) For issuance of a ~~compliance~~ certificate *of operation* without a department inspection $30

(d) Duplicate certificates or addresschanges $5

(e) An application for a boiler permit must include the applicable certificate inspection fee provided in paragraph (b).

(2) Not more than an amount equal to one certificate inspection fee *may* ~~shall~~ be charged or collected for any and all boiler inspections in any inspection period, except as otherwise provided in *this chapter* ~~ss. 554.1011-554.115~~.

(a) When it is necessary to make a special trip to observe the application of a hydrostatic test, an additional fee equal to the fee for a certificate inspection of the boiler *must* ~~shall~~ be charged.

(b) All other inspections, including shop inspections, surveys, and inspections of secondhand boilers made by the chief *boiler* inspector or a deputy *boiler* inspector, *must* ~~shall~~ be charged at the rate of not less than $270 for one-half day of 4 hours, and $500 for 1 full day of 8 hours, plus travel, hotel, and incidental expenses in accordance with chapter 112.

(3) The chief *boiler* inspector shall deposit all fees *or fines* received pursuant to *this chapter* ~~ss. 554.1011-554.115~~ into the Insurance Regulatory Trust Fund.

Section 14. *Sections 554.112 and 554.113, Florida Statutes, are repealed.*

Section 15. Section 554.114, Florida Statutes, is amended to read:

554.114 Prohibitions; penalties.—

(1) A person may not:

(a) Operate a boiler at a public assembly location without a valid certificate of *operation* ~~compliance~~ for that boiler;

(b) ~~Give false or forged information to the department or an inspector for the purpose of obtaining a certificate of compliance;~~

~~(c)~~ Use a certificate of *operation* ~~compliance~~ for any boiler other than for the boiler for which it was issued;

(c)~~(d)~~ Operate a boiler for which the certificate of *operation* ~~compliance~~ has been suspended*, revoked, or not renewed*;

~~(e) Give false or forged information to the department for the purpose of obtaining a certificate of competence;~~ or

(d)~~(f)~~ Inspect any boiler regulated under *this chapter* ~~the provisions of ss. 554.1011-554.115~~ without having a valid certificate of competency.

(2) *A boiler insurance company that fails to inspect or to have inspected, in accordance with this chapter, any boiler insured by the company and regulated under this chapter is subject to the penalties provided in subsection (4), unless the failure to inspect was the result of an owner's or operator's failure to provide reasonable access to the boiler* ~~Any person who violates this section is guilty of a misdemeanor of the second degree, punishable by fine as provided in s. 775.083~~.

(3) An authorized inspection agency that is under contract with a boiler insurance company and that fails to inspect, in accordance with this chapter, any boiler insured by the company and regulated under this chapter is subject to the penalties provided in subsection (4), unless the failure to inspect was the result of an owner's or operator's failure to provide reasonable access to the boiler.

(4) A boiler insurance company, authorized inspection agency, or other person in violation of this section for more than 30 days shall pay a fine of $10 per day for the first 10 days of noncompliance, $50 per day for the subsequent 20 days of noncompliance, and $100 per day for each subsequent day over 20 days of noncompliance.

Section 16. Section 554.115, Florida Statutes, is amended to read:

554.115 Disciplinary proceedings.—

(1) The department may *deny, refuse to renew,* suspend*,* or revoke a certificate of *operation* ~~compliance~~ upon proof that:

(a) The certificate has been obtained by fraud or misrepresentation;

(b) The boiler for which the certificate was issued cannot be operated safely; ~~or~~

(c) The person who received the certificate willfully or deliberately violated the State Boiler Code*, this chapter,* ~~or ss. 554.1011-554.115~~ or any *other* rule adopted pursuant to *this chapter; or* ~~ss. 554.1011-554.115.~~

(d) The owner of a boiler:

1. Operated a boiler at a public assembly location without a valid certificate of operation for that boiler;

2. Used a certificate of operation for a boiler other than the boiler for which the certificate of operation was issued;

3. Gave false or forged information to the department, to an authorized inspection agency, or to another boiler inspector for the purpose of obtaining a certificate of operation;

4. Operated a boiler after the certificate of operation for the boiler expired, was not renewed, or was suspended or revoked;

5. Operated a boiler that is in an unsafe condition; or

6. Operated a boiler in a manner that is contrary to the requirements of this chapter or any rule adopted under this chapter.

(2) The department may *deny, refuse to renew,* suspend*,* or revoke a certificate of competency upon proof that:

(a) The certificate was obtained by fraud or misrepresentation;

(b) The inspector to whom the certificate was issued is no longer qualified under *this chapter* ~~ss. 554.1011-554.115~~ to inspect boilers; or

(c) The *boiler* inspector:

1. ~~Operated a boiler at a public assembly location without a valid certificate of compliance for that boiler;~~

~~2.~~ Gave false or forged information to the department*, an authorized inspection agency,* or to another boiler inspector for the purpose of obtaining a certificate of *operation; or* ~~compliance;~~

~~3. Used a certificate of compliance for any boiler other than the boiler for which it was issued;~~

~~4. Operated a boiler for which the certificate of compliance has been suspended or revoked or has expired;~~

2.~~5.~~ Inspected any boiler regulated under *this chapter* ~~ss. 554.1011-554.115~~ without having obtained a valid certificate of competency.~~;~~

~~6. Operated a boiler that is in an unsafe condition; or~~

~~7. Operated a boiler in a manner that is contrary to the requirements of this chapter or any rule adopted under this chapter.~~

(3) Each suspension of a certificate of *operation* ~~compliance~~ or certificate of competency shall continue in effect until all violations have been corrected and, for boiler safety violations, until the boiler has been inspected *by an authorized inspector* and shown to be in a safe *working* condition.

~~(4) A person in violation of this section who does not have a valid certificate of competency shall be reported by the chief inspector to the appropriate state attorney.~~

~~(5) A person in violation of this section who has a valid certificate of competency is subject to administrative action by the chief inspector.~~

(4)~~(6)~~ A revocation of a certificate of competency is permanent, and a revoked certificate of competency may not be reinstated or a new certificate of competency issued to the same person. A suspension of a certificate of competency continues in effect until all violations have been corrected. ~~A suspension of a certificate of compliance for any boiler safety violation continues in effect until the boiler has been inspected by an authorized inspector and shown to be in safe working condition.~~

Section 17. Section 554.1151, Florida Statutes, is created to read:

554.1151 Administrative fine in lieu of or in addition to suspension, revocation, or refusal to renew a certificate of operation or competency.—

(1) If the department finds that one or more grounds exist for the suspension, revocation, or refusal to renew any certificate of operation or certificate of competency issued under this chapter, the department may,

in its discretion, in lieu of or in addition to suspension or revocation or in lieu of refusal to renew, impose upon the certificateholder an administrative penalty in an amount up to $500, or, if the department has found willful misconduct or willful violation on the part of the certificateholder, in an amount up to $3,500.

(2) The department may allow the certificateholder a reasonable period, no more than 30 days, within which to pay to the department the amount of the penalty so imposed. If the certificateholder fails to pay the penalty in its entirety to the department within the period so allowed, the certificate of that person must be suspended until the penalty is paid. If the certificateholder fails to pay the penalty in its entirety to the department within 90 days after the period so allowed, the certificate of that person must be revoked.

Section 18. Subsection (7) of section 624.307, Florida Statutes, is amended to read:

624.307 General powers; duties.—

(7) The *department and* office, within existing resources, may expend funds for the professional development of its employees, including, but not limited to, professional dues for employees who are required to be members of professional organizations; examinations leading to professional designations required for employment with the office; training courses and examinations provided through, and to ensure compliance with, the National Association of Insurance Commissioners; or other training courses related to the regulation of insurance.

Section 19. Present subsections (1), (2), and (3) and (4) through (19) of section 626.015, Florida Statutes, are redesignated as subsections (2), (3), and (4) and (6) through (21), respectively, present subsection (8) is amended, and new subsections (1) and (5) are added to that section, to read:

626.015 Definitions.—As used in this part:

(1) "Active participant" means a member in good standing of an association who attends 4 or more hours of association meetings every year, not including any department-approved continuing education course.

(5) "Association" includes the Florida Association of Insurance Agents (FAIA), the National Association of Insurance and Financial Advisors (NAIFA), the Florida Association of Health Underwriters (FAHU), the Latin American Association of Insurance Agencies (LAAIA), the Florida Association of Public Insurance Adjusters (FAPIA), the Florida Bail Agents Association (FBAA), or the Professional Bail Agents of the United States (PBUS).

(10)~~(8)~~ "Insurance agency" means a business location at which an individual, firm, partnership, corporation, association, or other entity, other than an employee of the individual, firm, partnership, corporation, association, or other entity and other than an insurer as defined by s. 624.03 or an adjuster as defined by subsection *(2)* ~~(1)~~, engages in any activity or employs individuals to engage in any activity which by law may be performed only by a licensed insurance agent.

Section 20. Section 626.207, Florida Statutes, is amended to read:

626.207 Disqualification of applicants and licensees; penalties against licensees; rulemaking authority.—

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

(a) "Applicant" means an individual applying for licensure or relicensure under this chapter, and an officer, director, majority owner, partner, manager, or other person who manages or controls an entity applying for licensure or relicensure under this chapter.

(c) "Financial services business" means any financial activity regulated by the Department of Financial Services, the Office of Insurance Regulation, or the Office of Financial Regulation.

(b)~~(2) For purposes of this section, the terms~~ "Felony of the first degree" and "capital felony" include all felonies designated as such by the Florida Statutes, as well as any felony so designated in the jurisdiction in which the plea is entered or judgment is rendered.

(2)~~(3)~~ An applicant who *has been found guilty of or has pleaded guilty or nolo contendere to any of the following crimes, regardless of adjudication, is permanently barred from licensure under this chapter:* ~~commits~~

(a) A felony of the first degree;

(b) A capital felony;

(c) A felony involving money laundering*;*~~, fraud, or~~

(d) A felony embezzlement; or

(e) A felony directly related to the financial services business ~~is permanently barred from applying for a license under this part. This bar applies to convictions, guilty pleas, or nolo contendere pleas, regardless of adjudication, by any applicant, officer, director, majority owner, partner, manager, or other person who manages or controls any applicant~~.

(3)~~(4)~~ *An applicant who has been found guilty of or has pleaded guilty or nolo contendere to a crime* ~~For all other crimes~~ not included in subsection *(2), regardless of adjudication, is subject to* ~~(3), the department shall adopt rules establishing the process and application of disqualifying periods that include~~:

(a) A 15-year disqualifying period for all felonies involving moral turpitude *which* ~~that~~ are not specifically included in the permanent bar contained in subsection *(2)* ~~(3)~~.

(b) A 7-year disqualifying period for all felonies to which neither the permanent bar in subsection *(2)* ~~(3)~~ nor the 15-year disqualifying period in paragraph (a) applies.

(c) A 7-year disqualifying period for all misdemeanors directly related to the financial services business.

(4)~~(5)~~ The department shall adopt rules *to administer this section. The rules must provide* ~~providing~~ for additional disqualifying periods due to the commitment of multiple crimes and *may include* other factors reasonably related to the applicant's criminal history. The rules shall provide for mitigating and aggravating factors. However, mitigation may not result in a period of disqualification of less than 7 years and may not mitigate the disqualifying periods in paragraphs *(3)(b) and (c)* ~~(4)(b) and (c)~~.

(5)~~(6)~~ For purposes of this section, the disqualifying periods begin upon the applicant's final release from supervision or upon completion of the applicant's criminal sentence~~, including payment of fines, restitution, and court costs for the crime for which the disqualifying period applies~~. *The department may not issue a license to an applicant unless all related fines, court costs and fees, and court-ordered restitution have been paid.*

(6)~~(7)~~ After the disqualifying period has *expired* ~~been met~~, the burden is on the applicant to demonstrate that the applicant has been rehabilitated, does not pose a risk to the insurance-buying public, is fit and trustworthy to engage in the business of insurance pursuant to s. 626.611(1)(g), and is otherwise qualified for licensure.

(7) Notwithstanding subsections (2) and (3), upon a grant of a pardon or the restoration of civil rights pursuant to chapter 940 and s. 8, Art. IV of the State Constitution with respect to a finding of guilt or a plea under subsection (2) or subsection (3), such finding or plea no longer bars or disqualifies the applicant from licensure under this chapter unless the clemency specifically excludes licensure in the financial services business; however, a pardon or restoration of civil rights does not require the department to award such license.

(8) The department shall adopt rules establishing specific penalties against licensees in accordance with ss. 626.641 and 626.651 for violations of s. 626.611, s. 626.621, s. 626.8437, s. 626.844, s. 626.935, s. 634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s. 634.423, s. 642.041, or s. 642.043. The purpose of the revocation or suspension is to provide a sufficient penalty to deter future violations of the Florida Insurance Code. The imposition of a revocation or the length of suspension shall be based on the type of conduct and the probability that the propensity to commit further illegal conduct has been overcome at the time of eligibility for relicensure. The length of suspension may be

adjusted based on aggravating or mitigating factors, established by rule and consistent with this purpose.

(9) Section 112.011 does not apply to any applicants for licensure under the Florida Insurance Code, including, but not limited to, agents, agencies, adjusters, adjusting firms, customer representatives, or managing general agents.

Section 21. Paragraph (j) of subsection (2) of section 626.221, Florida Statutes, is amended to read:

626.221 Examination requirement; exemptions.—

(2) However, an examination is not necessary for any of the following:

(j) An applicant for license as an all-lines adjuster who has the designation of Accredited Claims Adjuster (ACA) from a regionally accredited postsecondary institution in this state, Associate in Claims (AIC) from the Insurance Institute of America, Professional Claims Adjuster (PCA) from the Professional Career Institute, Professional Property Insurance Adjuster (PPIA) from the HurriClaim Training Academy, Certified Adjuster (CA) from ALL LINES Training, ~~or~~ Certified Claims Adjuster (CCA) from AE21 Incorporated*, or Universal Claims Certification (UCC) from Claims and Litigation Management Alliance (CLM)* whose curriculum has been approved by the department and which includes comprehensive analysis of basic property and casualty lines of insurance and testing at least equal to that of standard department testing for the all-lines adjuster license. The department shall adopt rules establishing standards for the approval of curriculum.

Section 22. Present paragraphs (i) and (j) of subsection (7) of section 626.2815, Florida Statutes, are redesignated as paragraphs (j) and (k), respectively, and a new paragraph (i) is added to that subsection, to read:

626.2815 Continuing education requirements.—

(7) The following courses may be completed in order to meet the elective continuing education course requirements:

(i) Any part of the Claims and Litigation Management Alliance (CLM) Universal Claims Certification (UCC) professional designation: 19 hours of elective continuing education and 5 hours of the continuing education required under subsection (3).

Section 23. Paragraph (b) of subsection (1) of section 626.8734, Florida Statutes, is amended to read:

626.8734 Nonresident all-lines adjuster license qualifications.—

(1) The department shall issue a license to an applicant for a nonresident all-lines adjuster license upon determining that the applicant has paid the applicable license fees required under s. 624.501 and:

(b) Has passed to the satisfaction of the department a written Florida all-lines adjuster examination of the scope prescribed in s. 626.241(6); however, the requirement for the examination does not apply to:

1. An applicant who is licensed as an all-lines adjuster in his or her home state if that state has entered into a reciprocal agreement with the department; ~~or~~

2. An applicant who is licensed as a nonresident all-lines adjuster in a state other than his or her home state and a reciprocal agreement with the appropriate official of the state of licensure has been entered into with the department*; or*

3. An applicant who holds a certification set forth in s. 626.221(2)(j).

Section 24. Section 626.9954, Florida Statutes, is amended to read:

626.9954 Disqualification from registration.—

(1) As used in this section, the terms "felony of the first degree" and "capital felony" include all felonies so designated by the laws of this state, as well as any felony so designated in the jurisdiction in which the plea is entered or judgment is rendered.

(2) An applicant who *has been found guilty of or has pleaded guilty or nolo contendere to the following crimes, regardless of adjudication, is permanently disqualified from registration under this part:* ~~commits~~

(a) A felony of the first degree;

(b) A capital felony;

(c) A felony involving money laundering*;* ~~, fraud, or~~

(d) A felony embezzlement; or

(e) A felony directly related to the financial services business ~~is permanently barred from applying for registration under this part. This bar applies to convictions, guilty pleas, or nolo contendere pleas, regardless of adjudication, by an applicant~~.

(3) *An applicant who has been found guilty of or has pleaded guilty or nolo contendere to a crime* ~~For all other crimes~~ not described in subsection (2), *regardless of adjudication, is subject to* ~~the department may adopt rules establishing the process and application of disqualifying periods including~~:

(a) A 15-year disqualifying period for all felonies involving moral turpitude which are not specifically included in subsection (2).

(b) A 7-year disqualifying period for all felonies not specifically included in subsection (2) or paragraph (a).

(c) A 7-year disqualifying period for all misdemeanors directly related to the financial services business.

(4) The department may adopt rules *to administer this section. The rules must provide for* ~~providing~~ additional disqualifying periods due to the commitment of multiple crimes and *may include* other factors reasonably related to the applicant's criminal history. The rules must provide for mitigating and aggravating factors. However, mitigation may not result in a disqualifying period of less than 7 years and may not mitigate the disqualifying periods in paragraph (3)(b) or paragraph (3)(c).

(5) For purposes of this section, the disqualifying periods begin upon the applicant's final release from supervision or upon completion of the applicant's criminal sentence~~, including the payment of fines, restitution, and court costs for the crime for which the disqualifying period applies~~. *The department may not issue a registration to an applicant unless all related fines, court costs and fees, and court-ordered restitution have been paid.*

(6) After the disqualifying period has *expired* ~~been met~~, the burden is on the applicant to demonstrate to the satisfaction of the department that he or she has been rehabilitated and does not pose a risk to the insurance-buying public and is otherwise qualified for registration.

(7) Notwithstanding subsections (2) and (3), upon a grant of a pardon or the restoration of civil rights pursuant to chapter 940 and s. 8, Art. IV of the State Constitution with respect to a finding of guilt or a plea under subsection (2) or subsection (3), such finding or plea no longer bars or disqualifies the applicant from applying for registration under this part unless the clemency specifically excludes licensure or specifically excludes registration in the financial services business; however, a pardon or restoration of civil rights does not require the department to award such registration.

(8)~~(7)~~ Section 112.011 does not apply to an applicant for registration as a navigator.

Section 25. Paragraph (a) of subsection (3) of section 626.2815, Florida Statutes, is amended, and paragraph (j) is added to that subsection, 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 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.

(a) Except as provided in paragraphs (b), (c), (d), (e), ~~and~~ (i), *and (j),* each licensee must also complete 19 hours of elective continuing education courses every 2 years.

(j) For a licensee who is an active participant in an association, 2 hours of elective continuing education credit per calendar year may be approved by the department, if properly reported by the association.

Section 26. Paragraph (n) of subsection (1) and subsection (2) of section 626.611, Florida Statutes, are amended to read:

626.611 Grounds for compulsory refusal, suspension, or revocation of agent's, title agency's, adjuster's, customer representative's, service representative's, or managing general agent's license or appointment.—

(1) The department shall deny an application for, suspend, revoke, or refuse to renew or continue the license or appointment of any applicant, agent, title agency, adjuster, customer representative, service representative, or managing general agent, and it shall suspend or revoke the eligibility to hold a license or appointment of any such person, if it finds that as to the applicant, licensee, or appointee any one or more of the following applicable grounds exist:

(n) Having been found guilty of or having pleaded guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country ~~which involves moral turpitude~~, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.

(2) The department shall, upon receipt of information or an indictment, immediately temporarily suspend a license or appointment issued under this chapter when the licensee is charged with a felony enumerated in *s. 626.207(2)* ~~s. 626.207(3)~~. Such suspension shall continue if the licensee is found guilty of, or pleads guilty or nolo contendere to, the crime, regardless of whether a judgment or conviction is entered, during a pending appeal. A person may not transact insurance business after suspension of his or her license or appointment.

Section 27. Subsection (8) of section 626.621, Florida Statutes, is amended, and a new subsection (15) is added to that section, to read:

626.621 Grounds for discretionary refusal, suspension, or revocation of agent's, adjuster's, customer representative's, service representative's, or managing general agent's license or appointment.—The department may, in its discretion, deny an application for, suspend, revoke, or refuse to renew or continue the license or appointment of any applicant, agent, adjuster, customer representative, service representative, or managing general agent, and it may suspend or revoke the eligibility to hold a license or appointment of any such person, if it finds that as to the applicant, licensee, or appointee any one or more of the following applicable grounds exist under circumstances for which such denial, suspension, revocation, or refusal is not mandatory under s. 626.611:

~~(8) Having been found guilty of or having pleaded guilty or nolo contendere to a felony or a crime punishable by imprisonment of 1 year or more under the law of the United States of America or of any state thereof or under the law of any other country, without regard to whether a judgment of conviction has been entered by the court having jurisdiction of such cases.~~

(15) 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 28. Subsection (2) of section 626.7845, Florida Statutes, is amended to read:

626.7845 Prohibition against unlicensed transaction of life insurance.—

(2) Except as provided in s. 626.112(6), with respect to any line of authority specified in *s. 626.015(12)* ~~s. 626.015(10)~~, *an* ~~no~~ individual *may not* ~~shall~~, unless licensed as a life agent:

(a) Solicit insurance or annuities or procure applications;

(b) In this state, engage or hold himself or herself out as engaging in the business of analyzing or abstracting insurance policies or of counseling or advising or giving opinions to persons relative to insurance or insurance contracts*, unless the individual is* ~~other than~~:

1. ~~As~~ A consulting actuary advising *insurers* ~~an insurer~~; or

2. *An employee* ~~As to the counseling and advising~~ of *a labor union, association, employer, or other business entity* ~~labor unions, associations, trustees, employers, or other business entities~~, *or* the subsidiaries and affiliates of each, *who counsels and advises such entity or entities* relative to their interests and those of their members or employees under insurance benefit plans; or

3. A trustee advising a settlor, a beneficiary, or a person regarding his or her interests in a trust, relative to insurance benefit plans; or

(c) In this state, from this state, or with a resident of this state, offer or attempt to negotiate on behalf of another person a viatical settlement contract as defined in s. 626.9911.

Section 29. Section 626.8305, Florida Statutes, is amended to read:

626.8305 Prohibition against the unlicensed transaction of health insurance.—Except as provided in s. 626.112(6), with respect to any line of authority specified in *s. 626.015(8)* ~~s. 626.015(6)~~, *an* ~~no~~ individual *may not* ~~shall~~, unless licensed as a health agent:

(1) Solicit insurance or procure applications; or

(2) In this state, engage or hold himself or herself out as engaging in the business of analyzing or abstracting insurance policies or of counseling or advising or giving opinions to persons relative to insurance contracts*, unless the individual is* ~~other than~~:

(a) ~~As~~ A consulting actuary advising insurers; ~~or~~

(b) *An employee* ~~As to the counseling and advising~~ of *a labor union, association, employer, or other business entity* ~~labor unions, associations, trustees, employers, or other business entities~~, *or* the subsidiaries and affiliates of each, *who counsels and advises such entity or entities* relative to their interests and those of their members or employees under insurance benefit plans*; or*~~.~~

(c) A trustee advising a settlor, a beneficiary, or a person regarding his or her interests in a trust, relative to insurance benefit plans.

Section 30. Subsection (1) of section 626.861, Florida Statutes, is amended to read:

626.861 Insurer's officers, insurer's employees, reciprocal insurer's representatives; adjustments by.—

(1) *This part may not* ~~Nothing in this part shall~~ be construed to prevent an executive officer of any insurer, ~~or~~ a regularly salaried employee of an insurer handling claims with respect to health insurance, *a regular employee of an insurer handling claims with respect to residential property when the sublimit coverage does not exceed $500,* or the duly designated attorney or agent authorized and acting for subscribers to reciprocal insurers, from adjusting any claim loss or damage under any insurance contract of such insurer.

Section 31. Paragraph (c) of subsection (5) and subsection (6) of section 626.9543, Florida Statutes, are amended to read:

626.9543 Holocaust victims.—

(5) PROOF OF A CLAIM.—Any insurer doing business in this state, in receipt of a claim from a Holocaust victim or from a beneficiary, descendant, or heir of a Holocaust victim, shall:

(c) Permit claims irrespective of any statute of limitations or notice requirements imposed by any insurance policy issued~~, provided the claim is submitted on or before July 1, 2018~~.

(6) STATUTE OF LIMITATIONS.—Notwithstanding any law or agreement among the parties to an insurance policy to the contrary, any action brought by Holocaust victims or by a beneficiary, heir, or a descendant of a Holocaust victim seeking proceeds of an insurance policy issued or in effect between 1920 and 1945, inclusive, *may* ~~shall~~ not be dismissed for failure to comply with the applicable statute of limitations or laches ~~provided the action is commenced on or before July 1, 2018~~.

Section 32. Section 633.516, Florida Statutes, is amended to read:

633.516 *Studies of* ~~Division to make study of firefighter employee~~ occupational diseases *of firefighters or persons in other fire-related fields*.—The division *may contract for studies, subject to the availability of funding, of* ~~shall make a continuous study of firefighter employee~~ occupational diseases *of firefighters or persons in other fire-related fields* and the ways and means for *the* ~~their~~ control and prevention *of such occupational diseases. When such a study or another study that is wholly or partly funded under an agreement, including a contract or grant, with the department tracks a disease of an individual firefighter or a person in another fire-related field, the division may, with associated security measures, release the confidential information, including a social security number, of that individual to a party who has entered into an agreement with the department* ~~and shall adopt rules necessary for such control and prevention. For this purpose, the division is authorized to cooperate with firefighter employers, firefighter employees, and insurers and with the Department of Health~~.

Section 33. Paragraph (a) of subsection (6) and subsection (7) of section 768.28, Florida Statutes, are amended to read:

768.28 Waiver of sovereign immunity in tort actions; recovery limits; limitation on attorney fees; statute of limitations; exclusions; indemnification; risk management programs.—

(6)(a) An action may not be instituted on a claim against the state or one of its agencies or subdivisions unless the claimant presents the claim in writing to the appropriate agency, and also, except as to any claim against a municipality*, county,* or the Florida Space Authority, presents such claim in writing to the Department of Financial Services, within 3 years after such claim accrues and the Department of Financial Services or the appropriate agency denies the claim in writing; except that, if:

1. Such claim is for contribution pursuant to s. 768.31, it must be so presented within 6 months after the judgment against the tortfeasor seeking contribution has become final by lapse of time for appeal or after appellate review or, if there is no such judgment, within 6 months after the tortfeasor seeking contribution has either discharged the common liability by payment or agreed, while the action is pending against her or him, to discharge the common liability; or

2. Such action is for wrongful death, the claimant must present the claim in writing to the Department of Financial Services within 2 years after the claim accrues.

(7) In actions brought pursuant to this section, process shall be served upon the head of the agency concerned and also, except as to a defendant municipality*, county,* or the Florida Space Authority, upon the Department of Financial Services; and the department or the agency concerned shall have 30 days within which to plead thereto.

Section 34. Subsections (3) and (4) and paragraph (e) of subsection (5) of section 288.706, Florida Statutes, are amended to read:

288.706 Florida Minority Business Loan Mobilization Program.—

(3) Notwithstanding *ss. 215.422(15) and 216.181(16)* ~~ss. 215.422(14) and 216.181(16)~~, and pursuant to s. 216.351, under the Florida Minority Business Loan Mobilization Program, a state agency may disburse up to 10 percent of the base contract award amount to assist a minority business enterprise vendor that is awarded a state agency contract for goods or services in obtaining working capital financing as provided in subsection (5).

(4) Notwithstanding *ss. 215.422(15) and 216.181(16)* ~~ss. 215.422(14) and 216.181(16)~~, and pursuant to s. 216.351, in lieu of applying for participation in the Florida Minority Business Loan Mobilization Program, a minority business enterprise vendor awarded a state agency contract for the performance of professional services may apply with that contracting state agency for up to 5 percent of the base contract award amount. The contracting state agency may award such advance in order to facilitate the performance of that contract.

(5) The following Florida Minority Business Loan Mobilization Program procedures apply to minority business enterprise vendors for contracts awarded by a state agency for construction or professional services or for the provision of goods or services:

(e) The following procedures shall apply when the minority business enterprise is the prime contract vendor to the contracting state agency:

1. Pursuant to s. 216.351, *ss. 215.422(15) and 216.181(16)* ~~the provisions of ss. 215.422(14) and 216.181(16)~~ do not apply to this paragraph.

2. For construction contracts, the designated loan mobilization payment shall be disbursed when:

a. The minority business enterprise prime contract vendor requests disbursement in the first application for payment.

b. The contracting state agency has issued a notice to proceed and has approved the first application for payment.

3. For contracts other than construction contracts, the designated loan mobilization payment shall be disbursed when:

a. The minority business enterprise prime contract vendor requests disbursement by letter delivered to the contracting state agency after the execution of the contract but prior to the commencement of work.

b. The contracting state agency has approved the minority business enterprise prime contract vendor's letter of request.

4. The designated loan mobilization payment may be paid by the contracting state agency prior to the commencement of work. In order to ensure that the contract time provisions do not commence until the minority business enterprise prime contract vendor has adequate working capital, the contract documents may provide that the contract shall commence at such time as the contracting state agency releases the designated loan mobilization payment to the minority business enterprise prime contract vendor and participating financial institution pursuant to the working capital agreement.

Section 35. Section 626.7315, Florida Statutes, is amended to read:

626.7315 Prohibition against the unlicensed transaction of general lines insurance.—With respect to any line of authority as defined in *s. 626.015(7)* ~~s. 626.015(5)~~, no individual shall, unless licensed as a general lines agent:

(1) Solicit insurance or procure applications therefor;

(2) In this state, receive or issue a receipt for any money on account of or for any insurer, or receive or issue a receipt for money from other persons to be transmitted to any insurer for a policy, contract, or certificate of insurance or any renewal thereof, even though the policy, certificate, or contract is not signed by him or her as agent or representative of the insurer, except as provided in s. 626.0428(1);

(3) Directly or indirectly represent himself or herself to be an agent of any insurer or as an agent, to collect or forward any insurance premium, or to solicit, negotiate, effect, procure, receive, deliver, or forward, directly or indirectly, any insurance contract or renewal thereof or any endorsement relating to an insurance contract, or attempt to effect the same, of property or insurable business activities or interests, located in this state;

(4) In this state, engage or hold himself or herself out as engaging in the business of analyzing or abstracting insurance policies or of coun-

seling or advising or giving opinions, other than as a licensed attorney at law, relative to insurance or insurance contracts, for fee, commission, or other compensation, other than as a salaried bona fide full-time employee so counseling and advising his or her employer relative to the insurance interests of the employer and of the subsidiaries or business affiliates of the employer;

(5) In any way, directly or indirectly, make or cause to be made, or attempt to make or cause to be made, any contract of insurance for or on account of any insurer;

(6) Solicit, negotiate, or in any way, directly or indirectly, effect insurance contracts, if a member of a partnership or association, or a stockholder, officer, or agent of a corporation which holds an agency appointment from any insurer; or

(7) Receive or transmit applications for suretyship, or receive for delivery bonds founded on applications forwarded from this state, or otherwise procure suretyship to be effected by a surety insurer upon the bonds of persons in this state or upon bonds given to persons in this state.

Section 36. Paragraph (c) of subsection (6) of section 627.351, Florida Statutes, is amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(c) The corporation's plan of operation:

1. Must provide for adoption of residential property and casualty insurance policy forms and commercial residential and nonresidential property insurance forms, which must be approved by the office before use. The corporation shall adopt the following policy forms:

a. Standard personal lines policy forms that are comprehensive multiperil policies providing full coverage of a residential property equivalent to the coverage provided in the private insurance market under an HO-3, HO-4, or HO-6 policy.

b. Basic personal lines policy forms that are policies similar to an HO-8 policy or a dwelling fire policy that provide coverage meeting the requirements of the secondary mortgage market, but which is more limited than the coverage under a standard policy.

c. Commercial lines residential and nonresidential policy forms that are generally similar to the basic perils of full coverage obtainable for commercial residential structures and commercial nonresidential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to residential properties located in areas eligible for coverage under the coastal account referred to in sub-subparagraph (b)2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage under the coastal account referred to in sub-subparagraph (b)2.a.

f. The corporation may adopt variations of the policy forms listed in sub-subparagraphs a.-e. which contain more restrictive coverage.

g. Effective January 1, 2013, the corporation shall offer a basic personal lines policy similar to an HO-8 policy with dwelling repair based on common construction materials and methods.

2. Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only.

a. As used in this subsection, the term:

(I) "Quota share primary insurance" means an arrangement in which the primary hurricane coverage of an eligible risk is provided in specified percentages by the corporation and an authorized insurer. The corporation and authorized insurer are each solely responsible for a specified percentage of hurricane coverage of an eligible risk as set forth in a quota share primary insurance agreement between the corporation and an authorized insurer and the insurance contract. The responsibility of the corporation or authorized insurer to pay its specified percentage of hurricane losses of an eligible risk, as set forth in the agreement, may not be altered by the inability of the other party to pay its specified percentage of losses. Eligible risks that are provided hurricane coverage through a quota share primary insurance arrangement must be provided policy forms that set forth the obligations of the corporation and authorized insurer under the arrangement, clearly specify the percentages of quota share primary insurance provided by the corporation and authorized insurer, and conspicuously and clearly state that the authorized insurer and the corporation may not be held responsible beyond their specified percentage of coverage of hurricane losses.

(II) "Eligible risks" means personal lines residential and commercial lines residential risks that meet the underwriting criteria of the corporation and are located in areas that were eligible for coverage by the Florida Windstorm Underwriting Association on January 1, 2002.

b. The corporation may enter into quota share primary insurance agreements with authorized insurers at corporation coverage levels of 90 percent and 50 percent.

c. If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the agreement.

e. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.

f. For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Catastrophe Fund. For all policies of eligible risks covered under such agreements, the corporation and the authorized insurer must maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as required by fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.

g. The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of the agreements, pricing of the agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.

h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer is voluntary and at the discretion of the authorized insurer.

3. May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation may borrow funds by issuing bonds or by incurring other indebtedness, and shall have other powers reasonably necessary

to effectuate the requirements of this subsection, including, without limitation, the power to issue bonds and incur other indebtedness in order to refinance outstanding bonds or other indebtedness. The corporation may seek judicial validation of its bonds or other indebtedness under chapter 75. The corporation may issue bonds or incur other indebtedness, or have bonds issued on its behalf by a unit of local government pursuant to subparagraph (q)2. in the absence of a hurricane or other weather-related event, upon a determination by the corporation, subject to approval by the office, that such action would enable it to efficiently meet the financial obligations of the corporation and that such financings are reasonably necessary to effectuate the requirements of this subsection. The corporation may take all actions needed to facilitate tax-free status for such bonds or indebtedness, including formation of trusts or other affiliated entities. The corporation may pledge assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other reinsurance recoverables, policyholder surcharges and other surcharges, and other funds available to the corporation as security for bonds or other indebtedness. In recognition of s. 10, Art. I of the State Constitution, prohibiting the impairment of obligations of contracts, it is the intent of the Legislature that no action be taken whose purpose is to impair any bond indenture or financing agreement or any revenue source committed by contract to such bond or other indebtedness.

4. Must require that the corporation operate subject to the supervision and approval of a board of governors consisting of nine individuals who are residents of this state and who are from different geographical areas of the state, one of whom is appointed by the Governor and serves solely to advocate on behalf of the consumer. The appointment of a consumer representative by the Governor is deemed to be within the scope of the exemption provided in s. 112.313(7)(b) and is in addition to the appointments authorized under sub-subparagraph a.

a. The Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives shall each appoint two members of the board. At least one of the two members appointed by each appointing officer must have demonstrated expertise in insurance and be deemed to be within the scope of the exemption provided in s. 112.313(7)(b). The Chief Financial Officer shall designate one of the appointees as chair. All board members serve at the pleasure of the appointing officer. All members of the board are subject to removal at will by the officers who appointed them. All board members, including the chair, must be appointed to serve for 3-year terms beginning annually on a date designated by the plan. However, for the first term beginning on or after July 1, 2009, each appointing officer shall appoint one member of the board for a 2-year term and one member for a 3-year term. A board vacancy shall be filled for the unexpired term by the appointing officer. The Chief Financial Officer shall appoint a technical advisory group to provide information and advice to the board in connection with the board's duties under this subsection. The executive director and senior managers of the corporation shall be engaged by the board and serve at the pleasure of the board. Any executive director appointed on or after July 1, 2006, is subject to confirmation by the Senate. The executive director is responsible for employing other staff as the corporation may require, subject to review and concurrence by the board.

b. The board shall create a Market Accountability Advisory Committee to assist the corporation in developing awareness of its rates and its customer and agent service levels in relationship to the voluntary market insurers writing similar coverage.

(I) The members of the advisory committee consist of the following 11 persons, one of whom must be elected chair by the members of the committee: four representatives, one appointed by the Florida Association of Insurance Agents, one by the Florida Association of Insurance and Financial Advisors, one by the Professional Insurance Agents of Florida, and one by the Latin American Association of Insurance Agencies; three representatives appointed by the insurers with the three highest voluntary market share of residential property insurance business in the state; one representative from the Office of Insurance Regulation; one consumer appointed by the board who is insured by the corporation at the time of appointment to the committee; one representative appointed by the Florida Association of Realtors; and one representative appointed by the Florida Bankers Association. All members shall be appointed to 3-year terms and may serve for consecutive terms.

(II) The committee shall report to the corporation at each board meeting on insurance market issues which may include rates and rate competition with the voluntary market; service, including policy issuance, claims processing, and general responsiveness to policyholders, applicants, and agents; and matters relating to depopulation.

5. Must provide a procedure for determining the eligibility of a risk for coverage, as follows:

a. Subject to s. 627.3517, with respect to personal lines residential risks, if the risk is offered coverage from an authorized insurer at the insurer's approved rate under a standard policy including wind coverage or, if consistent with the insurer's underwriting rules as filed with the office, a basic policy including wind coverage, for a new application to the corporation for coverage, the risk is not eligible for any policy issued by the corporation unless the premium for coverage from the authorized insurer is more than 15 percent greater than the premium for comparable coverage from the corporation. Whenever an offer of coverage for a personal lines residential risk is received for a policyholder of the corporation at renewal from an authorized insurer, if the offer is equal to or less than the corporation's renewal premium for comparable coverage, the risk is not eligible for coverage with the corporation. If the risk is not able to obtain such offer, the risk is eligible for a standard policy including wind coverage or a basic policy including wind coverage issued by the corporation; however, if the risk could not be insured under a standard policy including wind coverage regardless of market conditions, the risk is eligible for a basic policy including wind coverage unless rejected under subparagraph 8. However, a policyholder removed from the corporation through an assumption agreement remains eligible for coverage from the corporation until the end of the assumption period. The corporation shall determine the type of policy to be provided on the basis of objective standards specified in the underwriting manual and based on generally accepted underwriting practices.

(I) If the risk accepts an offer of coverage through the market assistance plan or through a mechanism established by the corporation other than a plan established by s. 627.3518, before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) If the corporation enters into a contractual agreement for a takeout plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

b. With respect to commercial lines residential risks, for a new application to the corporation for coverage, if the risk is offered coverage

under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for a policy issued by the corporation unless the premium for coverage from the authorized insurer is more than 15 percent greater than the premium for comparable coverage from the corporation. Whenever an offer of coverage for a commercial lines residential risk is received for a policyholder of the corporation at renewal from an authorized insurer, if the offer is equal to or less than the corporation's renewal premium for comparable coverage, the risk is not eligible for coverage with the corporation. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation. However, a policyholder removed from the corporation through an assumption agreement remains eligible for coverage from the corporation until the end of the assumption period.

(I) If the risk accepts an offer of coverage through the market assistance plan or through a mechanism established by the corporation other than a plan established by s. 627.3518, before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) If the corporation enters into a contractual agreement for a takeout plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record to continue servicing the policy for at least 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

c. For purposes of determining comparable coverage under subsubparagraphs a. and b., the comparison must be based on those forms and coverages that are reasonably comparable. The corporation may rely on a determination of comparable coverage and premium made by the producing agent who submits the application to the corporation, made in the agent's capacity as the corporation's agent. A comparison may be made solely of the premium with respect to the main building or structure only on the following basis: the same coverage A or other building limits; the same percentage hurricane deductible that applies on an annual basis or that applies to each hurricane for commercial residential property; the same percentage of ordinance and law coverage, if the same limit is offered by both the corporation and the authorized insurer; the same mitigation credits, to the extent the same types of credits are offered both by the corporation and the authorized insurer; the same method for loss payment, such as replacement cost or actual cash value, if the same method is offered both by the corporation and the authorized insurer in accordance with underwriting rules; and any other form or coverage that is reasonably comparable as determined by the board. If an application is submitted to the corporation for wind-only coverage in the coastal account, the premium for the corporation's wind-only policy plus the premium for the ex-wind policy that is offered by an authorized insurer to the applicant must be compared to the premium for multiperil coverage offered by an authorized insurer, subject to the standards for comparison specified in this subparagraph. If the corporation or the applicant requests from the authorized insurer a breakdown of the premium of the offer by types of coverage so that a comparison may be made by the corporation or its agent and the authorized insurer refuses or is unable to provide such information, the corporation may treat the offer as not being an offer of coverage from an authorized insurer at the insurer's approved rate.

6. Must include rules for classifications of risks and rates.

7. Must provide that if premium and investment income for an account attributable to a particular calendar year are in excess of projected losses and expenses for the account attributable to that year, such excess shall be held in surplus in the account. Such surplus must be available to defray deficits in that account as to future years and used for that purpose before assessing assessable insurers and assessable insureds as to any calendar year.

8. Must provide objective criteria and procedures to be uniformly applied to all applicants in determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following must be considered:

a. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

b. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

The acceptance or rejection of a risk by the corporation shall be construed as the private placement of insurance, and the provisions of chapter 120 do not apply.

9. Must provide that the corporation make its best efforts to procure catastrophe reinsurance at reasonable rates, to cover its projected 100-year probable maximum loss as determined by the board of governors.

10. The policies issued by the corporation must provide that if the corporation or the market assistance plan obtains an offer from an authorized insurer to cover the risk at its approved rates, the risk is no longer eligible for renewal through the corporation, except as otherwise provided in this subsection.

11. Corporation policies and applications must include a notice that the corporation policy could, under this section, be replaced with a policy issued by an authorized insurer which does not provide coverage identical to the coverage provided by the corporation. The notice must also specify that acceptance of corporation coverage creates a conclusive presumption that the applicant or policyholder is aware of this potential.

12. May establish, subject to approval by the office, different eligibility requirements and operational procedures for any line or type of coverage for any specified county or area if the board determines that such changes are justified due to the voluntary market being sufficiently stable and competitive in such area or for such line or type of coverage and that consumers who, in good faith, are unable to obtain insurance through the voluntary market through ordinary methods continue to have access to coverage from the corporation. If coverage is sought in connection with a real property transfer, the requirements and procedures may not provide an effective date of coverage later than the date of the closing of the transfer as established by the transferor, the transferee, and, if applicable, the lender.

13. Must provide that, with respect to the coastal account, any assessable insurer with a surplus as to policyholders of $25 million or less writing 25 percent or more of its total countrywide property insurance premiums in this state may petition the office, within the first 90 days of each calendar year, to qualify as a limited apportionment company. A regular assessment levied by the corporation on a limited apportionment company for a deficit incurred by the corporation for the coastal account may be paid to the corporation on a monthly basis as the assessments are collected by the limited apportionment company from its insureds, but a limited apportionment company must begin collecting the regular assessments not later than 90 days after the regular assessments are levied by the corporation, and the regular assessments

must be paid in full within 15 months after being levied by the corporation. A limited apportionment company shall collect from its policyholders any emergency assessment imposed under sub-subparagraph (b)3.d. The plan must provide that, if the office determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that all or part of such assessment be deferred as provided in subparagraph (q)4. However, an emergency assessment to be collected from policyholders under sub-subparagraph (b)3.d. may not be limited or deferred.

14. Must provide that the corporation appoint as its licensed agents only those agents who throughout such appointments also hold an appointment as defined in *s. 626.015* ~~s. 626.015(3)~~ by an insurer who is authorized to write and is actually writing or renewing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.

15. Must provide a premium payment plan option to its policyholders which, at a minimum, allows for quarterly and semiannual payment of premiums. A monthly payment plan may, but is not required to, be offered.

16. Must limit coverage on mobile homes or manufactured homes built before 1994 to actual cash value of the dwelling rather than replacement costs of the dwelling.

17. Must provide coverage for manufactured or mobile home dwellings. Such coverage must also include the following attached structures:

a. Screened enclosures that are aluminum framed or screened enclosures that are not covered by the same or substantially the same materials as those of the primary dwelling;

b. Carports that are aluminum or carports that are not covered by the same or substantially the same materials as those of the primary dwelling; and

c. Patios that have a roof covering that is constructed of materials that are not the same or substantially the same materials as those of the primary dwelling.

The corporation shall make available a policy for mobile homes or manufactured homes for a minimum insured value of at least $3,000.

18. May provide such limits of coverage as the board determines, consistent with the requirements of this subsection.

19. May require commercial property to meet specified hurricane mitigation construction features as a condition of eligibility for coverage.

20. Must provide that new or renewal policies issued by the corporation on or after January 1, 2012, which cover sinkhole loss do not include coverage for any loss to appurtenant structures, driveways, sidewalks, decks, or patios that are directly or indirectly caused by sinkhole activity. The corporation shall exclude such coverage using a notice of coverage change, which may be included with the policy renewal, and not by issuance of a notice of nonrenewal of the excluded coverage upon renewal of the current policy.

21. As of January 1, 2012, must require that the agent obtain from an applicant for coverage from the corporation an acknowledgment signed by the applicant, which includes, at a minimum, the following statement:

ACKNOWLEDGMENT OF POTENTIAL SURCHARGE AND ASSESSMENT LIABILITY:

1. AS A POLICYHOLDER OF CITIZENS PROPERTY INSURANCE CORPORATION, I UNDERSTAND THAT IF THE CORPORATION SUSTAINS A DEFICIT AS A RESULT OF HURRICANE LOSSES OR FOR ANY OTHER REASON, MY POLICY COULD BE SUBJECT TO SURCHARGES, WHICH WILL BE DUE AND PAYABLE UPON RENEWAL, CANCELLATION, OR TERMINATION OF THE POLICY, AND THAT THE SURCHARGES COULD BE AS HIGH AS 45 PERCENT OF MY PREMIUM, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA LEGISLATURE.

2. I UNDERSTAND THAT I CAN AVOID THE CITIZENS POLICYHOLDER SURCHARGE, WHICH COULD BE AS HIGH AS 45 PERCENT OF MY PREMIUM, BY OBTAINING COVERAGE FROM A PRIVATE MARKET INSURER AND THAT TO BE ELIGIBLE FOR COVERAGE BY CITIZENS, I MUST FIRST TRY TO OBTAIN PRIVATE MARKET COVERAGE BEFORE APPLYING FOR OR RENEWING COVERAGE WITH CITIZENS. I UNDERSTAND THAT PRIVATE MARKET INSURANCE RATES ARE REGULATED AND APPROVED BY THE STATE.

3. I UNDERSTAND THAT I MAY BE SUBJECT TO EMERGENCY ASSESSMENTS TO THE SAME EXTENT AS POLICYHOLDERS OF OTHER INSURANCE COMPANIES, OR A DIFFERENT AMOUNT AS IMPOSED BY THE FLORIDA LEGISLATURE.

4. I ALSO UNDERSTAND THAT CITIZENS PROPERTY INSURANCE CORPORATION IS NOT SUPPORTED BY THE FULL FAITH AND CREDIT OF THE STATE OF FLORIDA.

a. The corporation shall maintain, in electronic format or otherwise, a copy of the applicant's signed acknowledgment and provide a copy of the statement to the policyholder as part of the first renewal after the effective date of this subparagraph.

b. The signed acknowledgment form creates a conclusive presumption that the policyholder understood and accepted his or her potential surcharge and assessment liability as a policyholder of the corporation.

Section 37. This act shall take effect July 1, 2017.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Department of Financial Services; amending s. 17.575, F.S.; replacing, within the Division of Treasury, the Treasury Investment Committee with the Treasury Investment Council; specifying the composition and term length of members; specifying duties of the council; providing that members shall serve without additional compensation or honorarium but may receive per diem and travel expense reimbursement; amending s. 215.422, F.S.; providing applicability of certain requirements relating to payments, warrants, and invoices to payments made in relation to certain agreements funded with federal or state assistance; reordering and amending s. 554.1021, F.S.; defining and redefining terms; requiring the Department of Financial Services to adopt rules; authorizing the inspection of certain boilers by authorized inspection agencies; amending s. 554.103, F.S.; requiring, rather than authorizing, the department to adopt amendments and interpretations of a specified code into the State Boiler Code; revising requirements that installers, rather than owners, must comply with before installing a boiler that is placed in use after a specified date; authorizing the department to adopt rules; conforming provisions to changes made by the act; amending s. 554.104, F.S.; deleting a provision relating to boilers of special design which is recreated in s. 554.103, F.S.; requiring certification of boiler inspectors; requiring an application for a certification examination; specifying qualifications and requirements for the certification examination; requiring the department to adopt a specified training course; providing authorized methods and requirements for the training course; requiring the chief boiler inspector to issue a certificate of competency to a person meeting certain requirements; providing procedures for renewing a certificate; authorizing the department to adopt rules; amending s. 554.105, F.S.; renaming the chief inspector as the chief boiler inspector; revising requirements for the department through the state boiler inspection program; amending s. 554.106, F.S.; renaming deputy inspectors as deputy boiler inspectors; specifying required and authorized duties of deputy boiler inspectors; amending s. 554.107, F.S.; renaming special inspectors as special boiler inspectors; revising entities that may employ special boiler inspectors; specifying required inspection intervals for special boiler inspectors; amending s. 554.108, F.S.; providing an exemption, under certain conditions, from inspection requirements; specifying duties of an owner or an owner's designee to allow an inspector to conduct inspections; specifying requirements for boiler inspections and inspection reports; revising conditions that require a boiler to be shut down; revising requirements and procedures for a boiler that must be shut down; providing construction; authorizing the department to adopt rules; creating s. 554.1081, F.S.; revising requirements for boiler inspections by insurance companies and local governmental agencies; amending s. 554.109, F.S.; conforming provisions to changes made by the act; re-

vising the boilers that are exempt from regulation under the chapter; revising requirements for certain exempt boilers and water heaters; amending s. 554.1101, F.S.; conforming provisions to changes made by the act; requiring a boiler insurance company to notify, within a specified timeframe, the chief boiler inspector under certain circumstances; requiring a certificateholder to submit a certain certificate of insurance to the chief boiler inspector under certain circumstances; amending s. 554.111, F.S.; requiring an application for a boiler permit to include a specified fee; requiring the chief boiler inspector to deposit fines into a specified trust fund; conforming provisions to changes made by the act; repealing ss. 554.112 and 554.113, F.S., relating to examinations, and certification of inspectors and renewals, respectively; amending s. 554.114, F.S.; revising prohibited acts; providing penalties for a boiler insurance company or authorized inspection agency that fails to conduct certain inspections; providing an exception; conforming provisions to changes made by the act; amending s. 554.115, F.S.; adding authorized disciplinary actions for the department; adding specified grounds for disciplinary action against an owner of a boiler; revising grounds for disciplinary action against a boiler inspector; deleting a provision requiring a chief inspector to report certain persons to the state attorney; deleting a provision authorizing certain administrative action by the chief inspector; deleting a provision relating to the duration of a suspended certificate of compliance; creating s. 554.1151, F.S.; authorizing the department to impose specified administrative fines in lieu of or in addition to certain disciplinary actions; authorizing procedures for payment of fines by a certificateholder; requiring a certificate to be revoked under certain circumstances; amending s. 624.307, F.S.; authorizing the department to expend funds for professional development of its employees; amending s. 626.015, F.S.; defining terms; conforming a cross-reference; amending s. 626.207, F.S.; defining the term "applicant"; revising a list of felonies subject to a permanent bar from licensure; revising a condition for when certain disqualifying periods begin; conforming cross-references; providing an exception from a permanent bar on or disqualifying periods for cases of executive clemency; providing construction; amending s. 626.221, F.S.; providing an exception from an examination requirement for an all-lines adjuster license applicant with a specified designation; amending s. 626.2815, F.S.; specifying the education hours that may be completed to meet continuing education requirements for such a designation; amending s. 626.8734, F.S.; providing an exception from an examination requirement for nonresident all-lines adjuster license applicants who hold certain certifications; amending s. 626.9954, F.S.; revising a list of felonies subject to a permanent bar from licensure; revising conditions for when certain disqualifying periods begin; conforming cross-references; providing an exception from a permanent bar on or disqualifying periods for cases of executive clemency; providing construction; amending s. 626.2815, F.S.; authorizing the department to approve a certain number of elective continuing education credits for certain insurance licensees; providing an exception from a certain continuing education requirement for such licensees; amending s. 626.611, F.S.; deleting a condition for the involvement of moral turpitude in felonies or certain crimes in relation to compulsory disciplinary actions by the department against certain entities' licenses or appointments; conforming a cross-reference; amending s. 626.621, F.S.; revising grounds for the department's discretionary refusal, suspension, or revocation of the license or appointment of certain persons; amending s. 626.7845, F.S.; revising an exception to the prohibition against the unlicensed transaction of life insurance; conforming a cross-reference; amending s. 626.8305, F.S.; revising an exception to the prohibition against the unlicensed transaction of health insurance; conforming a cross-reference; amending s. 626.861, F.S.; authorizing certain insurer employees to adjust specified claim losses or damage; amending s. 626.9543, F.S.; removing the scheduled expiration of a requirement for insurers to permit claims from a Holocaust victim or certain related persons irrespective of certain conditions; removing the scheduled expiration of an exception from statutes of limitations or laches for certain actions brought by Holocaust victims or certain related persons; amending s. 633.516, F.S.; authorizing the Division of State Fire Marshal within the division to contract for studies of, rather than to make a continuous study of, occupational diseases of firefighters; adding persons in other fire-related fields to such studies; authorizing the division to release confidential information of an individual firefighter or a person in another fire-related field to certain parties under certain circumstances; amending s. 768.28, F.S.; providing exceptions in tort claims against a county from requirements that a claimant present the written claim to the department within a specified timeframe and serve process upon the department; amending ss. 288.706, 626.7315, and 627.351, F.S.; conforming cross-references; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 925**, as amended, was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Galvano, the rules were waived and **CS for SB 8** was withdrawn from further consideration.

On motion by Senator Benacquisto, the rules were waived and all bills temporarily postponed and remaining on the Special Order Calendar this day were retained on the Special Order Calendar.

On motion by Senator Benacquisto, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Wednesday, May 3, 2017.

REPORTS OF COMMITTEES

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Tuesday, May 2, 2017: CS for CS for CS for SB 498, CS for CS for CS for SB 346, CS for SB 50, CS for SB 46, CS for SB 42, SB 720, CS for CS for SB 986, SB 1056, CS for CS for CS for SB 150, SB 464, CS for CS for SB 420, CS for SB 294, CS for CS for SB 736, CS for CS for CS for SB 738, CS for CS for SB 730, CS for CS for CS for SB 588, CS for CS for SB 790, CS for CS for SB 744, CS for SB 1526, CS for SB's 1318 and 1454, CS for CS for SB 1210, SB 1408, CS for SB 7018, SB 898, CS for CS for SB 830, CS for CS for SB 876, SB 7028, CS for SB 850, CS for CS for SB 802, CS for SB 1582.

Respectfully submitted,
Lizbeth Benacquisto, Rules Chair
Wilton Simpson, Majority Leader
Oscar Braynon II, Minority Leader

The Committee on Appropriations recommends the following pass: HB 7109 with 1 amendment

The bill was placed on the Calendar.

The Committee on Appropriations recommends committee substitutes for the following: CS for CS for SB 860; CS for SB 902; CS for SB 1314

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Appropriations; Regulated Industries; and Community Affairs; and Senators Brandes and Lee—

CS for CS for CS for SB 860—A bill to be entitled An act relating to building code administrators and inspectors; amending s. 468.603, F.S.; revising definitions; amending s. 468.609, F.S.; revising eligibility requirements for the examination for certification as a building code inspector or plans examiner to include an internship certification program; removing an eligibility condition from provisions related to provisional certificates; requiring the Florida Building Code Administrators and Inspectors Board to establish rules; amending s. 468.617, F.S.; authorizing specified entities to contract for the provision of building code administrator and building official services; amending s. 553.791, F.S.; conforming provisions to changes made by the act; revising a definition; amending ss. 471.045 and 481.222; conforming cross-references; providing an effective date.

By the Committees on Appropriations; and Education; and Senator Simmons—

CS for CS for SB 902—A bill to be entitled An act relating to the Gardiner Scholarship Program; amending s. 1002.385, F.S.; redefining the terms "disability" and "IEP"; defining the term "inactive"; prohibiting a student who is enrolled in the Florida School for the Deaf and the Blind from being eligible for the program; revising the purposes for which program funds may be used; requiring that a student's account be closed and program funds revert to the state after the account is inactive for a specified number of years; specifying that certain actions of a private school are a basis for program ineligibility; revising parent and student responsibilities for program participation; revising obligations of scholarship-funding organizations; providing an effective date.

By the Committees on Appropriations; and Education; and Senators Grimsley and Mayfield—

CS for CS for SB 1314—A bill to be entitled An act relating to educational options; amending s. 1002.395, F.S.; specifying the Department of Education's duty to approve or deny an application for the Florida Tax Credit Scholarship Program within a specified time; specifying the department's duties regarding the carryforward tax credit; requiring an eligible nonprofit scholarship-funding organization to allow certain dependent children to apply for a scholarship at any time; revising parent and student responsibilities for program participation; specifying that certain actions of a private school are a basis for program ineligibility; authorizing the Learning Systems Institute to receive compensation for research under certain circumstances; revising the calculation of a scholarship award; increasing the limit of a scholarship award for certain students; revising payment method options; amending s. 1002.41, F.S.; prohibiting a district school board from requiring any additional information or verification from a home education program parent under certain circumstances; prohibiting a school district from taking certain actions against a home education program student's parent unless such action is required for a school district program or service; amending s. 1003.21, F.S.; prohibiting a district school superintendent from requiring certain evidence relating to a child's age from children enrolled in specified schools and programs; providing an effective date.

REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committees on Appropriations; and Education; and Senator Simmons—

CS for CS for SB 902—A bill to be entitled An act relating to the Gardiner Scholarship Program; amending s. 1002.385, F.S.; redefining the terms "disability" and "IEP"; defining the term "inactive"; prohibiting a student who is enrolled in the Florida School for the Deaf and the Blind from being eligible for the program; revising the purposes for which program funds may be used; requiring that a student's account be closed and program funds revert to the state after the account is inactive for a specified number of years; specifying that certain actions of a private school are a basis for program ineligibility; revising parent and student responsibilities for program participation; revising obligations of scholarship-funding organizations; providing an effective date.

—was placed on the Calendar.

By the Committees on Appropriations; and Education; and Senators Grimsley and Mayfield—

CS for CS for SB 1314—A bill to be entitled An act relating to educational options; amending s. 1002.395, F.S.; specifying the Department of Education's duty to approve or deny an application for the Florida Tax Credit Scholarship Program within a specified time; specifying the department's duties regarding the carryforward tax credit; requiring an eligible nonprofit scholarship-funding organization to allow certain dependent children to apply for a scholarship at any time; revising parent and student responsibilities for program participation; specifying that certain actions of a private school are a basis for program ineligibility; authorizing the Learning Systems Institute to receive compensation for research under certain circumstances; revising the calculation of a scholarship award; increasing the limit of a scholarship award for certain students; revising payment method options; amending s. 1002.41, F.S.; prohibiting a district school board from requiring any additional information or verification from a home education program parent under certain circumstances; prohibiting a school district from taking certain actions against a home education program student's parent unless such action is required for a school district program or service; amending s. 1003.21, F.S.; prohibiting a district school superintendent from requiring certain evidence relating to a child's age from children enrolled in specified schools and programs; providing an effective date.

—was placed on the Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

FIRST READING

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 193 and requests the concurrence of the Senate.

Portia Palmer, Clerk

By Local, Federal & Veterans Affairs Subcommittee and Representative(s) Cortes, B., Daniels, Ingoglia—

CS for HB 193—A bill to be entitled An act relating to towing and storage fees; creating ss. 125.01047 and 166.04465, F.S.; prohibiting counties and municipalities from enacting certain ordinances or rules to impose a fee or charge on wrecker operators or vehicle storage companies; providing exceptions; amending s. 323.002, F.S.; prohibiting counties and municipalities from imposing additional charges, costs, expenses, fines, fees, or penalties on a registered owner or lienholder of a vehicle; providing an exception; providing an effective date.

—was referred to the Committee on Rules.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 265, as amended, and requests the concurrence of the Senate.

Portia Palmer, Clerk

By PreK-12 Quality Subcommittee and Representative(s) Porter, Williams, Albritton, Antone, Caldwell, Clemons, Combee, Davis, Donalds, Fischer, Geller, Grant, J., Gruters, Harrell, Jenne, Jones, Massullo, Plasencia, Ponder, Russell, Santiago, Silvers, Slosberg—

CS for HB 265—A bill to be entitled An act relating to computer coding instruction; amending s. 1007.01, F.S.; requiring the Articulation Coordinating Committee to develop recommendations related to computer science instruction; providing requirements for such recommendations; requiring the committee to report its findings and recommendations to the Board of Governors of the State University System, the State Board of Education, and the Legislature by a specified date; providing for future expiration of certain committee duties; amending s. 1007.2616, F.S.; requiring the Commissioner of Education to include certain courses in the Course Code Directory; requiring a school district to notify students if enrolled in any such courses; requiring the Department of Education to annually report certain information to the Board of Governors and the Legislature; requiring the State Board of Education, in consultation with the Board of Governors and school districts, to develop strategies relating to computer science educator certification requirements and teacher recruitment; providing an effective date.

—was referred to the Committee on Rules.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 361 and requests the concurrence of the Senate.

Portia Palmer, Clerk

By Judiciary Committee, Criminal Justice Subcommittee and Representative(s) Santiago—

CS for CS for HB 361—A bill to be entitled An act relating to bail bonds; amending s. 903.045, F.S.; revising legislative intent concerning the obligations of a bail bond agent; revising the commitments and obligations of a bail bond agent; revising the circumstances that constitute a breach by the bail bond agent; amending s. 903.26, F.S.; revising the circumstances under which a surety bond deposited as bail must be forfeited; revising the circumstances that require a forfeiture to be discharged; amending s. 903.31, F.S.; specifying that certain provisions concerning cancellation of a bond do not apply if the bond is forfeited within a specified period after it has been posted; providing that an original appearance bond does not guarantee placement in a court-ordered program; providing an effective date.

—was referred to the Committees on Judiciary; Banking and Insurance; Criminal Justice; and Rules.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 369 by the required Constitutional two-thirds vote of the members voting and requests concurrence of the Senate.

Portia Palmer, Clerk

By Judiciary Committee, Criminal Justice Subcommittee and Representative(s) Plakon—

CS for CS for HB 369—A bill to be entitled An act relating to public records; amending s. 901.40, F.S.; creating an exemption from public records requirements for the personal identifying information of adults who participate in a civil citation or prearrest diversion program; providing applicability; providing retroactive application; providing for future review and repeal of the exemption; providing a statement of public necessity; amending s. 943.0586, F.S.; providing applicability for the administrative sealing of specified criminal history records; amending s. 943.059, F.S.; expanding an existing public records exemption to include the administrative sealing of specified criminal history records; conforming provisions to changes made by the act; providing for future review and repeal of the expanded exemption; providing for reversion of specified language if the exemption is not saved from repeal; providing a statement of public necessity; providing effective dates.

—was referred to the Committees on Criminal Justice; Governmental Oversight and Accountability; Appropriations; and Rules.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/HB 653, as amended, and requests the concurrence of the Senate.

Portia Palmer, Clerk

By Commerce Committee, Civil Justice & Claims Subcommittee, Careers & Competition Subcommittee and Representative(s) Moraitis—

CS for CS for CS for HB 653—A bill to be entitled An act relating to community associations; creating s. 633.2225, F.S.; requiring certain condominium or cooperative associations to post certain signs or symbols on buildings; requiring the State Fire Marshal to adopt rules governing such signs or symbols; providing for enforcement; providing penalties; amending s. 718.111, F.S.; prohibiting an officer, director, or manager from soliciting, offering to accept, or accepting a kickback for which consideration has not been provided; providing criminal penalties; requiring that an officer or director charged with certain crimes be removed from office; providing requirements for filling the vacancy left by such removal; prohibiting such officer or director from being appointed or elected or having access to official condominium association records for a specified time; providing an exception; requiring an officer or director to be reinstated if the charges are resolved without a finding of guilt; prohibiting an association from hiring an attorney who represents the management company of the association; prohibiting a board member, manager, or management company from purchasing a unit at a foreclosure sale under certain circumstances; revising recordkeeping requirements; providing that the official records of an association are open to inspection by an association member's authorized representative; providing that a renter of a unit has a right to inspect and copy the association's bylaws and rules; providing requirements relating to the posting of specified documents on an association's website; providing a remedy for an association's failure to provide a unit owner with a copy of the most recent financial report; revising reporting requirements; requiring the Division of Florida Condominiums, Timeshares, and Mobile Homes to maintain and provide copies of financial reports; prohibiting a condominium association and its officers, directors, employees, and agents from using a debit card issued in the name of the association, or billed directly to the association, for the payment of any association expense; providing that the use of such debit card for any expense that is not a lawful obligation of the association may be prosecuted as credit card fraud; providing a directive to the Department of Business and Professional Regulation; revising reporting requirements; amending s. 718.112, F.S.; authorizing an association to adopt rules for posting certain notices on a website; revising provisions relating to required condominium and cooperative association bylaws; revising provisions relating to evidence of condominium and cooperative association compliance with the fire and life safety code; revising unit and common elements required to be retrofitted; revising provisions relating to an association vote to forego retrofitting; providing applicability; amending s. 718.113, F.S.; revising voting requirements relating to alterations and additions to certain common elements or association property; amending s. 718.117, F.S.; revising legislative findings; revising voting requirements for the rejection of a plan of termination; increasing the amount of time to consider a plan of termination under certain conditions; revising the requirements to qualify for payment as a homestead owner if the owner has rejected a plan of termination; revising and providing notice requirements; providing applicability; amending s. 718.707, F.S.; revising the time period for classification as bulk assignee or bulk buyer; amending s. 719.104, F.S.; revising recordkeeping and reporting requirements; amending s. 719.1055, F.S.; revising provisions relating to required condominium and cooperative association bylaws; revising provisions relating to evidence of condominium and cooperative association compliance with the fire and life safety code; revising unit and common elements required to be retrofitted; revising provisions relating to an association vote to forego retrofitting; providing applicability; amending s. 719.106, F.S.; revising requirements to serve as a board member; prohibiting a board member from voting via e-mail; requiring that directors who are delinquent in certain payments owed in excess of certain periods of time be deemed to have abandoned their offices; authorizing an association to adopt rules for posting certain notices on a website; amending s. 719.107, F.S.; specifying certain services which are obtained pursuant to a bulk contract to be deemed a common expense; amending s. 720.303, F.S.; prohibiting a board member from voting via e-mail; revising certain notice requirements relating to board meetings; revising financial reporting requirements; authorizing an association to adopt rules for posting certain notices on a website; amending s. 720.306, F.S.; revising elections requirements; amending s. 720.3085, F.S.; providing applicability; providing an effective date; providing an effective date.

—was referred to the Committee on Rules.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 693 and requests the concurrence of the Senate.

Portia Palmer, Clerk

By Judiciary Committee and Representative(s) Alexander, Daniels—

CS for HB 693—A bill to be entitled An act relating to fraudulently obtaining or retaining personal property or equipment; amending s. 812.155, F.S.; revising the threshold amounts for certain offenses relating to hiring, leasing, or obtaining personal property or equipment with the intent to defraud and failing to return hired or leased personal property or equipment; providing an effective date.

—was referred to the Committees on Judiciary; and Rules.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/HB 735, as amended, and requests the concurrence of the Senate.

Portia Palmer, Clerk

By Judiciary Committee, Local, Federal & Veterans Affairs Subcommittee, Civil Justice & Claims Subcommittee and Representative(s) Edwards—

CS for CS for CS for HB 735—A bill to be entitled An act relating to real property; amending ss. 125.022 and 166.033, F.S.; deleting provisions specifying that a county or municipality is not prohibited from providing information to an applicant regarding other state or federal permits that may apply under certain circumstances; specifying that the imposition of certain restrictions or covenants against real property does not preclude a county or municipality from exercising its police power to later amend, release, or terminate such restrictions or covenants; prohibiting a county or municipality from delegating its police power to a third party by restriction, covenant, or otherwise; creating s. 163.035, F.S.; prohibiting local governments from promulgating, adopting, or enforcing an ordinance or regulation that purports to establish a common law customary use of property; providing construction; creating s. 702.12, F.S.; authorizing certain lienholders to use certain documents as an admission in an action to foreclose a mortgage against real property; providing that submission of certain documents in a foreclosure action creates certain presumptions; authorizing a lienholder to make a request for judicial notice; providing construction; providing applicability; creating s. 712.001, F.S.; providing a short title; amending s. 712.01, F.S.; defining and redefining terms; amending s. 712.04, F.S.; providing that a marketable title to real property is free and clear of all covenants or restrictions, the existence of which depends upon any act, title transaction, event, zoning requirement, building or development permit, or omission that occurred before the effective date of the root of title; providing for construction; providing applicability; amending s. 712.05, F.S.; revising the notice filing requirements for a person claiming an interest in real property and other rights; authorizing a property owners' association to preserve and protect certain covenants or restrictions from extinguishment, subject to specified requirements; providing that a failure in indexing does not affect the validity of the notice; extending the length of time certain covenants or restrictions affecting real property are preserved; requiring a two-thirds approval of the affected parcel owners of a property owners' association for the preservation of covenants and restrictions; conforming provisions to changes made by the act; amending s. 712.06, F.S.; exempting a specified summary notice regarding real property from certain notice content requirements; revising the contents required to be specified by certain notices; conforming provisions to changes made by the act; amending s. 712.11, F.S.; conforming provisions to changes made by the act; creating s. 712.12, F.S.; defining terms; authorizing the parcel owners of a community not subject to a homeowners' association to use specified procedures to revive certain covenants or restrictions, subject to certain exceptions and requirements; authorizing a parcel owner to commence an action by a specified date under certain circumstances for a judicial determination that the covenants or restrictions did not govern that parcel as of a specified date and that any revitalization of such covenants or restrictions as to that parcel would unconstitutionally deprive the parcel owner of rights or property; providing applicability; providing for future repeal; amending s. 720.303, F.S.; requiring a homeowners association board to take up certain provisions relating to notice filings at the first board meeting; creating s. 720.3032, F.S.; providing recording requirements for an association; providing a document form for recording by an association to preserve certain covenants or restrictions affecting real property; providing that failure to file one or more notices does not affect the validity or enforceability of a covenant or restriction or alter the time before extinguishment under certain circumstances; requiring a copy of the filed notice to be sent to all members; requiring the original signed notice to be recorded with the clerk of the circuit court or other recorder; amending ss. 702.09 and 702.10, F.S.; conforming provisions to changes made by the act; amending s. 712.095, F.S.; conforming a cross-reference; amending ss. 720.403 and 720.404, F.S.; conforming provisions to changes made by the act; amending s. 720.405, F.S.; increasing the percentage of affected parcel owners required for revitalization of covenants and restrictions of a property owners' association; amending s. 720.407, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committee on Rules.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/HB 1007, as amended, and requests the concurrence of the Senate.

Portia Palmer, Clerk

By Commerce Committee, Government Operations & Technology Appropriations Subcommittee, Insurance & Banking Subcommittee and Representative(s) Raschein, Diamond, Stevenson—

CS for CS for CS for HB 1007—A bill to be entitled An act relating to insurer anti-fraud efforts; reordering and amending s. 626.9891, F.S.; providing and revising definitions; requiring every insurer to designate at least one primary anti-fraud employee for certain purposes; requiring insurers to adopt an anti-fraud plan; revising insurer requirements in providing anti-fraud information to the Department of Financial Services; requiring specified information to be filed annually with the department; revising the information to be provided by insurers who write workers' compensation insurance; requiring each insurer to provide annual anti-fraud education and training; requiring insurers who submit an application for a certificate of authority after a specified date to comply with the section; providing penalties for failure to comply with requirements of the section; requiring rulemaking in certain cases; creating s. 626.9896, F.S.; requiring certain state attorneys to submit data; requiring the Division of Investigative and Forensic Services to provide an annual report to the Executive Office of the Governor, the Speaker of the House of Representatives, and the President of the Senate; amending s. 641.221, F.S.; requiring a health maintenance organization authorized to exclusively market, sell, or offer to sell Medicare Advantage plans in this state to meet certain criteria to maintain eligibility for a certificate of authority; authorizing the Office of Insurance Regulation to extend the period of eligibility; amending s. 641.3915, F.S.; deleting obsolete provisions; providing effective dates.

—was referred to the Committee on Rules.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 1009 by the required Constitutional two-thirds vote of the members voting and requests concurrence of the Senate.

Portia Palmer, Clerk

By Insurance & Banking Subcommittee and Representative(s) Raschein—

CS for HB 1009—A bill to be entitled An act relating to public records; amending s. 626.9891, F.S.; providing an exemption from public records requirements for reports, documents, or other information relating to the investigation and tracking of insurance fraud submitted by insurers to the Department of Financial Services; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committee on Rules.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 1397, as amended, and requests the concurrence of the Senate.

Portia Palmer, Clerk

By Health & Human Services Committee, Appropriations Committee and Representative(s) Rodrigues, Edwards, Fine, Mercado, Ponder—

CS for CS for HB 1397—A bill to be entitled An act relating to medical use of marijuana; amending s. 212.08, F.S.; providing an exemption from the state tax on sales, use, and other transactions for marijuana and marijuana delivery devices used for medical purposes; amending s. 381.986, F.S.; providing, revising, and deleting definitions; providing qualifying medical conditions for a patient to be eligible to receive marijuana or a marijuana delivery device; providing requirements for designating a qualified physician or medical director; providing criteria for certification of a patient for medical marijuana treatment by a qualified physician; providing for certain patients registered with the medical marijuana use registry to be deemed qualified; requiring the Department of Health to monitor physician registration and certifications in the medical marijuana use registry; requiring the Board of Medicine and the Board of Osteopathic Medicine to create a physician certification pattern review panel; providing rulemaking authority to the department and the boards; requiring the department to establish a medical marijuana use registry; specifying entities and persons who have access to the registry; providing requirements for registration of, and maintenance of registered status by, qualified patients and caregivers; providing criteria for nonresidents to prove residency for registration as a qualified patient; defining the term "seasonal resident"; authorizing the department to suspend or revoke the registration of a patient or caregiver under certain circumstances; providing requirements for the issuance of medical marijuana use registry identification cards; requiring the department to issue licenses to a certain number of medical marijuana treatment centers; providing for license renewal and revocation; providing conditions for change of ownership; providing for continuance of certain entities authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices; requiring a medical marijuana treatment center to comply with certain standards in the production and distribution of edibles; requiring the department to establish, maintain, and control a computer seed-to-sale marijuana tracking system; requiring background screening of owners, officers, board members, and managers of medical marijuana treatment centers; requiring the department to establish protocols and procedures for operation, conduct periodic inspections, and restrict location of medical marijuana treatment centers; providing a limit on county and municipal permit fees; authorizing counties and municipalities to determine the location of medical marijuana treatment centers by ordinance under certain conditions; providing penalties; authorizing the department to impose sanctions on persons or entities engaging in unlicensed activities; providing that a person is not exempt from prosecution for certain offenses and is not relieved from certain requirements of law under certain circumstances; providing for certain school personnel to possess marijuana pursuant to certain established policies and procedures; providing that certain research institutions may possess, test, transport, and dispose of marijuana subject to certain conditions; providing applicability with respect to employer-instituted drug-free workplace programs; amending ss. 458.331 and 459.015, F.S.; providing additional acts by a physician or an osteopathic physician which constitute grounds for denial of a license or disciplinary action to which penalties apply; creating s. 381.988, F.S.; providing for the establishment of medical marijuana testing laboratories; requiring the Department of Health, in collaboration with the Department of Agriculture and Consumer Services and the Department of Environmental Protection, to develop certification standards and rules; providing limitations on the acquisition and distribution of marijuana by a testing laboratory; providing an exception for transfer of marijuana under certain conditions; requiring a testing laboratory to use a department-selected computer tracking system; providing grounds for disciplinary and administrative action; authorizing the department to refuse to issue or renew, or suspend or revoke, a testing laboratory license; creating s. 381.989, F.S.; defining terms; directing the department and the Department of Highway Safety and Motor Vehicles to institute public education campaigns relating to cannabis and marijuana and impaired driving; requiring evaluations of public education campaigns; authorizing the department and the Department of Highway Safety and Motor Vehicles to contract with vendors to implement and evaluate the campaigns; amending ss. 385.211, 499.0295, and 893.02, F.S.; conforming provisions to changes made by the act; creating s. 1004.4351, F.S.; providing a short title; providing legislative findings; defining terms; establishing the Coalition for Medical Marijuana Research and Education within the H. Lee Moffitt Cancer Center and Research Institute, Inc.; providing a purpose for the coalition; establishing the Medical Marijuana Research and Education Board to direct the operations of the coalition; providing for the appointment of board members; providing for terms of office, reimbursement for certain expenses, and meetings of the board; authorizing the board to appoint a coalition director; prescribing the duties of the coalition director; requiring the board to advise specified entities and officials regarding medical marijuana research and education in this state; requiring the board to annually adopt a Medical Marijuana Research and Education Plan; providing requirements for the plan; requiring the board to issue an annual report to the Governor and the Legislature by a specified date; requiring the Department of Health to submit reports to the board containing specified data; specifying responsibilities of the H. Lee Moffitt Cancer Center and Research Institute, Inc.; amending s. 1004.441, F.S.; revising a definition; amending s. 1006.062, F.S.; requiring district school boards to adopt policies and procedures for access to medical marijuana by qualified patients who are students; providing emergency rulemaking authority; providing for venue for a cause of action against the department; providing for defense against certain causes of action; directing the Department of Law Enforcement to develop training for law enforcement officers and agencies; amending s. 385.212, F.S.; renaming the department's Office of Compassionate Use; providing appropriations; providing an effective date.

—was referred to the Committee on Rules.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 7095 by the required Constitutional two-thirds vote of the members voting and requests concurrence of the Senate.

Portia Palmer, Clerk

By Health & Human Services Committee, Health Quality Subcommittee and Representative(s) Plasencia—

CS for HB 7095—A bill to be entitled An act relating to public records; amending s. 381.987, F.S.; exempting from public records requirements personal identifying information of patients, caregivers, and physicians held by the Department of Health in the medical marijuana use registry and information related to the physician's certification for marijuana and the dispensing thereof; authorizing specified persons and entities access to the exempt information; requiring that information released from the registry remain confidential and exempt; providing a criminal penalty; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was referred to the Committee on Rules.

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has passed HB 7119, as amended, and requests the concurrence of the Senate.

Portia Palmer, Clerk

By Government Accountability Committee and Representative(s) Caldwell, Albritton, Altman, Harrison, McClain, Raschein—

HB 7119—A bill to be entitled An act relating to the Florida Forever program; amending s. 259.105, F.S.; revising the distribution of proceeds from the Florida Forever Trust Fund; eliminating and consolidating funding for certain land acquisition and management programs; removing obsolete provisions; amending s. 375.041, F.S.; requiring a specified amount of funds in the Land Acquisition Trust Fund within the Department of Environmental Protection to be appropriated annually each fiscal year to the Florida Forever Trust Fund;

amending ss. 20.3315, 253.027, 253.034, 259.035, 380.510, 570.715, and 589.065, F.S.; conforming cross-references; providing an effective date.

—was referred to the Committee on Rules.

RETURNING MESSAGES — FINAL ACTION

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 (930210) and passed HB 7077, as amended.

Portia Palmer, Clerk

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 (507120) and passed HJR 7105, as amended, by the required Constitutional three-fifths vote of the membership.

Portia Palmer, Clerk

The Honorable Joe Negron, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment 1 (690150) and passed HB 7107, as amended, by the required Constitutional two-thirds vote of the membership.

Portia Palmer, Clerk

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 1 was corrected and approved.

CO-INTRODUCERS

Senator Campbell—CS for CS for SB 590, CS for CS for SB 876

ADJOURNMENT

On motion by Senator Benacquisto, the Senate adjourned at 6:36 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, May 3 or upon call of the President.

Daily Numeric Index for
May 2, 2017

PA — Proposal Action
PF — Proposal Failed
PP — Proposal Passed
CO — Co-Introducers
CR — Committee Report
CS — Committee Substitute, First Reading
FR — First Reading
MO — Motion
RC — Reference Change